

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 02-979
CODE CHAPTER 5.05 TO INCLUDE THE)
COFFIN BUTTE LANDFILL ON THE LIST OF) Introduced by Mike Burton, Executive Officer
DESIGNATED FACILITIES; AND DECLARING)
AN EMERGENCY)

WHEREAS, Metro Code Section 5.05.030 authorizes the Metro Council to add and delete facilities from the list of designated facilities set forth in that Section; and,

WHEREAS, Valley Landfills, Inc. (“Valley”) is the owner of the Coffin Butte Landfill in Corvallis, Oregon, and has made application to Metro seeking designated facility status for the Coffin Butte Landfill by requesting that Metro add the Coffin Butte Landfill to the list of designated facilities set forth in Metro Code Section 5.05.030; and,

WHEREAS, based on the information set forth in the staff report accompanying this Ordinance, the Metro Council finds that the criteria set forth in Metro Code section 5.05.030(b) for a determination of whether to add a designated facility have been met; and,

WHEREAS, this Ordinance was submitted for the consideration of the Metro Council by the Executive Officer, who recommends approval of this Ordinance; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Metro Code Section 5.05.030(a) is amended to add the following provision as subsection 9:

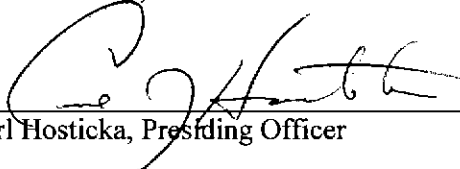
- (9) Coffin Butte Landfill. The Coffin Butte Landfill, located in Benton County, Oregon, which may accept solid waste generated within the District only as follows:
 - (A) As specified in an agreement entered into between Metro and the owner of the Coffin Butte Landfill authorizing receipt of such waste; or
 - (B) Subject to a non-system license issued to a person transporting to the facility special wastes not specified in the agreement.

2. Metro Code Section 5.05.035(b) should be amended to add the following provision as subsection (5):

“Notwithstanding any other requirement of this section, the chief operating officer may waive the application fee for an application for a non-system license seeking authority to deliver a de minimis amount of solid waste per year to a non-system facility.”

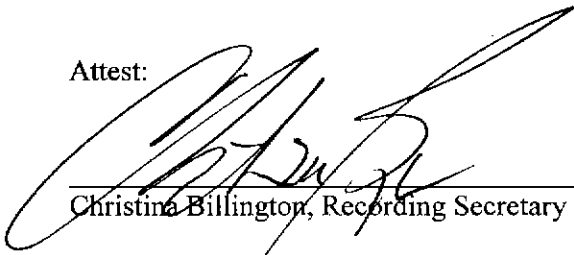
3. This ordinance is necessary for the immediate preservation of public health, safety and welfare by providing for more effective and comprehensive management and regulation of the regional solid waste system through the timely implementation of the designated facility agreement related to the Coffin Butte Landfill. An emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter section 39(1)

ADOPTED by the Metro Council this 14th day of November, 2002.




Carl Hosticka, Presiding Officer

Attest:



Christina Billington, Recording Secretary

Approved as to Form:


Daniel B. Cooper, General Counsel

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 02-979, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.05 TO INCLUDE THE COFFIN BUTTE LANDFILL ON THE LIST OF DESIGNATED FACILITIES; AND DECLARING AN EMERGENCY.

October 3, 2002

Drafted by: Chuck Geyer

BACKGROUND

In November 2001, Metro received a request from Valley Landfills, Inc., for Metro to recognize its Coffin Butte Landfill as a "Designated Facility" under the provisions of Metro Code 5.05.030. The Coffin Butte Landfill is located at 28972 Coffin Butte Road in Benton County, north of Corvallis, Oregon (see attachments for additional site information.) Following this request, Regional Environmental Management staff entered into negotiations with the firm to draft an agreement acceptable to both parties. The Designated Facility Agreement that is Exhibit "A" to Resolution No. 02-3238, "For the purpose of considering a designated facility agreement with Valley Landfills, Inc., for the Coffin Butte Landfill," is the result of these negotiations.

The primary purpose of the agreement is to allow special waste and non-putrescible waste generated from within the Metro to be received at the facility. The waste must have been already processed for material recovery, or be a type of dry wastes such as cleanup materials and special waste that lack material recovery potential. Such waste is currently received by the facility through Non System Licenses (NSLs) that would no longer be needed. Approximately 100,000 tons of non-putrescible waste is currently authorized under the NSLs that would be replaced by this agreement. NSLs would still be required for putrescible waste received by the facility (up to 45,000 tons/year is currently authorized). The facility received approximately 69,000 tons of waste from the Metro region in FY2001-02. This represents about 16% of the total waste (426,000) received at the facility.

Metro Code 5.05.030(a) contains a list of designated facilities. Metro Code 5.05.030(b) states that, pursuant to a duly enacted ordinance, the Metro Council may add (or remove) facilities to the list. In deciding whether to designate an addition facility shall consider several factors listed in the Code. Below are the factors that must be considered followed by how they are addressed by the agreement.

- (1) *The degree to which prior users of the facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

The Coffin Butte Landfill (CBLF) first came into use during the 1940s or 50s when it served as the landfill for the nearby Adair Village Military base. Later, the landfill accepted industrial wastes from the Wah Chang facility located in Albany, Oregon. When the CBLF became a Subtitle D landfill in 1992, the original unlined cells were capped. However, there remains a problem of leachate contamination of groundwater that is presently being monitored by the DEQ. Since 1992, the landfill has been filling only lined cells and operating with the required environmental controls required by the DEQ.

- (2) *The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations;*

The Coffin Butte Landfill is permitted by the Oregon Department of Environmental Quality (DEQ) to take unlimited amounts of authorized wastes (putrescible, non-putrescible, special and cleanup wastes). The facility was issued a NON by DEQ in 1998 for failure to immediately report a landfill fire. Another NON was issued in July 2001 when too high a level of non-methane gasses was detected in the landfill gas power generation system. The problem was promptly remedied. These are considered to be relatively minor violations, both DEQ and Benton County considers the landfill to be a well run facility that is in compliance with federal, state and local requirements. Benton County and the landfill executed an agreement in December 2000 establishing the parameters to be monitored by the Benton County Environmental Health Division, and authorizing the landfill to accept quantities of waste consistent with the DEQ permit. The facility has a good compliance record with public health, safety and environmental rules and regulations.

(3) *The adequacy of operational practices and management controls at the facility;*

The Coffin Butte Landfill uses operational practices and management controls that are typical of Subtitle D landfills and considered by the DEQ to be adequate for the protection of health, safety, and the environment.

(4) *The expected impact on the region's recycling and waste reduction efforts;*

The region's recycling and waste reduction efforts should be enhanced (or at least stay the same) because only non-putrescible waste from within the region that has been processed can be received at the facility. This should act as an incentive for additional material recovery, particularly at other subsidiaries of the facility's parent corporation.

Waste is currently going to the facility from the subsidiaries such as WRI and Keller Drop Box. It includes putrescible, special, and dry processing residual wastes. Putrescible waste will not be authorized under the designated facility agreement and must continue to be delivered under a non-system license (NSL). Special waste has no recovery potential and therefore should not affect waste reduction efforts. Since individual NSL's will not be required for dry processing residual, it may encourage additional processing at WRI, which may increase regional recovery.

(5) *The consistency of the designation with Metro's existing contractual arrangements;*

The waste subject to the proposed agreement is non-putrescible waste and therefore, under Change Order No. 8, not included within the definition of "Metro Solid Waste Tonnage" for purposes of Metro's disposal contract. The requested agreement does not appear to conflict with Metro's disposal contract or any other of its existing contractual arrangements.

(6) *The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations; and*

The applicant is Valley Landfills, Inc. doing business as the Coffin Butte Landfill. The applicant had not been subject to Metro ordinances since it is located outside the Metro boundary. The applicant has assisted Metro with enforcement actions when waste was illegally hauled to its facilities. The applicant is a subsidiary of Allied Waste Systems, Inc. Other subsidiaries of the parent (such as River City Disposal, WRI, Keller Drop Box, United Disposal Services) that are active in the Metro solid waste system have a good record of compliance with Metro ordinances and agreements and have assisted Metro in their

enforcement. The DFA would also allow third party contractor other than the subsidiaries to haul waste directly from generator sites, if the waste fell into the categories permitted by the DFA such as special waste that does not require processing.

- (7) *Such other factors as the executive officer deems appropriate for purposes of making such determination.*

The agreement will enhance the collection of fees and taxes due Metro as they are required by the agreement. The agreement also makes the facility subject to Metro's regulatory requirements as if it were located within the Metro boundary.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Metro Code Sections 5.03.030 (a) and (b) as described above; and section (c) requiring the agreement be adopted be approved by the Metro Council; and section (d) that requires the agreement to specify waste types.

3. Anticipated Effects

Reduce the number of NSLs serving the facility.

4. Budget Impacts

No immediate budget impact is anticipated.

EXECUTIVE OFFICER RECOMMENDATION

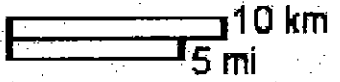
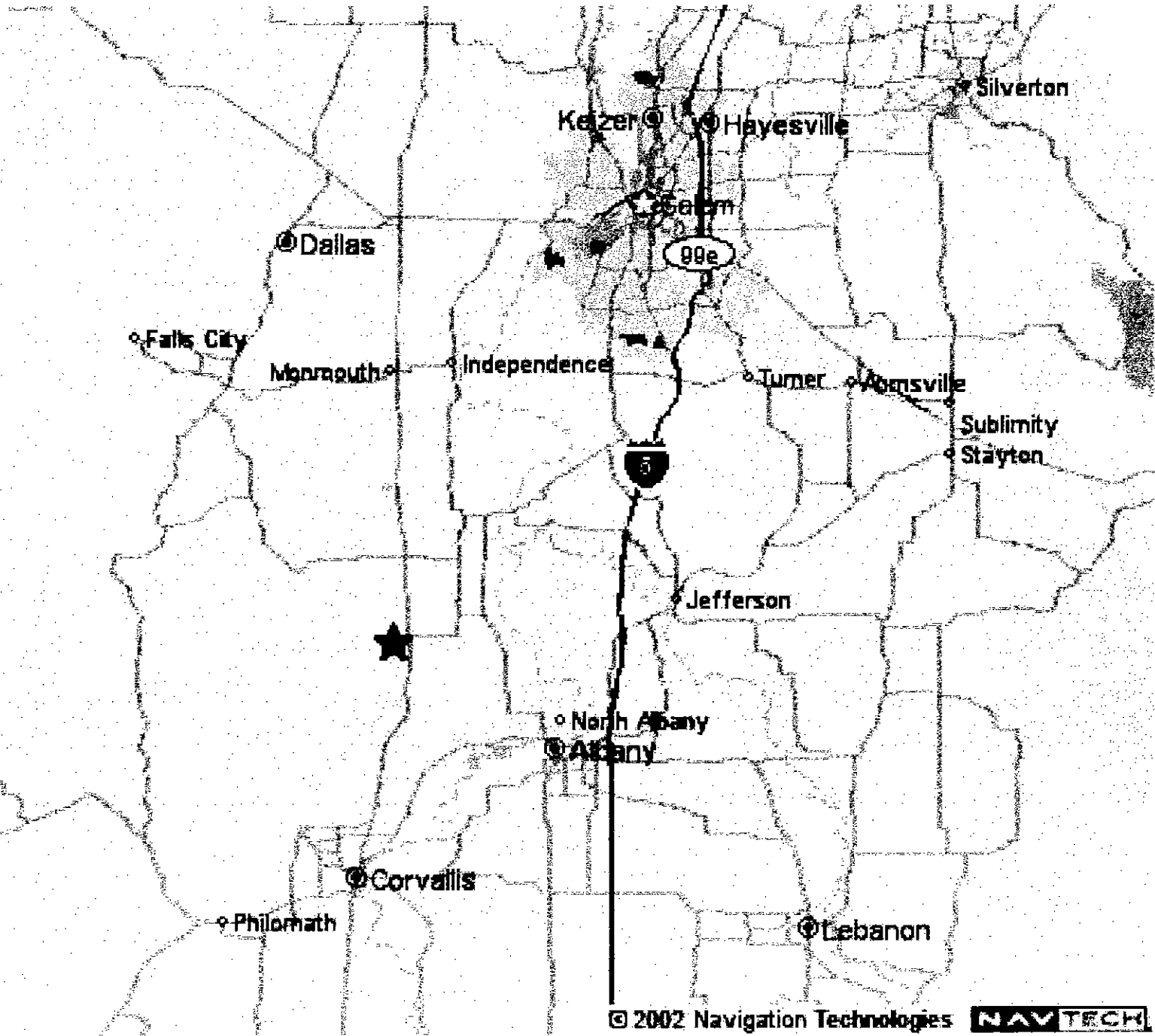
The Executive Officer recommends adoption of Ordinance No. 02-979.

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Attachment No. 1

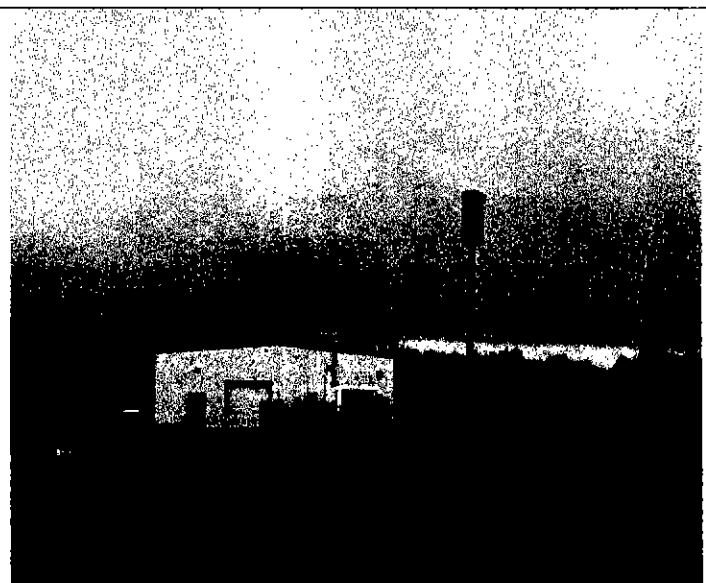
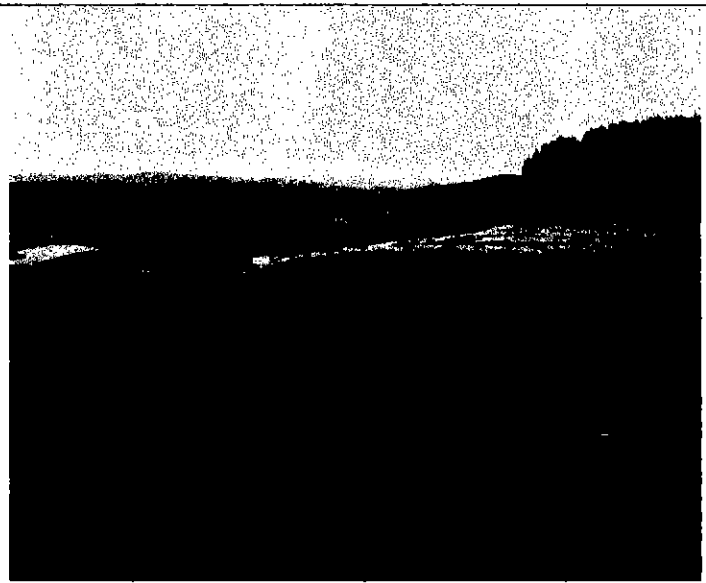
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Attachment 2
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