

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTER 5.05)	ORDINANCE NO. 05-1081
TO INCLUDE CEDAR GROVE)	
COMPOSTING, INC. ON THE LIST OF)	Introduced by Michael Jordan, Chief
DESIGNATED FACILITIES; AND)	Operating Officer with the concurrence of
DECLARING AN EMERGENCY)	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, Cedar Grove Composting, Inc. operates two facilities located in Washington state that are permitted to receive and compost organic waste including food waste; and

WHEREAS, Cedar Grove Composting, Inc. has made application to Metro seeking designated facility status by requesting that Metro add the Cedar Grove Composting, Inc. to the list of designated facilities set forth in Metro Code Section 5.05.030; 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) that the Metro Council must consider when it determines whether to add a facility to the list of designated facilities in Section 5.05.030(a); and,

WHEREAS, the Chief Operating Officer recommends approval of this Ordinance; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Metro Code Section 5.05.030(a) is amended to add the following provision as subsection 11:

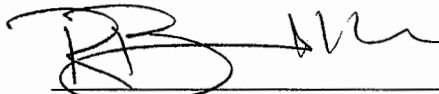
(11) Cedar Grove Composting, Inc. The Cedar Grove Composting, Inc. facilities located in Maple Valley, Washington, and Everett, Washington. Cedar Grove Composting, Inc. may accept solid waste generated within the District only as follows:

(A) As specified in an agreement entered into between Metro and Cedar Grove Composting, Inc. authorizing receipt of such waste; or

(B) Subject to a non-system license issued to a person transporting to Cedar Grove Composting, Inc. solid wastes not specified in the agreement.

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

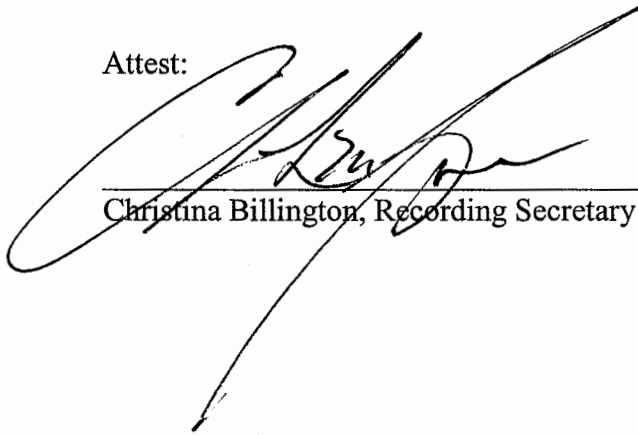
ADOPTED by the Metro Council this 2nd day of June, 2005.



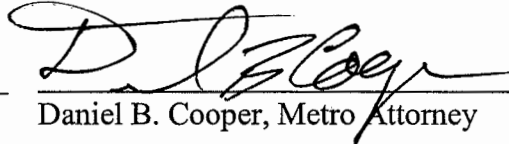
David Bragdon, Council President

Rex Burkholder, Dep. Council President
Approved as to Form: _____

Attest:



Christina Billington, Recording Secretary



Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 05-1081, AMENDING METRO CODE CHAPTER 5.05 TO INCLUDE CEDAR GROVE COMPOSTING, INC. ON THE LIST OF METRO DESIGNATED FACILITIES, AND RESOLUTION NO. 05-3584, AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO A DESIGNATED FACILITY AGREEMENT WITH CEDAR GROVE COMPOSTING, INC.

May 2, 2005

Prepared by: Steve Kraten

Designation of a new solid waste facility outside the Metro region requires an ordinance to amend the Code by the addition of the newly designated facility to the list of facilities described in Chapter 5.05.030. When it is proposed that the facility be authorized to accept putrescible waste, as is the case with Cedar Grove Composting, Inc. (CGC), a resolution is also required in order to authorize the COO to enter into the Designated Facility Agreement (DFA) on behalf of Metro. This staff report accompanies both the ordinance and the resolution.

BACKGROUND

CGC has requested Designated Facility status under the provisions of Metro Code section 5.05.030. CGC operates two food waste composting facilities; one located in Maple Valley, Washington and the other located in Everett, Washington. Both CGC facilities are presently receiving food waste from the Portland area under a contract with Metro.



Locations of Cedar Grove Composting Facilities

The purpose of the proposed Designated Facility Agreement (DFA) is to allow source-separated organic waste, and food waste in particular, generated from within the Metro region to be received at CGC's facilities for composting. This will allow those facilities to receive food waste from any generator or hauler within the Metro region without the need for such generators and haulers to obtain non-system licenses.



Receiving Building



Windrow Construction



Covered Windrow



Stormwater Weir

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 to or remove them from the list. If approved, this will be the first designated facility that is not a landfill. 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;*

CGC has been operating its Maple Valley facility since 1989. The facility accepts approximately 190,000 tons annually of organic waste from the Puget Sound area. The Everett facility began operations in July, 2004. The facilities have accepted only organics for composting. Staff research has not uncovered any evidence of any wastes accepted at the facilities that are likely to pose a risk of 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;*

CGC's Maple Valley facility operates under a Solid Waste Permit issued by Seattle-King County, a Puget Sound Clean Air Agency Permit, and a King County Industrial Waste Discharge Permit. The Everett facility's Solid Waste permit was issued by the Snohomish County Health Department. Both facilities are considered by their regulatory agencies to be well run and 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 inspected both the Maple Valley and Everett facilities in the course of its evaluation of this application. The Everett facility exclusively utilizes the Gore system with computer-monitored windrows covered by semi-permeable membrane covers on a positive forced-air pad. The facility was clean and fully paved with a state of the art stormwater collection system. Waste is received within a building that controls odors with negative air pressure and a bio-filter. The Maple Valley facility uses a combination of Gore technology and uncovered, negatively aerated windrows. Both facilities use operational practices and management controls that are judged by Metro staff to be superior to systems currently used within the Metro region and 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 for composting under the proposed DFA includes only organic solid wastes that do not have any other potential for recycling, recovery or reuse. Such wastes consist primarily of food waste that would typically be disposed in a landfill. Thus, approval of the proposed DFA is anticipated to increase the region's recovery rate.

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

The requested agreement does not conflict with Metro's disposal contract or any other of Metro's 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*

CGC has no previous regulatory history with Metro. The agencies that regulate CGC report that, under the current management, its facilities have been compliant and responsive to regulatory agencies.

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

The Chief Operating Officer is not aware of any additional factors that are appropriate for making such a determination.

ANALYSIS/INFORMATION

1. Known Opposition

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

2. Legal Antecedents

Metro Code Section 5.05.030(b) provides that the Metro Council may, from time to time, through a duly enacted ordinance, add a facility to the list of designated facilities described in Code Section 5.05.030(a).

3. Anticipated Effects

- More efficient administration through the replacement of multiple non-system licenses issued to individual haulers and waste generators with a single DFA;
- Enhanced regulatory authority by Metro at the facilities;
- Potential for increased materials recovery.

4. Budget Impacts

The budget impact of CGC's recovery of food waste that would otherwise have been disposed was already largely factored into budget projections when Metro negotiated its contract with CGC to accept source-separated food waste staged at the Metro Central Transfer Station. Though approval of a DFA that authorizes direct deliveries of source-separated food waste may, in the short-run, increase recovery tonnage beyond what it would be if transshipment via Metro Central Transfer Station (MCS) remained the sole option, there is no firm basis upon which to estimate the potential impact. However, CGC is obligated under its contract with Metro to site a facility locally when its Metro area volume reaches 10,000 tons annually, whether the waste is delivered from MCS or from private haulers. Once a facility is sited locally, it is unlikely that organic waste will continue to be delivered to the more distant Maple Valley and Everett Facilities. Thus, it is unlikely that approval of the proposed designated facility agreement will have a significant budget impact.

RECOMMENDATION

The Chief Operating Officer recommends adoption of Ordinance No. 05-1081.