

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 03- 999
CODE CHAPTER 5.05 TO INCLUDE THE)	
WASCO COUNTY LANDFILL ON THE LIST OF)	Introduced by Michael Jordan, Chief
DESIGNATED FACILITIES.)	Operating Officer with the concurrence of
)	David Bragdon, Council President

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, Waste Connections, Inc. is the owner of the Wasco County Landfill located in The Dalles, Oregon, and has made application to Metro seeking designated facility status for the Wasco County Landfill by requesting that Metro add the Wasco County 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,

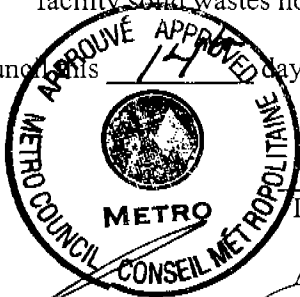
WHEREAS, this Ordinance was submitted for the consideration of the Metro Council by the Chief Operating Officer, who recommends approval of this Ordinance; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

Metro Code Section 5.05.030(a) is amended to add the following provision as subsection (10):

- (10) Wasco County Landfill. The Wasco County Landfill, located in The Dalles, 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 Wasco County Landfill authorizing receipt of such waste; or
 - (B) Subject to a non-system license issued to a person transporting to the facility solid wastes not specified in the agreement.

ADOPTED by the Metro Council this 14 day of August, 2003



David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

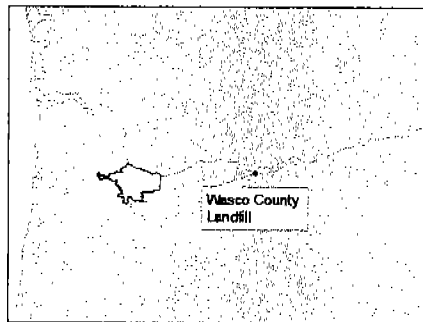
IN CONSIDERATION OF ORDINANCE NO. 03-999, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.05 TO INCLUDE THE WASCO COUNTY LANDFILL ON THE LIST OF DESIGNATED FACILITIES

February 12, 2003

Prepared by: Steve Kraten

BACKGROUND

On September 6, 2002, Metro received a request from Waste Connections, Inc. for Metro to recognize the Wasco County Landfill as a "Designated Facility" under the provisions of Metro Code 5.05.030. The Wasco County Landfill, located at 2550 Steele Road, The Dalles, Oregon, was acquired by Waste Connections in 1999. Following this request, Regional Environmental Management staff drafted a designated facility agreement ("DFA") acceptable to both parties. The proposed DFA is attached to Resolution No. 03-3295 as Exhibit "A".



Location of Wasco County Landfill

The primary purpose of the agreement is to allow special waste and non-putrescible waste generated from within the Metro boundary to be received at the facility for disposal. The waste must have been already processed for material recovery, or be a type of dry waste such as cleanup materials contaminated by hazardous substances or 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 63,000 tons of non-putrescible waste is currently authorized under the NSLs that would be replaced by this agreement. Presently, most of this waste is generated by recovery operations at East County Recycling. NSLs would still be required for any putrescible waste received by the facility from within the Metro boundary (none is currently authorized). The facility received approximately 49,610 tons of waste from the Metro region in FY 2001-02. This represents about 55 percent of the total waste (90,000 tons) received at the facility.



Scale House



Working Face of Landfill



Newly Lined Cell

Metro Code 5.05.030(a) contains a list 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 additional facility, the Council shall consider several factors listed in the Code. Below are the factors that must be considered followed by a brief analysis.

- (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 Wasco County Landfill (WCLF) first came into use during the 1940s by area farmers. A tepee burner was added in the 1950s with the ash going into a canyon that was closed and capped in the early 1970s. The Department of Environmental Quality ("DEQ") first permitted and began regulating the site in 1972. Presently, 213 acres are permitted of which 78 acres are dedicated to closed or active cells. The landfill is sited in a low rainfall area and has the environmental controls required by the DEQ for a Subtitle D landfill. DEQ and Metro staff are not aware of any waste types accepted at the landfill that would pose an unusual risk of future environmental contamination.

- (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 Wasco County Landfill has been owned and operated by Waste Connections, Inc. since 1999. The company also operates the Finley Buttes Landfill, two transfer stations located in Clark County, Washington, and several franchised hauling companies within the Metro region. WCLF received a Notice of Noncompliance (NON) from the DEQ in September, 2000, for failure to notify the DEQ within the required time period of the results of a monitoring well sample that showed exceedance of parameters on total dissolved solids, iron, and manganese. The operator challenged the appropriateness of the NON as the test results pertained only to background levels of these contaminants. The company 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 Wasco County 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. The landfill's DEQ permit, along with the details of its waste screening, operations, closure, and special waste handling procedures have been reviewed and are on file with Metro.

- (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 for recovery 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 under the authority of several non-system licenses (NSL).

- (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 Waste Connections, Inc., doing business as Wasco County 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. Other subsidiaries (such as Arrow Sanitary Service and Waste Connections' two Clark County transfer stations) that are active in the Metro solid waste system have a good record of compliance with Metro ordinances and agreements. The DFA proposed would also allow third party contractors 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 to Metro on solid waste generated from within the Metro boundary. 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

Staff is not aware of any opposition to the proposed ordinance.

2. Legal Antecedents

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

3. Anticipated Effects

- More efficient administration through the replacement of multiple NSLs with a single DFA;
- Enhanced regulatory authority;
- Potential for increased materials recovery through a prohibition on the acceptance for disposal of recoverable loads that have not been processed for recovery.

4. Budget Impacts

No immediate budget impact is anticipated.

RECOMMENDATION

The Chief Operating Officer recommends adoption of Ordinance No. 03-999.

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