

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

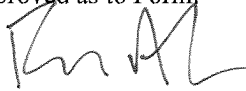
BE IT RESOLVED that the Metro Council adopts the list of designated facilities attached as Exhibit A, to include the Cowlitz County Headquarters Landfill, effective March 1, 2015

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



Tom Hughes, Council President

Approved as to Form:



For / 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.

BM:bjl
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