

Metro | Agenda

Meeting: Metro Council
Date: Thursday, February 19, 2015
Time: 2 p.m.
Place: Metro Regional Center, Council Chamber

CALL TO ORDER AND ROLL CALL

1. CITIZEN COMMUNICATION

2. CONSENT AGENDA

2.1 **Resolution No. 15-4603**, For the Purpose of Authorizing the Chief Operating Officer to Issue a New Non-System License to Arrow Sanitary Service for Delivery of Residential Yard Debris Mixed with Food Waste, and Commercial Food Waste to the West Van Materials Recovery Center Located in Vancouver, Washington for the Purpose of Transfer to the Dirt Hugger Composting Facility Located in Dallesport, Washington

2.2 **Resolution No. 15-4604**, For the Purpose of Amending the List of Solid Waste Designated Facilities to Include the Cowlitz County Headquarters Landfill Pursuant to Metro Code Chapter 5.05

2.3 Consideration of Council Meeting Minutes for February 12, 2015

3. ORDINANCES (SECOND READ)

3.1 **Ordinance No. 15-1351**, For the Purpose of Annexing to the Metro District Boundary Approximately 9.8 Acres Located at 17170 NW Brugger Road in the North Bethany Area of Washington County

Tim O'Brien, Metro

3.1.1 **Public Hearing on Ordinance No. 15-1351**

4. CHIEF OPERATING OFFICER COMMUNICATION

Martha Bennett, Metro

5. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for February 19, 2015 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 Call or visit web site for program times.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 Call or visit web site for program times.</p>	<p>Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p>
<p>Oregon City and Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានក្បួនលក្ខណ៍រើសអើងសម្រាប់សេវាកម្មរបស់យើង www.oregonmetro.gov/civilrights។
បើលោកអ្នកត្រូវការការបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1890 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Agenda Item No. 2.1

Resolution No. 15-4603, For the Purpose of Authorizing the Chief Operating Officer to Issue a New Non-System License to Arrow Sanitary Service for Delivery of Residential Yard Debris Mixed with Food Waste, and Commercial Food Waste to the West Van Materials Recovery Center Located in Vancouver, Washington for the Purpose of Transfer to the Dirt Hugger Composting Facility Located in Dallesport, Washington

Consent Agenda

Metro Council Meeting
Thursday, February 19, 2015
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF)
OPERATING OFFICER TO ISSUE A NEW NON-SYSTEM) RESOLUTION NO. 15-4603
LICENSE TO ARROW SANITARY SERVICE FOR)
DELIVERY OF RESIDENTIAL YARD DEBRIS MIXED) Introduced by Martha J. Bennett,
WITH FOOD WASTE AND COMMERCIAL FOOD WASTE) Chief Operating Officer, with the
TO THE WEST VAN MATERIALS RECOVERY CENTER) concurrence of Tom Hughes, Council
LOCATED IN VANCOUVER, WASHINGTON FOR) President
TRANSFER TO THE DIRT HUGGER COMPOSTING)
FACILITY LOCATED IN DALLESPORT, WASHINGTON)

WHEREAS, the Metro Code requires a non-system license of any person that delivers solid waste generated from within the Metro Region to a non-system facility; and

WHEREAS, Waste Connections of Oregon, Inc. dba Arrow Sanitary Service has filed a complete application seeking a non-system license to deliver residential yard debris mixed with food waste and commercial food waste to the West Van Material Recovery Center located in Vancouver, Washington for transfer to the Dirt Hugger composting facility located in Dallesport, Washington, under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, such residential yard debris mixed with food waste and commercial food waste will be collected from the Metro area and delivered to the West Van Material Recovery Center for consolidation, reload and transport to the Dirt Hugger composting facility; and

WHEREAS, the West Van Materials Recovery Center is a transfer station and material recovery facility that is owned and operated by Columbia Resource Company, L.P. which is a wholly owned subsidiary of Waste Connections, Inc., and is regulated by the Clark County Public Health Department and the State of Washington Department of Ecology; and

WHEREAS, the Dirt Hugger composting facility is authorized by the Klickitat County Health Department and the State of Washington Department of Ecology to accept and compost food wastes that include post-consumer meat and dairy products; and

WHEREAS, Metro Code Chapter 5.05 provides that applications for non-system licenses for putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under the Metro Code; and

WHEREAS, the Chief Operating Officer recommends that the non-system license be issued together with specific conditions as provided in Exhibit A to this Resolution; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

1. The non-system license application of Arrow Sanitary Service is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Resolution.
2. The Chief Operating Officer is authorized to issue to Arrow Sanitary Service a non-system license substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 19th day of February 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1650 | FAX 503 813 7544



METRO

**METRO SOLID WASTE FACILITY
NON-SYSTEM LICENSE**

No. N-029-15(3)

LICENSEE:
Arrow Sanitary Service 12820 NE Marx Street Portland, OR 97230
CONTACT PERSON:
Derek Ranta Phone: (503) 542-3425 Fax: (360) 230-3979 E-mail: derekr@wcnx.org
MAILING ADDRESS:
Arrow Sanitary Service 12820 NE Marx Street Portland, OR 97230

ISSUED BY METRO:

Scott Robinson, Deputy Chief Operating Officer

Date



1	NATURE OF WASTE COVERED BY LICENSE
	<p>(a) Source-separated yard debris mixed with food waste that is generated by residential customers within the Metro region and collected by Arrow Sanitary Service, and</p> <p>(b) Source-separated food waste generated by commercial customers within the Metro region and collected by Arrow Sanitary Service.</p>
2	CALENDAR YEAR TONNAGE LIMITATION
	<p>Licensee is authorized to deliver to the non-system facility listed in Section 3 of this license up to 13,000 tons per calendar year of the waste described in Section 1 of this license.</p>
3	NON-SYSTEM FACILITY
	<p>The Licensee hereunder may deliver the waste described in Section 1, above, only to the following non-system facility for the purpose of transfer to the Dirt Hugger facility located at 168 US 197 in Dallesport, Washington for composting:</p> <p style="text-align: center;">West Van Material Recovery Center 6601 NW Old Lower River Road Vancouver, WA 98666</p> <p>This license is issued on condition that the non-system facility and composting site named in this section are authorized to accept the type of waste described in Section 1. If Metro receives notice from the Washington Department of Ecology or local regulatory authority that the non-system facility or composting site are not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 7 of this license.</p>
4	TERM OF LICENSE
	<p>The term of this license will commence on March 1, 2015 and expire at midnight on December 31, 2017, unless terminated sooner under Section 7 of this license.</p>
5	REPORTING OF ACCIDENTS AND CITATIONS
	<p>Licensee shall report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this license.</p>



6	MATERIAL MANAGEMENT
	<p>The Licensee is authorized to deliver the waste described in Section 1 of this license to the non-system facility listed in Section 3 under the following conditions:</p> <ul style="list-style-type: none">(a) The non-system facility shall accept all solid waste that is delivered under authority of this license for the sole purpose of consolidation, reload and transfer to the Dirt Hugger facility for composting. The Licensee shall not dispose of any source-separated food waste except as provided in Section 7; and(b) The Dirt Hugger composting facility shall receive, manage, process and compost all source-separated food waste that is delivered under authority of this license in accordance with all applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.

7	REGIONAL SYSTEM FEE AND EXCISE TAX
	<p>The Licensee shall be subject to the following conditions:</p> <ul style="list-style-type: none">(a) Source-separated food waste described in Section 1 that is delivered under authority of this license and is accepted and composted in accordance with all applicable regulations at the Dirt Hugger composting facility listed in Section 3 is exempt from Regional System Fees and Excise Tax.(b) If the Licensee delivers source-separated food waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system facility fails to process and compost the material as required as a condition of this license, the Licensee shall pay to Metro an amount equal to the Regional System Fee, as provided in Metro Code Title V, for each ton or portion thereof of waste delivered to the non-system facility that is ultimately delivered to a disposal site.(c) If the Licensee delivers source-separated food waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system facility fails to process and compost the material as required as a condition of this license, the Licensee shall pay to Metro an amount equal to the Excise Tax, as provided in Metro Code Title VII, for each ton or portion thereof of waste delivered to the non-system facility that is ultimately delivered to a disposal site.



8	RECORD KEEPING AND REPORTING
	<p>(a) The Licensee shall keep and maintain accurate records of the amount of all source-separated food waste that the Licensee delivers to the non-system facility described in Section 3 of this license. These records include the information specified in <u>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements</u>.</p> <p>(b) No later than the fifteenth (15th) day of each month, beginning with the first month following the commencement date of this license, Licensee shall:</p> <ul style="list-style-type: none">i. Transmit the records required under Section 6(a) above to Metro in an electronic format prescribed by Metro;ii. Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; andiii. Remit to Metro the requisite Regional System Fees and Excise Tax in accordance with the Metro Code provisions applicable to the collection, payment, and accounting of such fees and taxes. <p>(c) Licensee shall make all records from which Sections 6(a) and 6(b) above are derived available to Metro (or Metro's designated agent) for its inspection or copying, as long as Metro provides no less than three (3) business days written notice of an intent to inspect or copy documents. Licensee shall, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facility named in Section 3, above.</p>

9	ADDITIONAL LICENSE CONDITIONS
	<p>This license shall be subject to the following conditions:</p> <p>(a) The permissive transfer of solid waste to the non-system facility, listed in Section 3, authorized by this license shall be subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.</p> <p>(b) This license shall be subject to amendment, modification or termination by Metro's Chief Operating Officer (the "COO") in the event that the COO determines that:</p> <ul style="list-style-type: none">i. There has been sufficient change in any circumstances under which Metro issued this license;ii. The provisions of this license are actually or potentially in conflict with any provision in Metro's disposal contract with Waste Management Disposal Services of Oregon, Inc., dba Oregon Waste Systems, Inc.; oriii. Metro's solid waste system or the public will benefit from, and will



	<p>be better served by, an order directing that the waste described in Section 1 of this license be transferred to, and disposed of at, a facility other than the facility described in Section 3.</p> <p>(c) This license shall, in addition to subsections (b)(i) through (iii), above, be subject to amendment, modification, termination, or suspension pursuant to the Metro Code.</p> <p>(d) Licensee shall not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro.</p> <p>(e) This license shall terminate upon the execution of a designated facility agreement with the facility listed in Section 3 that authorizes the facility to accept the waste described in Section 1 of this license.</p> <p>(f) This license authorizes delivery of solid waste to the facility listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.</p> <p>(g) If the Licensee exceeds the calendar year limitation set forth in Section 2 of this license, each ton or portion thereof by which the Licensee exceeds the limitation constitutes a separate violation subject to a penalty of up to \$500.</p>
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10	COMPLIANCE WITH LAW
	<p>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 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the Licensee's solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the Licensee shall be deemed part of this license as if specifically set forth herein.</p>

11	INDEMNIFICATION
	<p>Licensee shall defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, or including all attorneys' fees, whether incurred before any litigation is commenced, during any litigation or on appeal, arising out of or related in any way to the issuance or administration of this non-system license or the transport and disposal of the solid waste covered by this license.</p>

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4603 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NEW NON-SYSTEM LICENSE TO ARROW SANITARY SERVICE FOR DELIVERY OF RESIDENTIAL YARD DEBRIS MIXED WITH FOOD WASTE AND COMMERCIAL FOOD WASTE TO THE WEST VAN MATERIALS RECOVERY CENTER LOCATED IN VANCOUVER, WASHINGTON FOR TRANSFER TO THE DIRT HUGGER COMPOSTING FACILITY LOCATED IN DALLESPORT, WASHINGTON

January 21, 2015

Prepared by: Bill Metzler
(503) 797-1666

Approval of Resolution No. 15-4603 will authorize the Chief Operating Officer (COO) to issue a non-system license (NSL), similar to the proposed license attached to this resolution as Exhibit A, to Arrow Sanitary Service (Arrow). The proposed NSL will authorize Arrow to annually deliver a combined total of up to 13,000 tons per calendar year of residential yard debris mixed with food waste and commercial food waste from the Metro region to the West Van Material Recovery Center (West Van) located in Vancouver, Washington for transfer to the Dirt Hugger composting facility located at 168 US 197 in Dallesport, Washington.

The applicant (Arrow) and West Van are both affiliated with Waste Connections, Inc. headquartered in The Woodlands, Texas.

BACKGROUND

1. Overview

The applicant seeks authorization to transport residential food waste mixed with yard debris and commercial food waste generated within the Metro region to a non-system facility, West Van, for transfer to the Dirt Hugger facility for composting. Both facilities are located outside the region. Metro Code Section 5.05.025 prohibits any person from transporting solid waste to non-system facilities without an appropriate license from Metro. The proposed NSL is subject to Metro Council approval because it involves putrescible waste (food waste).



Site location for West Van located in Vancouver, and Dirt Huggers located in Dallesport, Washington

2. The Applicant

Waste Connections, Inc., headquartered at 3 Waterway Square Place, in The Woodlands, Texas, is the parent company that owns both Arrow and West Van.

On December 3, 2014, Arrow submitted a complete application to Metro requesting authorization to transport a combined total of up to 13,000 tons of food waste (10,000 tons residential yard debris mixed with food waste and 3,000 tons commercial food waste) to West Van for transfer to the Dirt Hugger facility for composting.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition.

2. Legal Antecedents

Metro Code Section 5.05.040 provides that a waste hauler may transport solid waste generated within Metro to any non-system facility only by obtaining an NSL. Metro Code further requires applications for NSLs for putrescible waste (such as food waste) to be reviewed by the COO and are subject to approval or denial by the Metro Council. Under Metro Code Subsection 5.05.043, the Council shall consider the following factors to the extent relevant to determine whether or not to issue an NSL:

- (1) *The degree to which prior users of the non-system 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 non-system facility (West Van) identified in this proposed license is a fully permitted transfer station rather than a landfill and thus does not pose the same potential environmental risk from wastes delivered from prior users. West Van is a fully permitted transfer station for garbage, recyclables and organic material. West Van is regulated by Clark County Public Health and the Washington State Department of Ecology. Staff is not aware of any wastes collected by Arrow and accepted by West Van that could pose a risk of environmental contamination.

The Dirt Hugger composting facility is authorized to accept for composting crop residue, source-separated pre-consumer and post-consumer food waste (including vegetables, fruits, grains, meats, dairy, eggs and fats), manure from herbivorous animals, wood waste and yard debris. Staff is not aware of any wastes accepted at the Dirt Hugger composting facility that could pose a risk of environmental contamination. The environmental risk from the use of this non-system facility is presumed to be minimal because the facility is fully regulated and monitored by the appropriate local and state authorities.

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

West Van is regulated by the Clark County Public Health Department and the Washington State Department of Ecology. Based on information in the application, West Van is fully compliant with respect to all environmental rules and regulations. West Van operates in accordance with its Clark County approved Operations Plan, which specifies the procedures for handling and reloading food waste at the facility.

Based on information included in the application, according to the Klickitat County Health Department and Washington State Department of Ecology, the Dirt Hugger composting facility operates in compliance with all federal, state, and local requirements, rules and regulations and has had no violations

related to public health, safety or environmental regulations.

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

West Van is a fully permitted as a transfer station by the Clark County Public Health Department and the Washington State Department of Ecology. West Van uses operational practices and management controls that are typical of transfer stations and that Metro considers adequate for the protection of health and the environment.

In addition, Dirt Hugger uses operational practices and management controls that are typical of a food waste composting facility. Dirt Hugger has obtained all necessary composting and air quality permits from the Klickitat County Health Department and Washington State Department of Ecology.

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

The proposed license covers source-separated food waste from the Metro region that is delivered to other composting facilities. Therefore, approval of the proposed NSL will maintain a positive to neutral impact on the region's recycling and waste reduction efforts.

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

Metro is contractually obligated to deliver a minimum of 90 percent of the region's putrescible waste that is delivered to general purpose landfills during the calendar year, to landfills owned by Metro's disposal contractor, Waste Management of Oregon. The waste subject to the proposed license will be delivered to a composting facility rather than disposed at a general-purpose landfill. Thus, approval of the requested license does not 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*

As a solid waste hauling company, Arrow has a good record of compliance with local and state agencies responsible for public health, safety, and environmental rules and regulations.

- (7) *Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.*

Reloading source separated food waste at West Van for delivery to the Dirt Hugger facility for composting will provide additional recovery capacity which benefits the region's organics recovery program. Further, the Dirt Hugger composting facility provides an additional option for food waste composting to the region.

3. Anticipated Effects

The effect of Resolution No. 15-4603 will be to issue an NSL to Arrow authorizing the delivery of up to 13,000 tons per calendar year of residential and commercial food waste from the Metro region to West Van for consolidation, reloading and transport to the Dirt Hugger facility for composting.

4. Budget Impacts

The source-separated residential yard debris mixed with food waste and commercial food waste proposed to be transported under authority of this NSL is exempt from the Metro Regional System Fee and Excise Tax (RSF and ET). The RSF and ET rates depend on the amount of waste that is disposed. Any waste that is diverted from the disposal stream, such as the composting of food waste, will in general increase those RSF and ET rates. Waste diversion will also affect other disposal prices (tip fees) at Metro transfer stations and other solid waste facilities due to fixed and capital costs, etc. being spread over less tonnage. The effects of these individual price changes will depend on facility-specific factors. However, the effect on the RSF and ET is universal across all ratepayers and waste disposed.

The food waste that will be delivered to West Van in the remainder of FY 2014-15 will mostly be tonnage diverted away from the Metro Central Transfer Station. This tonnage shift will cause a small increase in the per-ton cost of disposal for Metro's customers mainly because Metro's fixed operating costs will be spread over fewer tons. The impact of the tonnage shift away from Metro's transfer station to West Van would decrease the Parks and Environmental Services budget in the future because Metro would no longer incur the cost of transferring, transporting, and composting the residential compostable materials diverted to West Van. The impact of the diverted tons will be fully factored into the budget and rates for FY 2015-16.

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 15-4603 finding that the license application satisfies the requirements of Metro Code Section 5.05.043, and issuance of an NSL substantially similar to the proposed NSL attached to the resolution as Exhibit A.

BM:bjl
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Agenda Item No. 2.2

Resolution No. 15-4604, For the Purpose of Amending the
List of Solid Waste Designated Facilities to Include the
Cowlitz County Headquarters Landfill Pursuant to Metro
Code Chapter 5.05

Consent Agenda

Metro Council Meeting
Thursday, February 19, 2015
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE LIST)	RESOLUTION NO. 15-4604
OF SOLID WASTE DESIGNATED FACILITIES)	
TO INCLUDE THE COWLITZ COUNTY)	Introduced by Chief Operating Officer Martha
HEADQUARTERS LANDFILL PURSUANT TO)	Bennett in concurrence with Council
METRO CODE CHAPTER 5.05)	President Tom Hughes

WHEREAS, Metro Code Chapter 5.05 (Solid Waste Flow Control) governs Metro’s authority to regulate solid waste generated in the Metro region; and

WHEREAS Metro Code Section 5.05.030(b) requires the Council to consider for adoption by resolution a list of designated facilities of the system any time there is a proposed change to the list under Metro Code Sections 5.05.031; and

WHEREAS, Metro Code Section 5.05.031 provides that the Council may add a facility to the list of designated facilities on its own motion, by recommendation of the Chief Operating Officer, or upon application by a facility under Metro Code Section 5.05.030(c); and

WHEREAS, the Cowlitz County Headquarters Landfill located at 3434 South Silver Lake Road, in Castle Rock, Washington has submitted an application to be listed as a designated facility of the system under Metro Code Section 5.05.030(c); and

WHEREAS, Metro Code Section 5.05.034(a) provides that the Chief Operating Officer is authorized to execute an agreement, or an amendment to an agreement, between Metro and a designated facility located outside the region for any solid waste other than putrescible waste; and

WHEREAS, as provided in Metro Code Section 5.05.030(c), the Chief Operating Officer considered the factors listed in Metro Code Section 5.05.031; now therefore

BE IT RESOLVED that the Metro Council adopts the list of designated facilities attached as Exhibit A, to include the Cowlitz County Headquarters Landfill, effective March 1, 2015

ADOPTED by the Metro Council this 19th day of February 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Designated Facilities of Metro's Solid Waste System

Effective March 1, 2015

The Metro Council has found that the following disposal sites and solid waste facilities meet the criteria set forth in Metro Code Section 5.05.030 and are designated as part of Metro's solid waste system. In accordance with Metro Resolution No. 15-4604, this list of designated facilities is hereby effective on March 1, 2015.

1) Disposal sites and solid waste facilities owned or operated by Metro.

- | | |
|--|---|
| 1) <u>Metro Central Station</u>
6161 NW 61 st Avenue
Portland, Oregon 97210 | 2) <u>Metro South Station</u>
2001 Washington
Oregon City, Oregon 97045 |
|--|---|

2) Disposal sites and solid waste facilities located within Metro's boundary.

All disposal sites and solid waste facilities located within the Metro boundary that are subject to Metro regulatory authority under Chapter 5.01. All such designated facilities are required to obtain a Metro-issued license or franchise unless otherwise exempt from such requirement.

3) Disposal sites and solid waste facilities located outside of Metro's boundary.

The out-of-region designated facilities listed below are authorized to accept certain wastes generated from inside the Metro boundary as specified by and subject to an agreement between Metro and the owner of the disposal site or solid waste facility. In addition, Metro may issue non-system licenses to waste generators or persons transporting waste to these or other disposal sites or solid waste facilities.

- | | |
|--|---|
| 1. <u>Coffin Butte Landfill</u>
29175 Coffin Butte Road
Corvallis, Oregon 97330 | 6. <u>Riverbend Landfill</u>
13469 SW Highway 18
McMinnville, Oregon 97218 |
| 2. <u>Columbia Ridge Landfill</u>
18177 Cedar Springs Lane
Arlington, Oregon 97812 | 7. <u>Roosevelt Regional Landfill</u>
500 Roosevelt Grade Road
Roosevelt, Washington 99356 |
| 3. <u>Cowlitz County Headquarters Landfill</u>
3434 South Silver Lake Road
Castle Rock, Washington 98611 | 8. <u>Tualatin Valley Waste Recovery</u>
3205 SE Minter Bridge Road
Hillsboro, Oregon 97123 |
| 4. <u>Finley Buttes Regional Landfill</u>
73221 Bombing Range Road
Boardman, Oregon 97818 | 9. <u>Wasco County Landfill</u>
2550 Steele Road
The Dalles, Oregon 97058 |
| 5. <u>Hillsboro Landfill</u>
3205 SE Minter Bridge Road
Hillsboro, Oregon 97123 | |

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4604, FOR THE PURPOSE OF AMENDING THE LIST OF SOLID WASTE DESIGNATED FACILITIES TO INCLUDE THE COWLITZ COUNTY HEADQUARTERS LANDFILL PURSUANT TO METRO CODE CHAPTER 5.05

Date: January 26, 2015

Prepared by: Bill Metzler
503-797-1666

The proposed Resolution, if approved by the Council, will add Cowlitz County Headquarters Landfill located in Castle Rock, Washington (formerly the Weyerhaeuser Regional Landfill) to the list as a designated facility of Metro's solid waste system. Upon listing, the Chief Operating Officer (COO) may then enter into a formal Designated Facility Agreement (DFA) with the landfill on behalf of Metro. The proposed designated facility listing and DFA does not include putrescible waste. The facility has applied to accept non-putrescible waste processing residual, special waste and cleanup material generated from within the Metro boundary. The landfill would be responsible collecting and remitting regional system fees and excise tax to Metro on all applicable waste.

BACKGROUND

On October 17, 2014, Metro received an application from the Cowlitz County Department of Public Works requesting that the Cowlitz County Headquarters Landfill be recognized by Metro as a designated facility of Metro's solid waste system under the provisions of Metro Code Chapter 5.05.



Site location for the Cowlitz County Headquarters Landfill located in Castle Rock, Washington

The Cowlitz County Headquarters Landfill (CCHL), located at 3434 South Silver Lake Road in Castle Rock, Washington, began operations in 1993 as the Weyerhaeuser Regional Landfill (WRL). WRL was approved by the Metro Council as a designated facility of the solid waste system in May 2005 via Ordinance No. 05-1083, and the Chief Operating Officer subsequently executed a DFA (Metro Contract No.930885) with WRL that expired on December 31, 2014.

In March of 2014, the Cowlitz County Department of Public Works completed the purchase of WRL from the Weyerhaeuser Company, and renamed the landfill the Cowlitz County Headquarters Landfill. WRL's DFA was assigned to CCHL for the remainder of its term through December 31, 2014.

CCHL is proposing to continue to accept the same type of non-putrescible waste from the Metro region that was previously authorized under Metro's DFA with WRL. CCHL proposes to accept deliveries of non-putrescible waste processing residual, special waste and cleanup material as defined in Metro Code.

The primary purpose of the DFA is to allow non-putrescible waste residual, special waste and cleanup material generated from within the Metro region to be received at the landfill for disposal or other beneficial use purposes. The applicant estimates that it will eventually receive up to 30,000 tons of non-putrescible solid waste from the region annually. Under its previous DFA with Metro, the landfill had been receiving around 14,000 tons per year of non-putrescible, non-recoverable waste from the region.

CCHL is permitted as a RCRA Subtitle D¹ landfill by the Cowlitz County Health Department under the authority of the Washington Department of Ecology (WDOE). Subtitle D disposal permits allow disposal of municipal solid waste and cleanup material. Permitting and monitoring of Subtitle D landfills is a state responsibility when a state has been approved by the United States Environmental Protection Agency to implement a solid waste disposal permit program. In the State of Washington, the local health departments can be delegated the authority to issue such permits on behalf of WDOE. CCHL's current Solid Waste Handling Operating Permit (No. 13-SW407) to operate the landfill was issued by the Cowlitz County Health Department on July 1, 2014.

According to its application, CCHL has 22 planned cells, which will be developed incrementally over the 100+ years expected life of the landfill. The expected lifetime is based on an assumed filling rate of 400,000 cubic yards per year through 2017, and a rate of 450,000 cubic yards per year thereafter with a maximum rate of one-million cubic yards per year. The landfill will eventually comprise a 308-acre waste-fill footprint, 305-acre buffer plus additional areas for ancillary facilities. The planned total site capacity is about 54.8 million cubic yards of in-place waste. The maximum waste height will be approximately 250 feet above the original topography at its highest point depending on the height necessary to reach final grade.

ANALYSIS/INFORMATION

1. Known Opposition

Staff is not aware of any opposition to the proposed listing or agreement.

2. Legal Antecedents

Metro Code Section 5.05.031 states that the Council may add a facility to the list of designated facilities on its own motion, by recommendation of the Chief Operating Officer, or upon application of a facility. In deciding whether to add a facility to the list of designated facilities 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 type accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

CCHL is owned by Cowlitz County and operated by the Cowlitz County Department of Public Works. The landfill was previously known as the Weyerhaeuser Regional Landfill and was owned and operated by Weyerhaeuser Company, and operated as a limited-purpose landfill. The landfill began operations in 1993 and primarily served as a disposal site for wastes generated by Weyerhaeuser's own forest products

¹ Subtitle D is a designation of the federal Resource Conservation and Recovery Act (RCRA) that establishes landfill standards for municipal solid waste (MSW).

and manufacturing operations. The landfill was permitted to accept wood chips and fines, log sort yard debris, boiler ash, pulp mill lime waste, wastewater treatment solids, paper recycling reject wastes, polyethylene waste, construction, demolition, and land clearing debris, petroleum contaminated soils, and other miscellaneous industrial solid wastes. CCHL is now permitted as a Subtitle D landfill to also accept municipal solid waste. Staff are not aware of any wastes accepted at the landfill that are likely to pose a high risk of environmental contamination.

The landfill currently accepts certain limited amounts of non-putrescible and special wastes from four different generators that are located in the region under authority of Metro non-system licenses (NSLs). The NSLs were issued to existing customers of the landfill to allow for uninterrupted service during the interim period when WRL's DFA expired (December 31, 2014) and to bridge the time gap until CCHL is listed and a DFA is executed by the COO.

- 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;*

CCHL is considered by the Cowlitz County Department of Building and Planning, and the Cowlitz County Health Department to be a well run facility that is 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;*

The landfill's operational practices and management controls are considered by Metro staff and Cowlitz County staff to be adequate and consistent with other similar facilities. The landfill uses operational practices and management controls that are typical of a modern engineered Subtitle D landfill and considered adequate for the protection of health, safety and the environment.

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

The waste authorized under the proposed DFA includes only solid wastes that do not have a potential for recycling. Such wastes include special wastes, cleanup material and processing residue from recycling facilities. The landfill will not be eligible to accept unprocessed dry waste from the Metro region. Therefore, the proposed DFA will not have an impact on the region's recycling and waste reduction efforts.

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

Metro is contractually obligated to deliver a minimum of 90 percent of the region's *putrescible* waste that is delivered to general purpose landfills during the calendar year, to landfills owned by Metro's disposal contractor, Waste Management of Oregon. The waste that will be authorized under the proposed DFA is *non-putrescible* and, therefore, does not conflict with Metro's disposal contract or any other of its existing contractual arrangements.

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

Under the previous DFA with WRL, the landfill complied with the terms of the agreement. That DFA expired on December 31, 2014. CCHL has been cooperative with Metro and assisted Metro with establishing non-system licenses with its Metro-area customers while seeking designated facility status in accordance with Metro Code Chapter 5.05.

On December 3, 2014, the Metro Council adopted Resolution No. 14-4589 which directed the COO to develop a landfill capacity policy by mid-2016 when considering issuing NSLs. It does not appear to staff that listing CCHL as a designated facility is impacted by the adoption of such capacity policy. The waste covered by the agreement will only include dry waste processing residual, clean up waste, special waste and waste not subject to Metro solid waste fees and taxes. If, in the future, a person wishes to deliver putrescible waste to CCHL, they would have to obtain an NSL from Metro's Council. In addition, it appears that at the current fill rate, the landfill has sufficient permitted capacity for the next 100 to 130 years.

7) *Other benefits or detriments accruing to residents of the region from Council action in designating a facility.*

The potential benefits of listing CCHL as a designated facility include more efficient administration of the solid waste system, collection of regional system fees and excise tax on applicable Metro area waste that is landfilled, and an enhanced ability to monitor waste classification at the facility. Listing the landfill as a designated facility of Metro's solid waste system and granting a DFA will allow CCHL to *continue* to accept the same non-putrescible wastes and special wastes from the Metro region that were previously authorized by Council when the landfill was owned by the Weyerhaeuser Company.

3. Anticipated Effects

Granting the DFA to CCHL will allow Metro to more effectively manage the disposal of Metro area waste by providing administrative efficiencies that include the collection and remittance to Metro of regional system fees and excise tax on non-putrescible, non-recoverable waste generated in the Metro region that is landfilled at the facility. Granting the DFA will allow CCHL to continue to accept the same non-putrescible wastes and special wastes from the Metro region that were previously authorized by Council when the landfill was owned by the Weyerhaeuser Company.

4. Budget Impacts

No budget impact is anticipated from the adoption of this resolution. It is anticipated that CCHL will primarily receive the same non-putrescible waste residual, special waste and cleanup material that was delivered to the landfill under authority of the previous DFA when it was owned by the Weyerhaeuser Company.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Resolution No. 15-4604 which will result in adding CCHL to the list of designated facilities of Metro's solid waste system effective March 1, 2015. Once listed as a designated facility of Metro's solid waste system, the COO can execute a DFA with the landfill for acceptance of certain non-putrescible waste generated from within the Metro region.

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Agenda Item No. 2.3

Consideration of Council Meeting Minutes for February 12,
2015

Consent Agenda

Metro Council Meeting
Thursday, February 19, 2015
Metro, Council Chamber

Agenda Item No. 3.1

Ordinance No. 15-1351, For the Purpose of Annexing to the Metro District Boundary Approximately 9.8 Acres Located at 17170 NE Brugger Road in the North Bethany Area of Washington County

Ordinances (Second Read)

Metro Council Meeting
Thursday, February 19, 2015
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) ORDINANCE NO. 15-1351
METRO DISTRICT BOUNDARY)
APPROXIMATELY 9.8 ACRES LOCATED AT) Introduced by Chief Operating Officer
17170 NW BRUGGER ROAD IN THE NORTH) Martha J. Bennett with the Concurrence of
BETHANY AREA OF WASHINGTON COUNTY) Council President Tom Hughes

WHEREAS, K & R Holdings has submitted a complete application for annexation of 9.8 acres (“the territory”) located at 17170 NW Brugger Road in the North Bethany area to the Metro District; and

WHEREAS, the Metro Council added the North Bethany area to the UGB, including the territory, by Ordinance No. 02-987A on December 5, 2002; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territory; and

WHEREAS, the proposed annexation complies with Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on February 19, 2015; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated February 2, 2015, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this 19th day of February 2015.

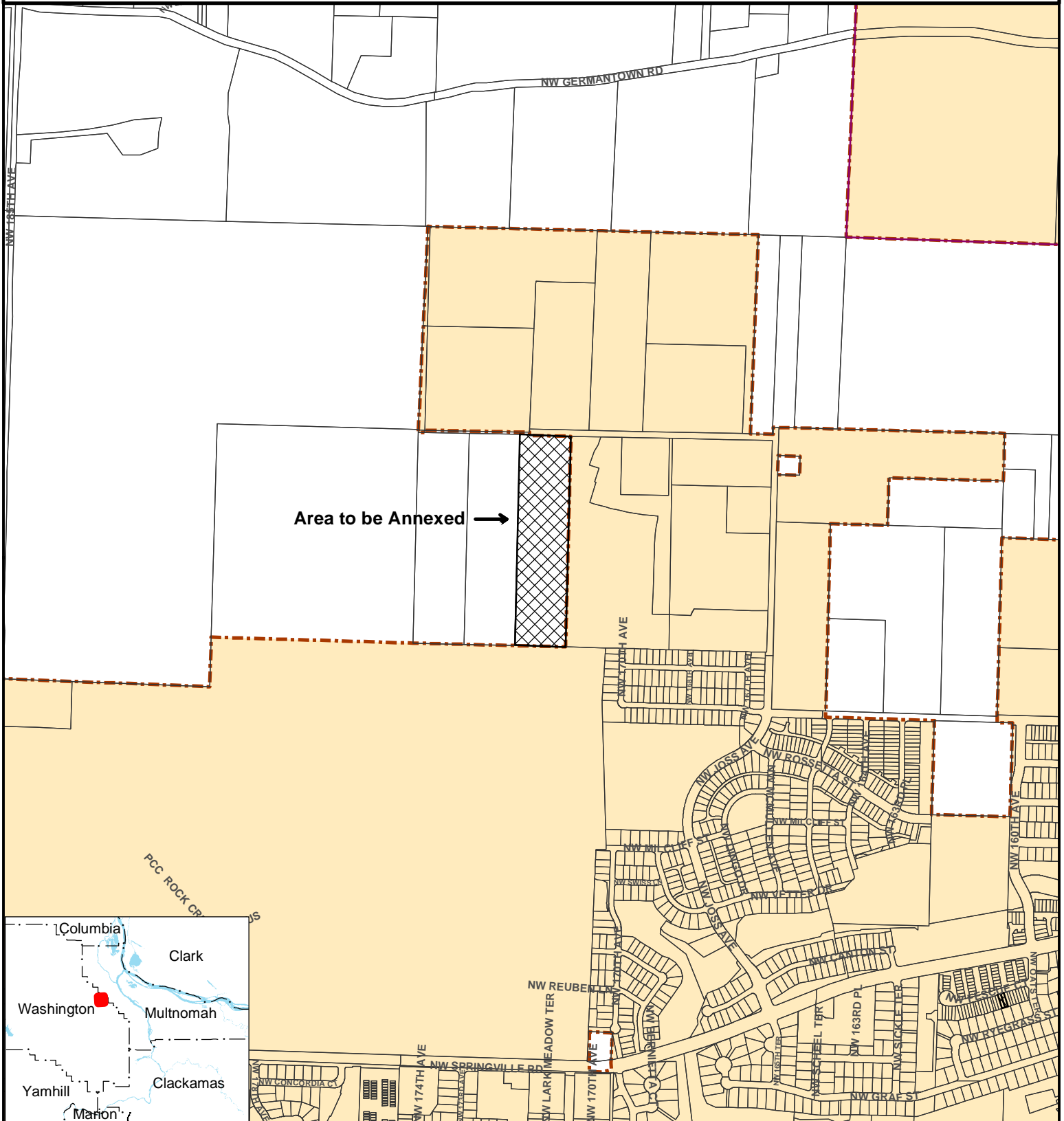
Tom Hughes, Council President

Attest:

Approved as to form:




Alexandra Eldridge, Recording Secretary

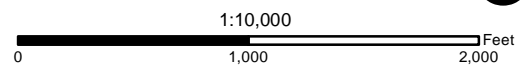
Alison R. Kean, Metro Attorney



Research Center
 600 NE Grand Ave
 Portland, OR 97232-2736
 (503) 797-1742
<http://www.oregonmetro.gov/drc>

Proposal No. AN-0115 Metro District Boundary

-  Area to be annexed
-  Taxlots
-  Metro District Boundary



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 15-1351, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 9.8 ACRES LOCATED AT 17170 NW BRUGGER ROAD IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY

Date: February 2, 2015

Prepared by: Tim O'Brien
Principal Regional Planner, Ext. 1840

BACKGROUND

CASE: AN-0115, Annexation to Metro District Boundary

PETITIONER: K & R Holdings
17933 NW Evergreen Parkway, Suite 300
Beaverton, OR 97006

PROPOSAL: The petitioner requests annexation of one parcel to the Metro District boundary. The applicant is currently in the process of annexing the subject property to the necessary service districts in Washington County.

LOCATION: The parcel is located at 17170 NW Brugger Road in the North Bethany Area of Washington County. The parcel is 9.8 acres in size. A map of the area can be seen in Attachment 1.

ZONING: The property is zoned for residential use (R-6 NB) by Washington County.

The land was added to the UGB in 2002 and is part of the North Bethany Subarea Plan that was adopted by Washington County. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

The subject parcel was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-987A.

- 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 02-987A include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County also requires the land to be annexed into the appropriate sanitary sewer, water, park and road service districts prior to urbanization occurring. The applicant is currently moving forward with the necessary annexation requirements with Washington County. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The property proposed for annexation is part of Washington County's North Bethany County Service District, established by the County Board of Commissioners on June 7, 2011. The proposed annexation is consistent with that agreement and is required by Washington County as part of a land use application. The inclusion of the property within the Metro District is consistent with all applicable plans.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add approximately 9.8 acres to the Metro District. The land is currently within the UGB in unincorporated Washington County. Approval of this request will allow for the urbanization of the parcels to occur consistent with the North Bethany Subarea Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

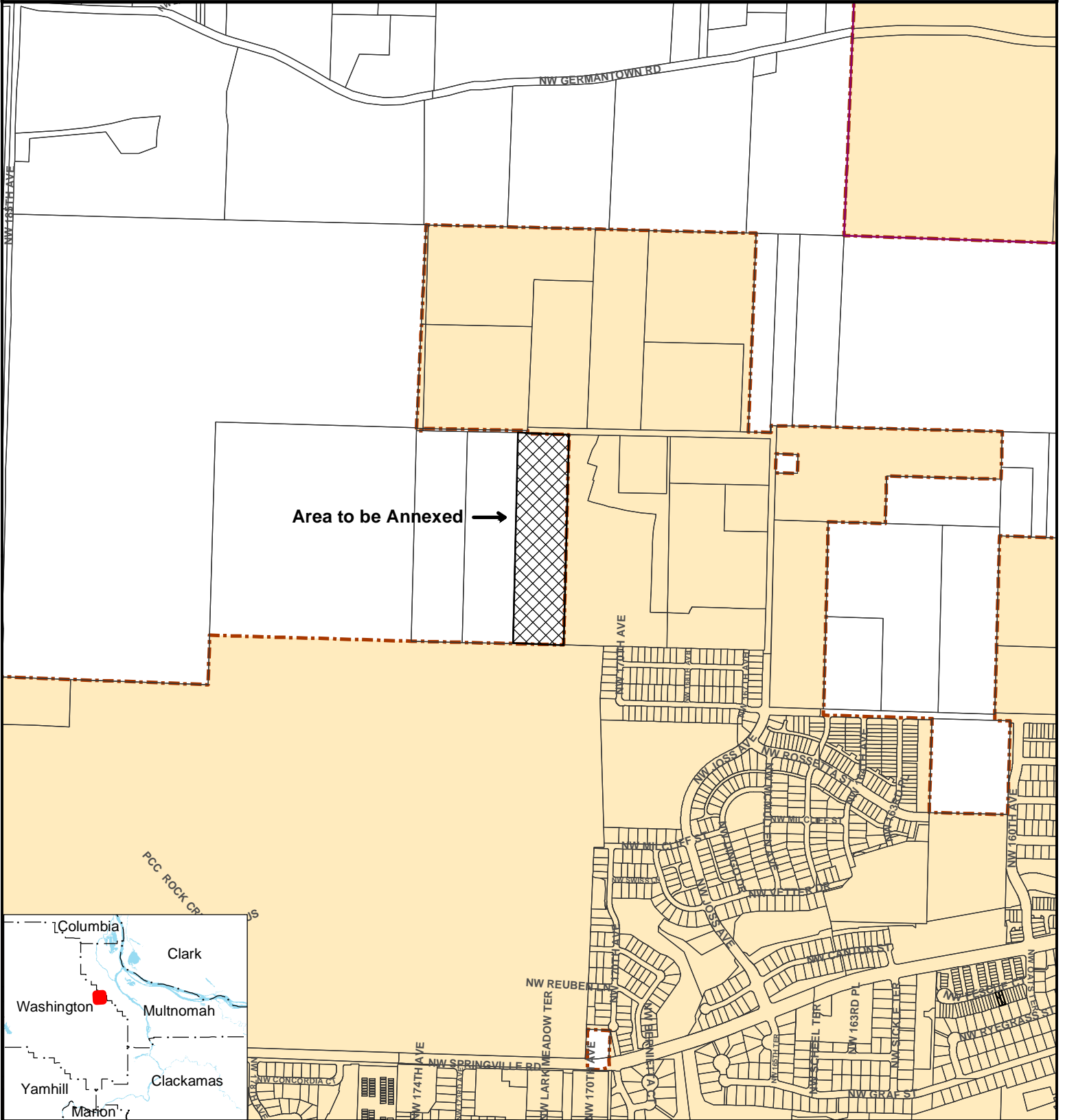
Staff recommends adoption of Ordinance No. 15-1351.

Proposal No. AN-0115

1N1W18

Annexation to the Metro District Boundary

Washington County






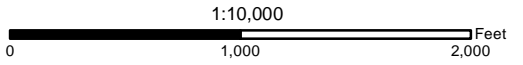
Area to be Annexed →



Proposal No. AN-0115 Metro District Boundary

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 (503) 797-1742
<http://www.oregonmetro.gov/drc>

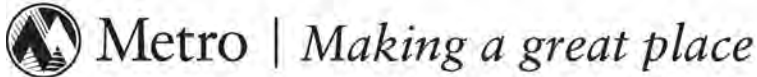
-  Area to be annexed
-  Taxlots
-  Metro District Boundary



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Materials following this page were distributed at the meeting.



METRO COUNCIL MEETING
Meeting Minutes
Feb. 12, 2015
Metro Regional Center, Council Chamber

Councilors Present: Council President Tom Hughes, and Councilors Shirley Craddick, Carlotta Collette, Kathryn Harrington, Sam Chase, Craig Dirksen and Bob Stacey

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 2:07 p.m.

1. CITIZEN COMMUNICATIONS

Courtney Scott, Portland: Ms. Scott expressed concern about the elephants and the Elephant Lands project at the Oregon Zoo, requesting that Packy and the full herd be moved to an elephant sanctuary as soon as possible.

Mars Green, Portland: Ms. Green addressed the Metro Council on the elephants at the Oregon Zoo, expressing concern for their health and requesting that the Zoo stop elephant breeding.

Joan Johnson, Tigard: Ms. Johnson discussed the elephants at the Oregon Zoo, addressing health concerns, animal welfare, elephant breeding, and releasing Packy to an elephant sanctuary.

2. UNESCO, METRO AND GPSEN: COLLABORATION FOR A SUSTAINABLE FUTURE PRESENTATION

Council President Hughes welcomed and introduced Dr. Kim Smith, Portland Community College and Greater Portland Sustainability Education Network (GPSEN), and Dr. Charles Hopkins, United Nations University and United Nations Educational, Scientific and Cultural Organization (UNESCO) to provide a presentation on the relationship between Metro and the UNESCO/GPSEN program. Dr. Hopkins provided a brief background on the program, describing the role of education, training in the private and public sectors and their work in trying to build a more sustainable region. Dr. Smith gave background on GPSEN, provided information on a recent report submitted to the UN, and discussed goals for the upcoming year including funding and where the organization should be housed.

In response to council inquiry, Dr. Smith provided information on how the Metro Council can help through funding, better coordination across jurisdictions and organizations relating to sustainable education or student opportunities. Dr. Hopkins also provided information about international connections, which the councilors might assist with as they are part of delegation trips.

3. CONSIDERATION OF COUNCIL MEETING MINUTES FOR JANUARY 29, 2015

Motion:	Councilor Bob Stacey moved to adopt the January 29, 2015 minutes.
Second:	Councilor Shirley Craddick seconded the motion.

Vote: Council President Hughes, and Councilors Dirksen, Collette, Harrington, Craddick, Chase and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

4. ORDINANCES (FIRST READ)

4.1 **Ordinance No. 15-1351**, For the Purpose of Annexing to the Metro District Boundary Approximately 9.8 Acres Located at 17170 NW Brugger Road in the North Bethany Area of Washington County

5. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett, COO, provided an update on the following events or items: EXPO Center NW Sportsman’s Show, upcoming Finance and Regulatory Services and Diversity, Equity and Inclusion event, Valentine’s Day Zoo events (including Free Admission Day), and Martin Luther King Jr. holiday closure at the Metro Regional Center.

6. COUNCILOR COMMUNICATION

Councilors provided updates on the following events or items: Metro Policy Advisory Committee (MPAC) meeting, which discussed the Urban Growth Management Decision work program and Community Planning and Development Grant administrative rules, GLEAN art event, Zoo All-Staff luncheon, Zoo Bond Citizens’ Oversight Committee, Greater Portland, Inc. Best Practices Trip in Houston, Open House event for Killen Wetlands, Friday, February 20th Suburban Cycling and Potential for Growth event sponsored through Coalition for a Livable Future, Nature In Neighborhoods Grant Review Committee meeting, Smart Growth Conference in Baltimore, Powell-Division upcoming workshops, Joint Policy Advisory Committee on Transportation meeting, Clackamas County Mayors meeting, Mayors and Chairs meeting on Urban Growth Management Decision, and the State Road User Fee Task Force meeting.

7. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 4:14 p.m. The Metro Council will convene the next regular council meeting on Thursday, February 19, 2015 at 2 p.m. at the Metro Regional Center, Council Chamber.

Respectfully submitted,



Alexandra Eldridge, Regional Engagement & Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEB. 12, 2015

Item	Topic	Doc. Date	Document Description	Doc. Number
2.0	Handout	02/12/2015	GPSEN and The GAP handout	021215c-01
2.0	Handout	02/12/2015	Aichi-Nagoya Declaration handout	021215c-02
3.0	Minutes	01/29/2015	Council Meeting Minutes from January 29, 2015	021215c-03