

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 14-1335
CODE CHAPTER 5.05 TO DELETE)	
WEYERHAEUSER REGIONAL LANDFILL)	Introduced by Chief Operating Officer Martha
FROM THE LIST OF METRO DESIGNATED)	Bennett in concurrence with Council
FACILITIES EFFECTIVE JANUARY 1, 2015)	President Tom Hughes

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

WHEREAS, in Metro Ordinance No. 05-1083, the Metro Council amended Metro Code Section 5.05.030 to add Weyerhaeuser Regional Landfill as a designated facility of the system; and

WHEREAS, Weyerhaeuser has transferred ownership of the landfill to Cowlitz County, and Metro has consented to assignment of the designated facility agreement to Cowlitz County; and

WHEREAS, the designated facility agreement for the landfill expires December 31, 2014; and

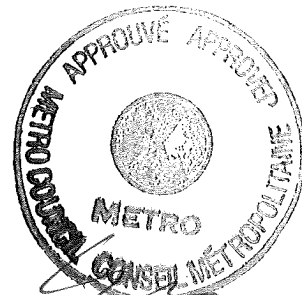
WHEREAS, Metro Code Section 5.05.030(b) requires the Metro Council to consider seven criteria when deciding whether to amend or delete an existing designation; and

WHEREAS, as set forth in the staff report accompanying this Ordinance, the Chief Operating Officer analyzed the criteria set forth in Metro Code Section 5.05.030(b) and recommends that the Metro Council delete Weyerhaeuser Regional Landfill from the list of designated facilities; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

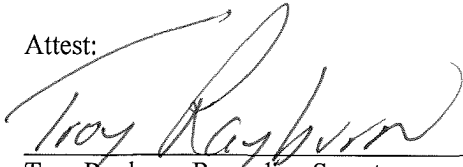
1. Metro Code Section 5.05.030 (a) (12) listing Weyerhaeuser Regional Landfill as a Designated Facility of the System is deleted.
2. The remaining provisions are renumbered as provided in Ordinance No. 14-1337.
3. These changes are effective January 1, 2015.

ADOPTED by the Metro Council this 24th day of July, 2014.



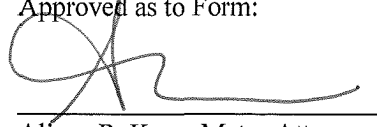
Tom Hughes
for Tom Hughes, Council President

Attest:



Troy Rayburn, Recording Secretary

Approved as to Form:



Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1335, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.05 TO DELETE WEYERHAEUSER REGIONAL LANDFILL FROM THE LIST OF METRO DESIGNATED FACILITIES EFFECTIVE JANUARY 1, 2015

Date: July 1, 2014

Prepared by: Bill Metzler, 503-797-1666

The proposed Ordinance, if approved by Council, will delete Weyerhaeuser Regional Landfill from the list of designated facilities of the system described in Metro Code Chapter 5.05 effective January 1, 2015.

BACKGROUND

Metro solid waste flow control provisions (Chapter 5.05 of the Code) allow Council to “designate” facilities located outside the Metro boundary to be part of the Metro solid waste system. Metro Code Section 5.05.030 describes the designated facilities of the system. Once designated, these facilities enter into contracts (designated facility agreements) with Metro to receive specific waste streams from in the Metro region without the need for individual waste haulers to obtain a Metro non-system license (NSL). Designated facilities also collect and remit to Metro Regional System Fee and Excise Tax on waste when applicable. Designated facility agreements are a way for Metro and the private sector to cooperatively allow the free flow of certain wastes, and gives Metro some level of regulatory oversight at the facility; thereby ensuring proper management of the waste generated in the Metro region.

The Weyerhaeuser Regional Landfill located in Castle Rock Washington, and the Weyerhaeuser Material Recovery Facility, located in Longview Washington, together, have been a designated facility in Metro Code Chapter 5.05 since 2005 (Metro Ordinance No. 05-1083). The Weyerhaeuser Material Recovery Facility was designated only for the purpose of accepting non-putrescible solid waste processing residual and alternative daily cover for transfer to the Weyerhaeuser Regional Landfill. As a designated facility, Weyerhaeuser Regional Landfill has operated under the terms of a designated facility agreement with Metro since 2005 (Metro Contract No. 930885). During this time the landfill received primarily automobile shredder residue and non-putrescible waste residual from Metro regional material recovery facilities.

On February 18, 2014, Weyerhaeuser entered into an agreement with Cowlitz County to sell the assets of Weyerhaeuser’s Regional Landfill to the County. The transaction closed in March 2014, and Cowlitz County assumed control and began performing Weyerhaeuser’s obligations related to the Weyerhaeuser Regional Landfill. On March 31, 2014, at the request of Weyerhaeuser, Metro consented to the assignment of the designated facility agreement (Contract No. 930885) to Cowlitz County in order to minimize disruption through the end of 2014. The term of the designated facility agreement expires on December 31, 2014. The landfill has been renamed the Cowlitz County Headquarters Landfill.

Deleting an existing designated facility

Metro Code Section 5.05.030(a) contains a list of designated facilities. Metro Code Section 5.05.030(b) states that, pursuant to a duly enacted ordinance, the Metro Council may add facilities or remove them from the list. In deciding whether to designate an additional facility, or amend or delete an existing designation, the Council shall consider several factors listed in Code.

However, these factors are not particularly relevant for deleting the existing designation for the Weyerhaeuser Regional Landfill. This is because the Weyerhaeuser Regional Landfill no longer exists as initially designated, because it has been sold to Cowlitz County and was renamed the Cowlitz County

Headquarters Landfill. Furthermore, the operational practices and types of waste received at the Cowlitz County Headquarters Landfill are no longer consistent with the designation that was approved by Council for the Weyerhaeuser Regional Landfill on May 19, 2005 (Ordinance No. 05-1083). In particular, Cowlitz County Headquarters Landfill now accepts mixed municipal putrescible solid waste and uses a third-party transfer station (Waste Control, located in Longview, Washington) for receiving and reloading waste prior to disposal at the landfill. Therefore, the Cowlitz County Headquarters Landfill is now a significantly different facility than that which was initially approved by the Metro Council and listed in Metro Code Section 5.05.030(a)(12). As a result, the landfill must apply for and obtain Metro Council approval to be designated in its own right beyond the term of the current contract. The current designated facility agreement (Contract No. 930885) that has been assigned to Cowlitz County Headquarters Landfill from the Weyerhaeuser Regional Landfill will expire on December 31, 2014. Therefore, the effective date for deleting the designation for Weyerhaeuser Regional Landfill will be January 1, 2015.

Below is a list of the factors listed in Section 5.05.030(b), followed by staff consideration.

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

The disposal site was a Weyerhaeuser owned and operated limited-purpose landfill located near Castle Rock, Washington in Cowlitz County. The landfill began operations in 1993 and primarily served as a disposal site for wastes generated by Weyerhaeuser's own forest products and manufacturing operations. The landfill permit was approved by the Cowlitz County Department of Building and Planning under authority of a Memorandum of Agreement with the Washington Department of Ecology. Staff research did not uncover any evidence of any waste accepted at the landfill that was likely to pose a risk of environmental contamination.

However, in March 2014 Cowlitz County Public Works took over ownership and operations of the landfill. At the request of Weyerhaeuser, Metro assigned the designated facility agreement to Cowlitz County (Contract No. 930885). The landfill is now permitted by Cowlitz County to accept different waste streams than previously accepted by Weyerhaeuser. For example, Cowlitz County has authorized the landfill to accept mixed municipal solid waste (putrescible waste). Further, the Weyerhaeuser Material Recovery Facility located in Longview, Washington will no longer be used by Cowlitz County as a point of transfer for solid waste destined to be delivered to the landfill. However, Weyerhaeuser will continue to send waste from its own operations to the landfill through its Weyerhaeuser Material Recovery Facility located in Longview, Washington.

- 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;*

With respect to the Weyerhaeuser Regional Landfill operations, Weyerhaeuser was considered by the Cowlitz County to be a well run facility that was in compliance with all federal, state, and local requirements including those related to public health, safety and environmental rules and regulations.

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

Metro staff visited the landfill several times over the term of the designated facility agreement. Weyerhaeuser Regional Landfill's operational practices and management controls were judged by Metro staff and Cowlitz County staff to be adequate and consistent with other similar facilities. The Weyerhaeuser Regional Landfill used operational practices and management controls that are

typical of limited-purpose landfills and considered adequate for the protection of health, safety and the environment. The landfill has since changed ownership and operational practices that are not consistent with the designation originally approved by the Metro Council and Section 5.05.030(a)(12) of the Metro Code.

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

The waste authorized for disposal under the existing designated facility agreement includes only solid wastes that do not have a potential for recycling. Such wastes include special waste and processing residue from recycling facilities. Thus, deleting the facility from Metro Code Chapter 5.05 is not expected to have an impact of the region's recycling and waste reduction efforts.

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

Deleting Weyerhaeuser Regional Landfill from the list of designated facilities in Metro Code Section 5.05.030(a) does not conflict with Metro's disposal contract or any other of Metro's existing contractual arrangements.

6) *The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement;*

Weyerhaeuser Regional Landfill has been cooperative with Metro and has a good record of compliance with Metro ordinances and agreements.

7) *Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation.*

Deleting the Weyerhaeuser Regional Landfill from Metro Code Chapter 5.05 will ensure that the designated facilities of the system that are approved by the Metro Council and when listed in Metro Code Section 5.05.030(a) are accurate and up to date.

The Weyerhaeuser Regional Landfill no longer exists as initially designated because it has been sold to Cowlitz County and was renamed the Cowlitz County Headquarters Landfill. Furthermore, the Cowlitz County Headquarters Landfill's operations and types of waste accepted are no longer consistent with the Weyerhaeuser Regional Landfill designation as provided in Section 5.05.030(a)(12) and as approved by the Metro Council on May 19, 2005 (Ordinance No. 05-1083). The Cowlitz County Headquarters Landfill is now a different facility and must apply for and obtain Metro Council approval in order to be designated in its own right beyond the term of the current contract. The current designated facility agreement (Contract No. 930885) that has been assigned to Cowlitz County Headquarters Landfill from the Weyerhaeuser Regional Landfill will expire on December 31, 2014. Therefore, the effective date for deleting the designation for Weyerhaeuser Regional Landfill will be January 1, 2015.

The proposed Ordinance No. 14-1335 serves as a companion to Ordinance No. 14-1333 and Ordinance No. 14-1334 in which it is recommended that Lakeside Reclamation and Cedar Grove Composting, Inc. also be removed from the list of designated facilities of the system in Metro Code Section 5.05.030 (a).

ANALYSIS/INFORMATION

1. **Known Opposition.** There is no known opposition to this Ordinance.
2. **Legal Antecedents.** Metro Code Section 5.05.030 (b) provides that Metro Council may, from time to time, acting pursuant to a duly enacted ordinance, may remove a facility from the list of designated facilities described in Metro Code Section 5.05.030 (a).
3. **Anticipated Effects.** Adoption of Ordinance 14-1335 will delete Metro Code Section 5.05.030 (a) (12) that lists Weyerhaeuser Regional Landfill as a Designated Facility of the System. The remaining provisions will be renumbered as provided in Ordinance No. 14-1337.
4. **Budget Impacts.** There are no budget impacts associated with the adoption of this Ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1335

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