

## Council meeting agenda

---

Thursday, February 23, 2017

2:30 PM

Metro Regional Center, Council chamber

---

**1. Call to Order and Roll Call**

**2. Citizen Communication**

**3. Presentations**

- 3.1 DEI Difference Makers Awards [17-1396](#)

Presenter(s): Patty Unfred, Metro  
Amy Croover, Metro

- 3.2 Organic Waste Follow-Up Audit [17-4772](#)

Presenter(s): Brian Evans, Metro  
Attachments: [Organic Waste System Audit Follow-Up](#)

**4. Consent Agenda**

- 4.1 Consideration of the Council Meeting Minutes for February 16, 2017 **17-1401**

**5. Ordinances (Second Reading)**

- 5.1 Ordinance No. 17-1393, For the Purpose of Approving a Solid Waste Facility Franchise Application and Authorizing the Chief Operating Officer to Issue a New Franchise to SORT Bioenergy, LLC, to Operate an Anaerobic Digestion and Energy Recovery Facility in Wilsonville, Oregon [ORD 17-1393](#)

Presenter(s): Paul Slyman, Metro  
Will Ennis, Metro

Attachments: [Ordinance No. 17-1393](#)  
[Exhibit A to Ordinance No. 17-1393](#)  
[Staff Report](#)  
[PowerPoint: SORT Bioenergy Facility](#)

- 6. Chief Operating Officer Communication**
- 7. Councilor Communication**
- 8. Adjourn**

## Metro respects civil rights

Metro fully complies with Title VI of the Civil Rights Act of 1964 and related statutes that ban discrimination. If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro's civil rights program, or to obtain a discrimination complaint form, visit [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights) or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1890 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. For up-to-date public transportation information, visit TriMet's website at [www.trimet.org](http://www.trimet.org).

### Thông báo về sự Metro không kỳ thị của

Metro tôn trọng dân quyền. Muốn biết thêm thông tin về chương trình dân quyền của Metro, hoặc muốn lấy đơn khiếu nại về sự kỳ thị, xin xem trong [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Nếu quý vị cần thông dịch viên ra dấu bằng tay, trợ giúp về tiếp xúc hay ngôn ngữ, xin gọi số 503-797-1890 (từ 8 giờ sáng đến 5 giờ chiều vào những ngày thường) trước buổi họp 5 ngày làm việc.

### Повідомлення Metro про заборону дискримінації

Metro з повагою ставиться до громадянських прав. Для отримання інформації про програму Metro із захисту громадянських прав або форми скарги про дискримінацію відвідайте сайт [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). або Якщо вам потрібен перекладач на зборах, для задоволення вашого запиту зателефонуйте за номером 503-797-1890 з 8.00 до 17.00 у робочі дні за п'ять робочих днів до зборів.

### Metro 的不歧视公告

尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1890（工作日上午8點至下午5點），以便我們滿足您的要求。

### Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullan dadweyne, wac 503-797-1890 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

### Metro의 차별 금지 관련 통지서

Metro의 시민권 프로그램에 대한 정보 또는 차별 항의서 양식을 얻으려면, 또는 차별에 대한 불만을 신고 할 수 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). 당신의 언어 지원이 필요한 경우, 회의에 앞서 5 영업일 (오후 5시 주중에 오전 8시) 503-797-1890를 호출합니다.

### Metro의 差別禁止通知

Metroでは公民権を尊重しています。Metroの公民権プログラムに関する情報について、または差別苦情フォームを入手するには、[www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)。までお電話ください公開会議で言語通訳を必要とされる方は、Metroがご要望に対応できるよう、公開会議の5営業日前までに503-797-1890（平日午前8時～午後5時）までお電話ください。

### សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានការបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។  
បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1890 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក។

### إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يرجى زيارة الموقع الإلكتروني [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1890 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

### Paunawa ng Metro sa kawalan ng diskriminasyon

Iginagalang ng Metro ang mga karapatang sibil. Para sa impormasyon tungkol sa programa ng Metro sa mga karapatang sibil, o upang makakuha ng porma ng reklamo sa diskriminasyon, bisitahin ang [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Kung kailangan ninyo ng interpreter ng wika sa isang pampublikong pulong, tumawag sa 503-797-1890 (8 a.m. hanggang 5 p.m. Lunes hanggang Biyernes) lima araw ng trabaho bago ang pulong upang mapagbigyan ang inyong kahilingan. Notificación de no discriminación de Metro.

### Notificación de no discriminación de Metro

Metro respeta los derechos civiles. Para obtener información sobre el programa de derechos civiles de Metro o para obtener un formulario de reclamo por discriminación, ingrese a [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Si necesita asistencia con el idioma, llame al 503-797-1890 (de 8:00 a. m. a 5:00 p. m. los días de semana) 5 días laborales antes de la asamblea.

### Уведомление о недопущении дискриминации от Metro

Metro уважает гражданские права. Узнать о программе Metro по соблюдению гражданских прав и получить форму жалобы о дискриминации можно на веб-сайте [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Если вам нужен переводчик на общественном собрании, оставьте свой запрос, позвонив по номеру 503-797-1890 в рабочие дни с 8:00 до 17:00 и за пять рабочих дней до даты собрания.

### Avizul Metro privind nediscriminarea

Metro respectă drepturile civile. Pentru informații cu privire la programul Metro pentru drepturi civile sau pentru a obține un formular de reclamație împotriva discriminării, vizitați [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Dacă aveți nevoie de un interpret de limbă la o ședință publică, sunați la 503-797-1890 (între orele 8 și 5, în timpul zilelor lucrătoare) cu cinci zile lucrătoare înainte de ședință, pentru a putea să vă răspunde în mod favorabil la cerere.

### Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1890 (8 teev sawv ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwm ua ntej ntawm lub rooj sib tham.

**Television schedule for June 16, 2016 Metro Council meeting**

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

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.** Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities.



Agenda Item No. 3.1

**DEI DIFFERENCE MAKERS AWARDS**

*Presentations*

Metro Council Meeting  
Thursday, February 23, 2017  
Metro Regional Center, Council Chamber

Agenda Item No. 3.2

**ORGANIC WASTE FOLLOW-UP AUDIT**

*Presentations*

Metro Council Meeting  
Thursday, February 23, 2017  
Metro Regional Center, Council Chamber



Office of the Auditor

## Organic Waste System Audit Follow-Up

*Elliot Shuford*  
Senior Management Auditor

February 2017

### SUMMARY

Metro implemented one of the three recommendations contained in the 2013 audit report **Organic Waste System: Re-examine cost-effectiveness and adjust efforts if needed.** The other two recommendations were in process. Continuing to implement the recommendations is important as Metro prepares for changes to the solid waste system. The leadership role Metro takes will partly determine if the benefits of collecting food waste can be achieved cost-effectively.

### BACKGROUND

The auditor's office assessed the effectiveness of the region's organic waste (food and yard debris) program in a report released in October 2013. The audit found the amount of food waste collected had increased significantly, but it had little effect on the primary performance measure in the Regional Solid Waste Management Plan (Regional Plan). Accordingly, the audit recommended Metro assess the cost-effectiveness of the program. The audit identified long-standing challenges, such as lack of close-by processing capacity, that needed to be addressed to fully realize the benefits of the program. As a result, the audit recommended Metro clarify priorities and better define its regional leadership role for organic waste.

The audit also recommended Metro clarify how it would ensure alignment among the three roles it played in the solid waste system. The roles included a planning role, a regulatory role, and an operations role. As a system planner, Metro conducted research and developed a regional plan for solid waste. Metro regulated the system in part through issuing licenses for moving or managing solid waste materials. Metro also operated two of its own facilities that manage solid waste.

Since the audit, Metro worked on several projects to prepare for potential changes to the regional system when key operating contracts expire between 2017 and 2019. These efforts, called the Solid Waste Roadmap, included a project focused on food waste. Staff presented research to stakeholders and Metro Council to help inform decisions planned for 2017. In addition, Metro recently started the planning process for the next Regional Plan. The Regional Plan is expected to include new performance measures when it is adopted in 2019. The Roadmap and regional planning process will clarify the leadership role Metro will play in the organic waste system.

### RESULTS

Metro made progress on all of the recommendations, though it only fully implemented one. We found Metro clarified how it plans to align its internal goals and performance measures among the three roles it plays in the solid waste system. Metro was in the process of defining its leadership role for organic waste during the follow-up audit, which is why two of the recommendations were still in process. Better information was available about the program's costs and benefits, but a cost-effectiveness analysis was not completed. Metro also addressed some of the long-standing challenges of managing organic waste by instituting tighter material quality standards and prioritizing commercial over residential organic waste recovery. Staff presented information to Metro Council about options to increase processing capacity near the region and incentives to increase program participation. However, the final decisions about these aspects of the program will not be finalized until 2017, at the earliest.

**BRIAN EVANS**

**Metro Auditor**

600 NE Grand Avenue  
Portland, OR 97232  
tel: 503-797-1892  
fax: 503-797-1831  
[www.oregonmetro.gov/auditor](http://www.oregonmetro.gov/auditor)

**Exhibit 1** Metro implemented one recommendation, while the others were in process

2013 Audit Recommendations	Status
1. Metro should clarify how it will meet internal goals and performance measures to ensure the departments involved in solid waste management are aligned to achieve the desired outcome of the program.	<b>Implemented</b>
2. Metro should assess the commercial and residential organic waste recovery programs to determine their cost-effectiveness as priority strategies for achieving statutory and environmental goals.	<b>In process</b>
3. If Metro determines that the benefits of the program outweigh the costs, it should define the leadership role it is going to take in advancing the program goals. The definition should address such things as:	<b>In process</b>
a. The comparative priority between residential and commercial food waste recovery	(Implemented)
b. Quality standards for incoming organic materials	(Implemented)
c. Incentives and disincentives to achieve program goals; and	(In process)
d. Increasing processing capacity	(In process)

*Source: Office of the Metro Auditor*

**Organizational structure clarified**

Since the audit, Metro consolidated the majority of solid waste duties previously split between different departments. Property and Environmental Services (PES) now handles research, planning and operations. Some staff reported it was easier to work within one department. Within PES, there was evidence that staff worked across solid waste program areas. For instance, the team responsible for developing the next Regional Plan included employees from all of Metro's solid waste programs. The project team's plan also includes efforts to engage employees throughout PES at various points in the planning process.

Internal alignment is important because Metro's solid waste roles are interrelated. Changes to one role could affect the other two. For instance, regulatory changes could increase or decrease the amount of material received at Metro's facilities. Changes in the amount of waste received could impact operational costs. Similarly, physical limitations at Metro's transfer stations determine how much food waste can be managed. System planners need to have that information in order to develop realistic plans and performance measures for the region.

Ensuring alignment of performance measures was an important part of getting a clearer picture of the performance of the program. The current Regional Plan emphasizes a measure called the recovery rate. The recovery rate indicates the relative amount of material 'recovered' or diverted from landfills for example, by recycling. The initial audit noted that despite a 200% increase in food waste recovered between 2007 and 2011, it only contributed about 1.4% to the recovery rate. Since then the impact of food waste recovery has been relatively stable, but declined slightly in 2015 to 1.3%.

## Exhibit 2 How the recovery rate is calculated

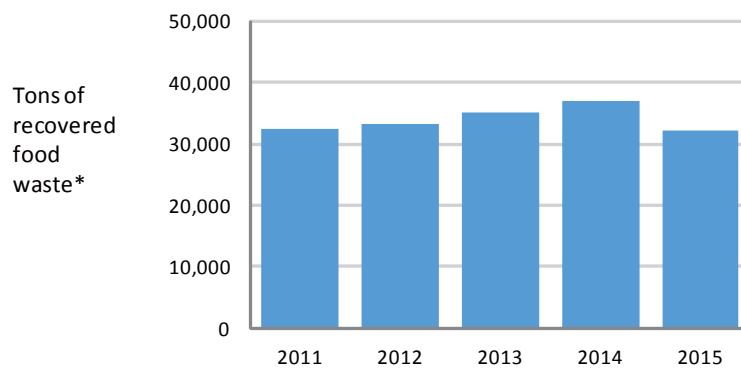
$$\text{Recovery Rate} = \frac{\text{Tons of recovered material (diverted from landfill)}}{\text{Tons of material sent to landfill} + \text{Tons of recovered materials}}$$

*Source: Oregon Department of Environmental Quality*

While the recovery rate is the current Regional Plan's primary performance measure, the relationship between the activities in the plan and actual performance is not strong. An additional ton of recovered waste may not improve the recovery rate due to decreased recovery in other waste types or an increase in the total amount of waste generated. Conversely, the rate could improve even if recovery targets for specific waste types were not met if the overall amount of waste generated decreased. As such, other measures are needed to provide an accurate assessment of the program's performance.

Since the original audit, Metro set a target to recover at least 50,000 tons of commercial food waste each year. Recent trends indicate that additional recovery will be needed to meet that target. Staff estimated the region was collecting a little more than half the amount of commercial food waste compared to the target. Including both commercial and an estimated amount of residential material, about 34,000 tons per year of food waste has been recovered over the last five years.

## Exhibit 3 The amount of food waste recovered was mostly unchanged in recent years



\* Total includes both commercial and residential food waste

*Source: Oregon Department of Environmental Quality*

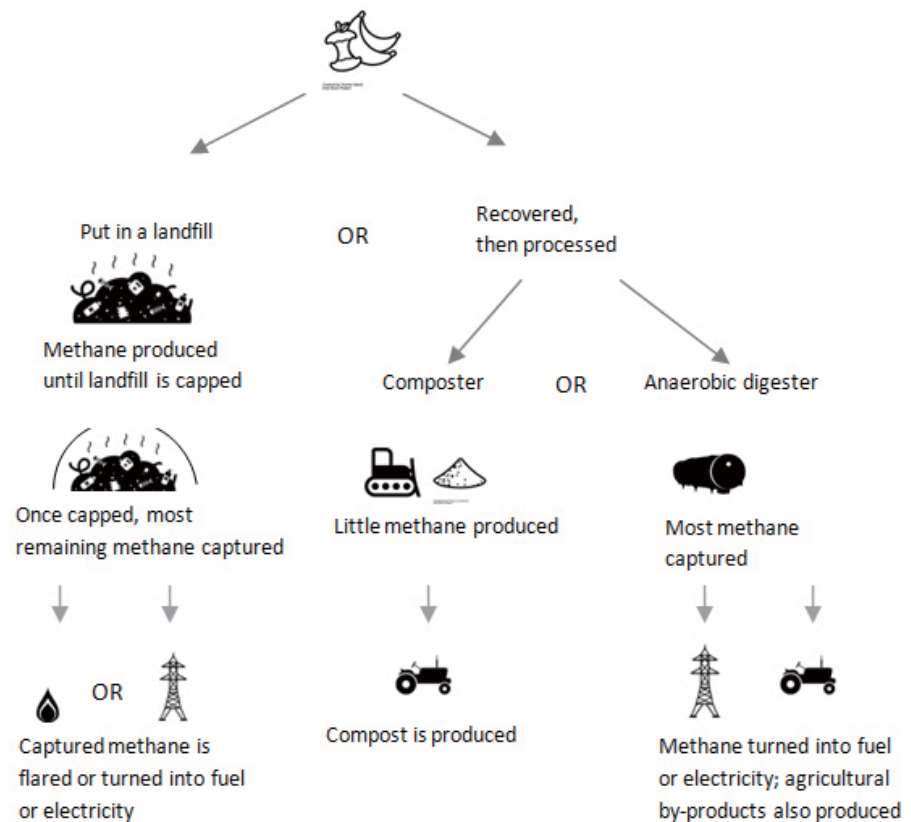
Metro appears likely to change the performance measures in the next Regional Plan. This represents an opportunity to get a clearer picture of how well the organic waste program performs. Environmental benefits of recovering and processing food waste come from creating energy and preventing the release of methane, a powerful greenhouse gas. Agricultural products can also be produced. Compared to using only the recovery rate, new measures could show the recovery and processing of food waste has greater overall benefit.

**Compare cost and benefit information to evaluate cost-effectiveness**

While Metro developed better information about both the benefits and the costs of the program, it had not yet used the information to determine whether it was a good overall value compared to other solid waste strategies. Getting good value for the public's money is a regional policy and a stated priority for the region's solid waste system. More thoroughly analyzing benefit and cost information could help Metro determine if the program's costs are balanced with its benefits.

The reasons to prioritize food waste recovery seem sound from a benefits perspective. Food is abundant in the waste stream that goes to landfills. Processing food scraps instead of sending them to the landfill can prevent the release of methane. Methane can instead be used for fuel or to generate electricity. Agricultural products like compost or fertilizer can also be produced by recovering food waste.

**Exhibit 4 Food scraps can be managed to create compost, fuel or electricity**



*Source: Office of the Metro Auditor, based on information from the US Environmental Protection Agency*

Similarly, the reasons to prioritize commercial food waste recovery over residential food scraps also seem sound. Food waste from commercial sources is more concentrated, which makes it easier to access. This is because it is not mixed with yard debris, like residential food waste. In addition, some businesses produce a large amount of food waste. If they participated in the program, the amount of material recovered could increase quickly.

While the potential benefits are clear, fully realizing them has proved difficult. During the original audit, a new residential food waste program and local regulatory changes created a shortage of processing capacity near the region. Food

waste had to be transported further than expected for processing which reduced some of the benefits of recovering it. Metro's analysis indicated that even with longer transportation distances there were still benefits of recovering food waste. Nevertheless, the ratio of benefits-to-costs will be reduced if benefits are lower than expected or costs are higher than expected.

Since the audit, Metro started to evaluate the costs of food waste recovery more comprehensively. For instance, employees recently presented different ways that business-level costs might be affected by regulatory changes designed to increase participation in the program. Metro also forecasted some of the potential costs the region could avoid by processing 50,000 tons of food scraps instead of allowing the methane from that food to escape from a landfill.

Metro also calculates a cost-per-ton figure for the materials it processes at its facilities. The information is used to set the rates customers are charged to process each material type. The figures include expenditures for managing the material, but do not include those for planning and research. Commercial organic waste was the most expensive material to manage. More comprehensive cost per ton figures would include all of Metro's expenditures related to organic waste including planning and research.

**Exhibit 5 Commercial organic waste was the material with the highest cost per ton to process**

Yard debris	Solid Waste	Residential organic waste	Wood	Commercial organic waste
\$47.79	\$63.18	\$63.62	\$65.51	\$69.85

*Source: Solid Waste Rate Study FY 2016-17, Metro Finance and Regulatory Services*

Comprehensive cost per ton figures for material types could inform Metro's prioritization of solid waste strategies. The cost figures could be combined with research about environmental benefits for different materials to create a common measure such as dollars per ton of avoided carbon or methane emissions. There may be other cost-benefit measures besides cost per ton that would provide value as well. Using a common measure to compare strategies to one another would show their relative cost for achieving the same benefits.

Research showed the region could attain environmental benefits by working with materials other than food waste. While Metro explored strategies for some other materials to varying degrees, commercial food waste remained a primary commitment. It was unclear to what extent this was a missed opportunity to pursue other solid waste strategies more aggressively or if organic waste was the best option in terms of the cost-benefit ratio.

Metro should integrate its improved cost information with information about the benefits of food waste recovery to develop a critical perspective about whether the program is a cost effective means to achieve those benefits. This is particularly important as Metro makes decisions about the leadership role it will play in recovering more food waste.



## Important groundwork has been laid for decisions about Metro's regional role

Metro made progress defining its role for organic waste and laid groundwork for future decisions about the program. It clarified the priority of commercial over residential organic waste and adopted material acceptance standards. This implemented part of the third audit recommendation. Research and analysis was presented to Metro Council to inform decisions about increasing processing capacity and creating incentives to participate in the program. This meant the other parts of the recommendation were in still process.

The previous audit noted challenges arose when the City of Portland expanded its residential organic waste program. This required Metro to change its operations and find additional processing capacity. The audit recommended Metro clarify whether commercial or residential organic waste was the priority for the region.

Metro clarified the priority of commercial organic waste over residential through funding and communication. In 2016, Metro increased grant funding to local programs that seek to increase the recovery of commercial food waste. We found staff had been consistent and clear in recent communications that commercial recovery was Metro's priority. The next Regional Plan will be another opportunity to further clarify this prioritization.

Some entities that manage organic material expressed concern about other materials mixed with it, such as waxed cardboard boxes or compostable containers. Those materials were more difficult to work with. Noting this, the prior audit recommended Metro address material acceptance standards as part of defining its role in organic waste.

In the past few years, Metro implemented tighter material acceptance standards for commercial organic materials at its transfer facility that receives commercial organic waste. This could make the resulting material easier to work with and thus more desirable for processors. It could also make it easier to attract other processors to the region in the future. Conversely, tighter standards could also decrease the total amount of material recovered, if businesses do not participate.

Metro conducted research to better understand the barriers and motivations for businesses and other institutions to separate out food waste for recovery. For instance, staff reported working with the City of Portland to interview businesses throughout the region about these issues. Based on this and other analyses, staff presented the Metro Council with a set of policy questions.

The questions included options to incent or require commercial participation in different ways. Council may make decisions about these options in 2017. Those decisions will further define Metro's leadership role in those areas, and could help the program recover the target amount of material.

How to recover more material was one part of the equation. Metro determined aspects about how the material would move, and where it would be processed. For instance, it oversaw research that showed there was adequate capacity to move at least 50,000 tons of commercial food scraps around the region prior to processing each year.

Metro is also determining how to collect or aggregate food scraps once they are recovered. One option is for Metro to use more of its regulatory authority to direct recovered food scraps to a particular facility. Metro indicated using this



authority would allow it to develop an agreement with a local processor, offering the material as a form of payment. The processor could then create agricultural products or electricity to use or sell.

Metro engaged commercial firms to explore the viability of such an arrangement and determined several firms had relevant experience and interest. The Metro Council then directed staff to begin the first steps of a formal process to solicit proposals for a processing facility closer to the region.

Success in siting a processor however, could also bring new challenges or risks. For instance, depending on how an agreement with a processor is structured could create financial liability if Metro does not gather enough material. Too much material could be a risk, too. If the growth in recovery does not match the processor's ability to handle it, too much material could be overwhelming. Local governments regulate solid waste collection and collection fees. Metro will need to coordinate with local governments to ensure recovery is appropriately paced.

## METHODOLOGY

Our audit objective was to determine the implementation status of our 2013 recommendations. To accomplish our objective, we interviewed staff involved with solid waste planning, research and operations. We reviewed documentation related to solid waste system planning and operational research, staff and consultant analyses, and data about the solid waste system.

This audit was included in the FY 2016-2017 audit schedule. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.


**Metro**

 600 NE Grand Ave.  
 Portland, OR 97232-2736

# Memo

Date: Feb. 9, 2017  
 To: Brian Evans, Metro Auditor  
 From: Martha Bennett, Chief Operating Officer *MB*  
 Scott Robinson, Deputy Chief Operating Officer *SR*  
 Paul Slyman, Property and Environmental Services Director *PS*  
 Matt Korot, PES Resource Conservation & Recycling Program Director *MK*  
 Subject: Management response to *Organic Waste System Audit Follow-Up*

Thank you for the opportunity to respond to your recent follow-up audit on Metro's work with the regional organics waste system. We appreciated being able to meet with you and Elliot Shuford to discuss this complex system and Metro's progress towards the recommendations that you made in your 2013 audit. Overall, the audit follow-up concludes that the agency has made good progress on the recommendations and that planned decisions in 2017 should complete this progress. We concur with that assessment.

2013 Audit Recommendations	Status
1. Metro should clarify how it will meet internal goals and performance measures to ensure the departments involved in solid waste management are aligned to achieve the desired outcome of the program.	<b>Implemented</b>
2. Metro should assess the commercial and residential organic waste recovery programs to determine their cost-effectiveness as priority strategies for achieving statutory and environmental goals.	<b>In process</b>
3. If Metro determines that the benefits of the program outweigh the costs, it should define the leadership role it is going to take in advancing the program goals. The definition should address such things as:	<b>In process</b>
a. The comparative priority between residential and commercial food waste recovery	(Implemented)
b. Quality standards for incoming organic materials	(Implemented)
c. Incentives and disincentives to achieve program goals	(In process)
d. Increasing processing capacity	(In process)

## In-Process Recommendations

Recommendation 2: Metro should assess the commercial and residential organic waste recovery programs to determine their cost-effectiveness as priority strategies for achieving statutory and environmental goals.

### Response:

The basis for Metro's identification of organic waste (also referred to as *food scraps*) as a priority recovery strategy is rooted in both the benefits that recovery can provide compared to other materials and the relative opportunity to actually achieve those benefits through Metro actions. The Oregon Department of Environmental Quality (DEQ) assessed the

potential greenhouse gas reductions from recycling for different recyclable materials disposed in the state. It concluded that the largest positive impacts would derive from increased recycling of paper, food and wood. The opportunity to recycle more of these materials is arguably strongest for food scraps, as the current levels of recycling are relatively low, it is the single largest material type remaining in the waste stream, and it is the most “accessible” through standard means of collection.

We share the Auditor’s views that costs are an important element of determining whether to proceed with food scraps recovery as a priority strategy. In October 2016, the Metro Council indicated its interest in proceeding with consideration of options to accelerate recovery of food scraps in the region. It asked staff to return in spring/summer 2017 with a draft mandatory separation policy for food scraps-generating businesses, an estimation of costs of participation for those businesses and options for spreading those costs more broadly. That information will inform Council’s decision-making on whether to proceed.

Recommendation 3: Metro should clarify how it will meet internal goals and performance measures to ensure the departments involved in solid waste management are aligned to achieve the desired outcome of the program:

- c. Incentives and disincentives to achieve program goals
- d. Increasing processing capacity.

Response:

As noted above, Metro has made significant progress in relation to these two sub-recommendations through the Council direction last fall on a mandatory separation policy and options for spreading costs to achieve the public good of food scraps recovery. In addition, and specific to recommendation 3c, in April Metro will issue a Request for Proposals (RFP) for a food scraps processing facility to serve the region. Respondents will be drawn from those firms that Metro qualified through a Request for Qualifications process in spring of 2016.

Thank you for the useful input you provided on Metro’s food scraps recovery work.

Agenda Item No. 4.1

Consideration of the Council Meeting Minutes for February 16,  
2017

*Consent Agenda*

Metro Council Meeting  
Thursday, February 23, 2017  
Metro Regional Center, Council Chamber

**Ordinance No. 17-1393**, For the Purpose of Approving a Solid Waste Facility Franchise Application and Authorizing the Chief Operating Officer to Issue a New Franchise to SORT Bioenergy, LLC, to Operate an Anaerobic Digestion and Energy Recovery Facility in Wilsonville, Oregon

*Ordinances (Second Read)*

Metro Council Meeting  
Thursday, February 23, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING A SOLID WASTE FACILITY ) ORDINANCE NO. 17-1393  
FRANCHISE APPLICATION AND AUTHORIZING THE CHIEF )  
OPERATING OFFICER TO ISSUE A NEW FRANCHISE TO SORT ) Introduced by Chief Operating  
BIOENERGY, LLC, TO OPERATE AN ANAEROBIC DIGESTION ) Officer Martha Bennett in  
AND ENERGY RECOVERY FACILITY IN WILSONVILLE, OREGON. ) concurrence with Council President  
 ) Tom Hughes

WHEREAS, Metro Code Section 5.01.150 requires a Metro solid waste franchise for any person owning or controlling a facility that processes putrescible waste other than yard debris, including energy recovery facilities; and

WHEREAS, on September 6, 2016, SORT Bioenergy, LLC (SORT Bioenergy) applied for a solid waste franchise; and

WHEREAS, Metro Code Section 5.01.180 provides that the Chief Operating Officer must review a franchise application and that the application is subject to approval or denial by the Metro Council; and

WHEREAS, SORT Bioenergy has complied with all requirements for applications for a franchise found in Metro Code Section 5.01.170, including obtaining from DEQ all necessary permits for a solid waste facility; 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 a new solid waste franchise be issued to SORT Bioenergy, together with specific conditions as provided in Exhibit A to this Ordinance; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The solid waste franchise application of SORT Bioenergy is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Ordinance.
2. The Chief Operating Officer is authorized to issue to a new solid waste franchise to SORT Bioenergy substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Tom Hughes, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Nellie Papsdorf, Recording Secretary

\_\_\_\_\_  
Alison R. Kean, Metro Attorney



600 NE Grand Ave.  
 Portland, OR 97232-2736  
 oregonmetro.gov

## SOLID WASTE FACILITY FRANCHISE No. F-173-17

FRANCHISEE:	FACILITY NAME AND LOCATION:
SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257	SORT Bioenergy 10295 SW Ridder Road Wilsonville, Oregon 97070 Tel. (503) 570-0626 Fax. (503) 570-0523
OPERATOR:	PROPERTY OWNER:
SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257	Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, Oregon 97070 Tel. (503) 570-0626 Fax. (503) 570-0523

Metro grants this franchise to the franchisee named above. The franchisee is authorized to operate and maintain a solid waste facility and to accept the solid wastes and perform the activities authorized by and subject to the conditions stated in this franchise.

**ISSUED BY METRO:**

---

Paul Slyman, Property and Environmental Services Director

---

Date

## TABLE OF CONTENTS

SECTION	TITLE	PAGE
1.0	Issuance	1
2.0	Conditions and Disclaimers	2
3.0	Completion of Facility Construction	3
4.0	Authorizations	4
5.0	Limitations and Prohibitions	5
6.0	Operating Conditions	6
7.0	Operating Plan	11
8.0	Fees and Rates	13
9.0	Record Keeping and Reporting	14
10.0	Insurance Requirements	15
11.0	Enforcement	16
12.0	Amendment, Suspension, and Revocation	17
13.0	General Obligations	18



1.0	ISSUANCE	
1.1	Franchisee	SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257
1.2	Corporate affiliation	SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257
1.3	Contact	Paul Woods Tel: (208) 859-8257 e-mail: <a href="mailto:paul@sortbioenergy.com">paul@sortbioenergy.com</a>
1.4	Franchise number	When referring to this franchise, please cite: Metro Solid Waste Facility Franchise No. F-173-17.
1.5	Term	The franchise term is from July 1, 2017 to December 31, 2021, unless amended, suspended, or revoked under Section 12.0 of this franchise.
1.6	Renewal	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
1.7	Facility name and mailing address	SORT Bioenergy 10295 SW Ridder Road Wilsonville, Oregon 97070 Tel. (503) 570-0626 Fax. (503) 570-0523
1.8	Operator	SORT Bioenergy, LLC 3668 LaFontana Way Boise, Idaho 83702 Tel. (208) 859-8257 <a href="mailto:paul@sortbioenergy.com">paul@sortbioenergy.com</a>
1.9	Facility legal description	Tax Lot Identification No. 600, Section 2C, Township 3 N, Range 1 W, City of Wilsonville, Washington County, State of Oregon

<b>1.10</b>	<b>Property owner</b>	Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, Oregon 97070 Tel. (503) 570-0626 Fax. (503) 570-0523
<b>1.11</b>	<b>Permission to operate</b>	The franchisee warrants that it has obtained the property owner's consent to operate the facility as specified in this franchise.

<b>2.0</b>	<b>CONDITIONS AND DISCLAIMERS</b>	
<b>2.1</b>	<b>Guarantees</b>	This franchise does not vest any right or privilege in the franchisee to receive specific quantities of solid waste at the direction of Metro during the term of the franchise.
<b>2.2</b>	<b>Non-exclusive franchise</b>	This franchise does not in any way limit Metro from granting other solid waste franchises within Metro's boundaries.
<b>2.3</b>	<b>Property rights</b>	This franchise does not convey any property rights in either real or personal property.
<b>2.4</b>	<b>Amendment</b>	Except as provided in Section 12.0, no amendment will be effective unless approved by the Metro Council.
<b>2.5</b>	<b>No recourse</b>	The franchisee will have no recourse whatsoever against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this franchise or because of the enforcement of the franchise or in the event Metro determines that the franchise or any part thereof is invalid.
<b>2.6</b>	<b>Indemnification</b>	The franchisee must defend and indemnify Metro, the Council, the Chief Operating Officer (COO), and any of their employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this franchise or the franchisee's performance of or failure to perform any of its obligations under the franchise or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors.

<b>2.7</b>	<b>Binding nature</b>	This franchise is binding on the franchisee. The franchisee is liable for all acts and omissions of the franchisee's contractors and agents.
<b>2.8</b>	<b>Waivers</b>	To be effective, a waiver of any terms or conditions of this franchise must conform with Section 12.0 and be in writing and signed by the COO.
<b>2.9</b>	<b>Effect of waiver</b>	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right to require subsequent performance of the same term or condition or any other term or condition.
<b>2.10</b>	<b>Choice of law</b>	The franchise will be construed, applied, and enforced in accordance with the laws of the State of Oregon.
<b>2.11</b>	<b>Enforceability</b>	If a court of competent jurisdiction determines that any provision of this franchise is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this franchise will not be affected.
<b>2.12</b>	<b>Franchise not a waiver</b>	This franchise does not relieve any owner, operator, or the franchisee from the obligation to obtain all required permits, franchises, or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
<b>2.13</b>	<b>Franchise not limiting</b>	This franchise does not limit the power of a federal, state, or local agency to enforce any provision of law relating to the facility.
<b>2.14</b>	<b>Definitions</b>	Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.

<b>3.0</b>	<b>COMPLETION OF FACILITY CONSTRUCTION</b>	
<b>3.1</b>	<b>COO's certification of the completion of facility construction</b>	Franchisee may not accept any solid waste at the facility unless the COO has certified, in writing, that facility construction is complete according to plans submitted by franchisee and approved by Oregon Department of Environmental Quality (DEQ) and Metro. The COO will base the certification upon the franchisee's compliance with the provisions of Section 3.0 of this franchise, including the COO's inspection of the facility and the

		documents submitted to the COO by the franchisee.
<b>3.2</b>	<b>Facility design</b>	Franchisee must design and construct the facility in accordance with the plans it submits to Metro and DEQ. The COO must approve in writing any amendments or alterations to the plans.
<b>3.3</b>	<b>“As constructed” documents</b>	Within 30 days of the substantial completion of the facility, the franchisee must submit to the COO “as constructed” facility plans which note any changes from the original DEQ and Metro approved plans.
<b>3.4</b>	<b>Pre-operating inspection</b>	<ol style="list-style-type: none"> <li>1. The franchisee must notify the COO when construction of the facility is nearly complete in order to schedule a pre-operating inspection.</li> <li>2. The franchisee must provide the COO with “as constructed” facility plans before the time of the pre-operating inspection.</li> <li>3. The franchisee must receive a pre-operating inspection and obtain a certification of completion from the COO as provided in Section 3.1 before the facility may accept or process any solid waste. If the COO finds that the construction is not complete or that the facility has been constructed in a way that is materially inconsistent with the plans approved by the COO, the franchisee may not begin operations.</li> </ol>

<b>4.0</b>	<b>AUTHORIZATIONS</b>	
<b>4.1</b>	<b>General conditions on solid waste</b>	The franchisee is authorized to accept at the facility only the solid wastes described in Section 4.0. The franchisee is prohibited from knowingly receiving any solid waste not authorized in this section.
<b>4.2</b>	<b>General conditions on activities</b>	The franchisee is authorized to perform at the facility only those waste-related activities that are described in Section 4.0 of this franchise.
<b>4.3</b>	<b>Acceptance and management of source-separated food waste</b>	<ol style="list-style-type: none"> <li>1. The franchisee is authorized to accept source-separated food waste from commercial and industrial sources for on-site processing and anaerobic digestion. Examples of food waste that franchisee may accept include commercial food scraps, grease trap waste, brewery waste and bakery waste, FOG (fats,</li> </ol>

		<p>oils and grease) and liquids associated with food processing.</p> <p>2. The franchisee must receive, manage, store, reload, and transfer all source-separated food waste in accordance with the facility building plans, odor control plan and operating plan submitted and approved by Metro as part of the franchise application.</p>
4.4	<b>Management of processing residual and byproducts</b>	The franchisee must store, reload, and transfer all putrescible and non-putrescible processing residual and byproducts inside a roofed, enclosed building, or other in-vessel system in accordance with the facility design plans, odor control plan and operating plan approved by Metro as part of the franchise application.
4.5	<b>Byproducts from anaerobic digestion process for agricultural use</b>	The franchisee may provide its liquid, semi-solid or solid byproducts from the anaerobic digestion process to authorized horticultural, agricultural, landscape and nursery operations for use as a fertilizer or agricultural amendment at agronomic application rates or to distributors that resell the byproducts for such uses, or other useful purposes as described in an operating plan and approved in writing by the COO.

5.0	<b>LIMITATIONS AND PROHIBITIONS</b>	
5.1	<b>Prohibited waste</b>	The franchisee must not knowingly receive, process, reload, or dispose of any solid waste not authorized by this franchise. The franchisee must not knowingly accept or retain any material amounts of the following types of waste: putrescible waste not authorized in Section 4.0 including yard debris; non-putrescible waste; materials contaminated with or containing asbestos; lead acid batteries; liquid waste not authorized in Section 4.0; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by DEQ or the City of Wilsonville.
5.2	<b>No disposal of recyclable materials</b>	The franchisee must not transfer source-separated recyclable materials to a disposal site, including without limitation landfills and incineration facilities.
5.3	<b>Limits not exclusive</b>	This franchise does not limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this franchise document, in Metro Code, or in any federal, state, regional or

		local government law, rule, regulation, ordinance, order or permit.
<b>5.4</b>	<b>Tonnage authorization</b>	The franchisee may accept up to 65,000 tons of source-separated food waste from commercial and industrial sources per calendar year.

<b>6.0</b>	<b>OPERATING CONDITIONS</b>	
<b>6.1</b>	<b>General performance goals</b>	<p>The franchisee must operate in a manner that meets the following general performance goals:</p> <ul style="list-style-type: none"> <li>a) Environment. The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes.</li> <li>b) Health and safety. The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.</li> <li>c) Nuisances. The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors, and noise.</li> </ul>
<b>6.2</b>	<b>Qualified operator</b>	<ol style="list-style-type: none"> <li>1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility who are qualified and competent to carry out the functions required by this franchise and to otherwise comply with Metro Code Chapter 5.01.</li> <li>2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this franchise and the relevant procedures contained within the facility's operating plan.</li> <li>3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is unknowingly received.</li> </ol>
<b>6.3</b>	<b>Fire prevention</b>	The franchisee must provide fire prevention, protection, and

		control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from processing and storage areas.
<b>6.4</b>	<b>Adequate vehicle accommodation</b>	<p>The franchisee must:</p> <ul style="list-style-type: none"> <li>a) Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The franchisee must maintain road access to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.</li> <li>b) Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances.</li> <li>c) Post signs to inform customers not to queue on public roadways.</li> <li>d) Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site tarping and untarpping of loads.</li> </ul>
<b>6.5</b>	<b>Managing prohibited wastes</b>	<ul style="list-style-type: none"> <li>1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received.</li> <li>2. The franchisee must implement a load-checking program to prevent accepting prohibited waste. This program must include at a minimum: <ul style="list-style-type: none"> <li>a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of waste that is prohibited by the franchise.</li> <li>b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received. Containment areas must be covered and enclosed to prevent leaking and contamination.</li> <li>c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste and</li> </ul> </li> </ul>

		<p>make those records available for review by Metro.</p> <p>d) Upon discovery, the franchisee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the franchisee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by the DEQ or local government.</p>
<b>6.6</b>	<b>Storage and stockpiles</b>	<p>The franchisee must:</p> <ul style="list-style-type: none"> <li>a) Manage, contain, and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards;</li> <li>b) Store all waste and processing residual inside an enclosed, roofed building;</li> <li>c) Maintain storage areas in an orderly manner and free of litter; and</li> <li>d) Position stockpiles within footprints and within the storage volume limits identified on the facility site plan or operating plan.</li> </ul>
<b>6.7</b>	<b>Dust, airborne debris and litter</b>	<p>The franchisee must operate the facility in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must:</p> <ul style="list-style-type: none"> <li>a) Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit;</li> <li>b) Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit;</li> <li>c) Maintain and operate all access roads and receiving, processing, storage, and reload areas in such a manner as to minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-</li> </ul>



		<p>site;</p> <p>d) Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation;</p> <p>e) Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; and</p> <p>f) Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Chapter 5.09.</p>
<b>6.8</b>	<b>Odor</b>	<p>1. The franchisee must operate the facility in a manner that prevents the generation of odors that are detectable off-site. Detectable off-site odors will be evaluated based on, but not limited to: intensity, character, frequency, and duration.</p> <p>2. The franchisee must establish and follow procedures in the operating plan for minimizing odors at the facility and preventing off-site odors.</p>
<b>6.9</b>	<b>Vectors (e.g. birds, rodents, insects)</b>	<p>1. The franchisee must operate the facility in a manner that is not conducive to harboring rodents, birds, insects, or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.</p> <p>2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.</p>
<b>6.10</b>	<b>Noise</b>	<p>The franchisee must operate the facility in a manner that avoids noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.</p>
<b>6.11</b>	<b>Water quality</b>	<p>The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and</p>

		<p>must:</p> <ul style="list-style-type: none"> <li>a) Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and</li> <li>b) Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state, and federal laws and regulations.</li> </ul>
<b>6.12</b>	<b>Access control</b>	<ul style="list-style-type: none"> <li>1. The franchisee must control access to the facility as necessary to prevent unauthorized entry and dumping.</li> <li>2. The franchisee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.</li> </ul>
<b>6.13</b>	<b>Signage</b>	<p>The franchisee must post signs at all public entrances to the facility. The signs must comply with local government signage regulations. These signs must be easily and readily visible, and legible from off-site during all hours and must contain at least the following information:</p> <ul style="list-style-type: none"> <li>a) Name of the facility;</li> <li>b) Address of the facility;</li> <li>c) Emergency telephone number for the facility;</li> <li>d) Operating hours during which the facility is open for the receipt of authorized waste;</li> <li>e) Fees and charges;</li> <li>f) Metro's name and telephone number (503) 234-3000;</li> <li>g) A list of authorized and prohibited wastes;</li> <li>h) Vehicle / traffic flow information or diagram;</li> <li>i) Covered load requirements; and</li> <li>j) Directions not to queue on public roadways.</li> </ul>
<b>6.14</b>	<b>Nuisance complaints</b>	<ul style="list-style-type: none"> <li>1. The franchisee must respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.</li> </ul>

		<p>2. If the facility receives a complaint, the franchisee must:</p> <ul style="list-style-type: none"> <li>a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and</li> <li>b) Log all such complaints as provided by the operating plan. The franchisee must maintain each log entry for one year and it must be available for inspection by Metro.</li> </ul>
6.15	<b>Access to franchise document</b>	The franchisee must maintain a copy of this franchise on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.

7.0	<b>OPERATING PLAN</b>	
7.1	<b>Plan compliance</b>	The franchisee must operate the facility in accordance with an operating plan approved in writing by the COO. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this franchise. The franchisee may amend or revise the operating plan from time to time, subject to written approval by the COO.
7.2	<b>Plan maintenance</b>	The franchisee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The franchisee must submit amendments and revisions of the operating plan to the COO for written approval prior to implementation.
7.3	<b>Access to operating plan</b>	The franchisee must maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
7.4	<b>Procedures for inspecting loads</b>	<p>The operating plan must establish:</p> <ul style="list-style-type: none"> <li>a) Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes;</li> <li>b) Procedures for identifying incoming and outgoing loads for waste classifications; and</li> <li>c) A set of objective criteria for accepting and rejecting loads.</li> </ul>

7.5	<b>Procedures for processing and storage of loads</b>	<p>The operating plan must establish procedures for:</p> <ul style="list-style-type: none"> <li>a) Processing authorized solid wastes;</li> <li>b) Reloading and transfer of authorized solid wastes;</li> <li>c) Managing stockpiles to ensure that they remain within the authorized weights, volumes and pile heights;</li> <li>d) Storing authorized solid wastes; and</li> <li>e) Minimizing storage times and avoiding delay in processing of authorized solid wastes.</li> </ul>
7.6	<b>Procedures for managing prohibited wastes</b>	<p>The operating plan must establish procedures for managing, reloading, and transferring to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.</p>
7.7	<b>Procedures for odor prevention</b>	<p>The operating plan must establish procedures for preventing all objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include:</p> <ul style="list-style-type: none"> <li>a) A management plan that the franchisee will use to monitor and manage all odors of any derivation including malodorous loads delivered to the facility; and</li> <li>b) Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.</li> </ul>
7.8	<b>Procedures for dust prevention</b>	<p>The operating plan must establish procedures for preventing dust from blowing off the premises of the facility. The plan must include:</p> <ul style="list-style-type: none"> <li>a) A management plan that the franchisee will use to monitor and manage dust of any derivation; and</li> <li>b) Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.</li> </ul>

<b>7.9</b>	<b>Procedures for emergencies</b>	The operating plan must establish procedures that the franchisee will follow in case of fire or other emergency.
<b>7.10</b>	<b>Procedures for nuisance complaints</b>	<ol style="list-style-type: none"> <li>For every nuisance complaint (for example odor, dust, vibrations, and litter) received, the franchisee must record: <ol style="list-style-type: none"> <li>The nature of the complaint;</li> <li>The date the complaint was received;</li> <li>The name, address and telephone number of the person or persons making the complaint; and</li> <li>Any actions taken by the operator in response to the complaint (whether successful or unsuccessful).</li> </ol> </li> <li>The franchisee must make records of such information available to Metro upon request. The franchisee must retain each complaint record for a period of not less than one year.</li> </ol>
<b>7.11</b>	<b>Closure protocol</b>	<p>The franchisee must establish protocol for closure and restoration of the site in the event of a cessation of operations as provided in Metro Code Chapter 5.01. The plan must include procedures for:</p> <ol style="list-style-type: none"> <li>Short term closure (duration of time that is more than seven consecutive days but less than 30 consecutive days in length); and</li> <li>Long term closure (duration of time that is 30 consecutive days or more in length).</li> </ol>

<b>8.0</b>	<b>FEES AND RATES</b>	
<b>8.1</b>	<b>Annual fee</b>	The franchisee must pay an annual franchise fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the franchise fee at any time by action of the Metro Council.
<b>8.2</b>	<b>Rates not regulated</b>	<ol style="list-style-type: none"> <li>The rates charged by the franchisee for accepting solid waste are not regulated by Metro unless the Metro Council adopts an ordinance that establishes Metro's rate regulation authority.</li> <li>Notwithstanding the provision above, the rates charged by the franchisee must not exceed the rates posted at the facility as described in Section 6.13.</li> </ol>

8.3	<b>Metro fee and tax imposed on disposal</b>	The franchisee is liable for payment of the Metro Regional System Fee, as provided in Metro Code Title V, and the Metro Excise Tax, as provided in Metro Code Title VII, on all solid wastes delivered to a disposal site.
8.4	<b>Metro community enhancement fee imposed on waste received</b>	The franchisee must collect and remit to Metro a community enhancement fee, as provided in Metro Code Chapter 5.06, in an amount equal to \$1.00 per ton for all food waste received. The franchisee must remit the community enhancement fees to Metro on a monthly basis in conjunction with the record keeping and reporting requirements of Section 9.0.

9.0	<b>RECORD KEEPING AND REPORTING</b>	
9.1	<b>Record keeping requirements</b>	For all solid waste and materials the franchisee is authorized to receive under Section 4.0, the franchisee must keep and maintain accurate records of the amount of such materials the franchisee receives, recovers, recycles, reloads and disposes. These records include the information specified in the Metro document titled, <u>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements</u> .
9.2	<b>Reporting requirements</b>	The franchisee must transmit to Metro the records required under Section 9.0 no later than fifteen days following the end of each month in the form and format prescribed by Metro.
9.3	<b>Account number listing</b>	Within five business days of Metro's request, franchisee must provide Metro with a listing that cross-references the account numbers used in the transaction database with the company's name and address.
9.4	<b>Transactions based on scale weights</b>	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each transaction electronically based on actual and accurate scale weights using the franchisee's scales.
9.5	<b>DEQ submittals</b>	The franchisee must provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this franchise within two business days of providing such

		information to DEQ.
<b>9.6</b>	<b>Copies of enforcement actions provided to Metro</b>	The franchisee must send to Metro, upon receipt, copies of any notice of violation or noncompliance, citation, or any other similar enforcement actions issued to the franchisee by any federal, state, or local government other than Metro, and related to the operation of the facility.
<b>9.7</b>	<b>Unusual occurrences</b>	<ol style="list-style-type: none"> <li>1. The franchisee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.</li> <li>2. The franchisee must notify Metro within 24 hours of any breakdown of the franchisee's equipment if the breakdown will substantially impact the facility's ability to comply with this franchise or with Metro Code, or which will create off-site impacts.</li> <li>3. The franchisee must report any facility fires, accidents, emergencies, and other significant incidents to Metro within 12 hours of the discovery of their occurrence.</li> </ol>
<b>9.8</b>	<b>Transfer of ownership or control of franchise</b>	<ol style="list-style-type: none"> <li>1. The franchisee must notify Metro within 10 days if the franchisee leases, assigns, mortgages, sells or otherwise transfers the control of the franchise to another person, whether whole or in part.</li> <li>2. The term for any transferred franchise is for the remainder of the original term unless Metro Council establishes a different term.</li> </ol>

<b>10.0</b>	<b>INSURANCE REQUIREMENTS</b>	
<b>10.1</b>	<b>General liability</b>	Upon meeting the requirements of Section 3.0, the franchisee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than \$1,000,000 per occurrence. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed

		operations. Franchisee's coverage will be primary as respects Metro.
<b>10.2</b>	<b>Automobile</b>	Upon meeting the requirements of Section 3.0, the franchisee must carry automobile bodily injury and property damage liability insurance with a combined single limit of \$1,000,000.
<b>10.3</b>	<b>Additional insureds</b>	Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSUREDS on the Commercial Liability and automotive insurance policies.
<b>10.4</b>	<b>Worker's Compensation Insurance</b>	The franchisee, its subcontractors, if any, and all employers working under this franchise, are subject employers under the Oregon Workers' Compensation Law and must comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. The franchisee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the franchisee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
<b>10.5</b>	<b>Notification</b>	The franchisee must give at least 30 days written notice to Metro of any lapse or proposed cancellation of insurance coverage.

<b>11.0</b>	<b>ENFORCEMENT</b>	
<b>11.1</b>	<b>Generally</b>	Metro will enforce this franchise as specified in Metro Code Chapter 5.01.
<b>11.2</b>	<b>Authority vested in Metro</b>	The power and right to regulate, in the public interest, the exercise of the privileges granted by this franchise is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against franchisee.
<b>11.3</b>	<b>No enforcement limitations</b>	This franchise may not be construed to and does not limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor does this franchise limit or



		preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the region, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility.
<b>11.4</b>	<b>Penalties</b>	Each violation of a franchise condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation.

<b>12.0</b>	<b>AMENDMENT, SUSPENSION, AND REVOCATION</b>	
<b>12.1</b>	<b>Amendment by agreement</b>	At any time during the term of the franchise, either the COO or the franchisee may propose amendments to this franchise. If either the COO or the franchisee proposes amendments to this franchise, both parties will make good faith efforts to arrive at consensus on the intent and implementing language of said amendments.
<b>12.2</b>	<b>Amendment by Metro Council action</b>	<p>Except as provided in Section 12.0, the provisions of this franchise will remain in effect unless the Metro Council:</p> <ul style="list-style-type: none"> <li>a) Amends the Metro Code, amends the Regional Waste Plan, or implements other legislation of broad applicability that affects the class of facilities of which this franchisee is a member; and</li> <li>b) Adopts an ordinance amending this franchise to implement the policy, code or process specified by said ordinance.</li> </ul> <p>If, in the course of considering an ordinance amending this franchise as provided in (b) above, the franchisee provides evidence that the amendment will result in significant capital cost to the franchisee, the Metro Council will include capital cost and the ability of the franchisee to achieve a reasonable rate of return on any additional investment required as factors when considering whether to adopt the ordinance.</p>

<b>12.3</b>	<b>Amendment, suspension or revocation by Metro for cause</b>	<p>The COO may, at any time before the expiration date, amend, suspend, or revoke this franchise in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:</p> <ul style="list-style-type: none"> <li>a) Violation of the terms or conditions of this franchise, Metro Code, or any applicable statute, rule, or standard;</li> <li>b) Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this franchise;</li> <li>c) Failure to disclose fully all relevant facts;</li> <li>d) A significant release into the environment from the facility;</li> <li>e) Generation of odors detectable off-site;</li> <li>f) Significant change in the character of solid waste received or in the operation of the facility;</li> <li>g) Any change in ownership or control;</li> <li>h) A request from the local government stemming from impacts resulting from facility operations; and</li> <li>i) Compliance history of the franchisee.</li> </ul>
-------------	---	--

<b>13.0</b>	<b>GENERAL OBLIGATIONS</b>	
<b>13.1</b>	<b>Compliance with law</b>	<p>The franchisee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this franchise, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this franchise as if specifically set forth herein. These conditions and permits include those cited within or attached as exhibits to the franchise document, as well as any existing at the time of the franchise is issued but not cited or attached, and permits or conditions issued or amended during the term of the franchise.</p>

13.2	<b>Deliver waste to appropriate destinations</b>	The franchisee must ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
13.3	<b>Right of inspection and audit</b>	Authorized representatives of Metro may take photographs, collect samples of materials, and perform any inspection or audit as the COO deems appropriate. The franchisee must allow authorized representatives access to the premises of the facility at all reasonable times during business hours with or without notice or at such other times upon giving reasonable advance notice (not less than 24 hours). Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the confidentiality provisions in Section 13.0 of this franchise, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of franchisee that are directly related to the operation of the facility.
13.4	<b>Confidential information</b>	The franchisee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The franchisee must prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five days of Metro's receipt of a request for disclosure of information identified by franchisee as confidential, Metro will provide franchisee written notice of the request. The franchisee will have three days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. The franchisee must pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that

		Metro produces in response to a public records request. Nothing in this Section 13.0 will limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose the information.
<b>13.5</b>	<b>Compliance by agents</b>	The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1393 FOR THE PURPOSE OF APPROVING A SOLID WASTE FACILITY FRANCHISE APPLICATION AND AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NEW FRANCHISE TO SORT BIOENERGY, LLC, TO OPERATE AN ANAEROBIC DIGESTION AND ENERGY RECOVERY FACILITY IN WILSONVILLE, OREGON.

February 16, 2017

Prepared by: Will Ennis (503) 797-1667

## EXECUTIVE SUMMARY

Adoption of Ordinance No. 17-1393 will authorize the Chief Operating Officer (COO) to issue a new solid waste facility franchise to SORT Bioenergy, LLC (SORT) to operate an anaerobic digestion and energy recovery facility to be co-located with Willamette Resources, Inc., at 10295 SW Ridder Road in Wilsonville, Oregon (Metro Council District 3).

## BACKGROUND

### Overview

On September 6, 2016, in accordance with Metro Code Section 5.01.170<sup>1</sup>, SORT submitted an application to Metro seeking a solid waste facility franchise to construct and operate an anaerobic digestion and energy recovery facility that will process commercial food waste into biogas for the production of renewable energy and transportation fuel. The facility will be known as SORT Bioenergy (Sustainable Organics Recycling Technology). A franchise is needed because the facility seeks to accept and process putrescible waste (i.e. food waste). Anaerobic digestion is a type of conversion technology that relies on a controlled and enclosed biological process that breaks down organic matter in the absence of oxygen and can produce biogas for energy production.



Site of proposed facility at 10295 SW Ridder Road in Wilsonville

<sup>1</sup> All Metro Code Chapter 5.01 citations in this staff report reference those adopted by Metro Council through Ordinance No. 16-1386 on November 10, 2016. The new Code citations became effective on February 8, 2017.

The applicant proposes to construct the facility at a site co-located with Willamette Resources, Inc. (WRI), a Metro-authorized solid waste transfer station located at 10295 SW Ridder Road in Wilsonville. WRI is a wholly owned subsidiary of Republic Services (Republic), which is headquartered in Phoenix, Arizona. SORT proposes to construct the facility on a 3.5 acre parcel that will be leased from WRI. SORT will own and operate the proposed facility which will also have cross access and operating agreements with WRI.

The land upon which the facility is to be sited is zoned as a Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) and the proposed use is conditionally allowed. The city of Wilsonville annexed this parcel into the city boundary on June 20, 2016. The applicant provided a copy of a Land Use Compatibility Statement (LUCS) signed by the city of Wilsonville. According to the LUCS, the proposed anaerobic digestion facility qualifies as a composting operation under Oregon Revised Statutes 277.600 and all notification requirements have been met.<sup>2</sup>

According to the applicant, all commercial food waste received at the facility will be accepted and assessed a fee at WRI's scale house and then directed to the proposed facility. Billing and tracking of loads will be the responsibility of WRI. Once the food waste is directed to the facility, SORT will manage all processing and reporting of operations. The proposed facility is expected to have processing capacity for 65,000 tons of commercial food waste per year. If the capacity is unmet, the applicant proposes to supplement the operation with fats, oils, grease (FOG) and other liquids associated with food processing. The facility will not accept septage and all liquid waste entering the facility will require certification that demonstrates the material characteristics.

The primary product of the proposed facility will be methane-rich gas (biogas) that will be used as fuel in two on-site internal combustion engines. The engines will convert the biogas into mechanical energy which will be converted into electricity. The applicant plans to generate about 2.4 megawatts of electricity continuously (equivalent to 21,000 megawatts annually); equivalent to meeting the annual power demand of about 1,900 homes. As additional byproducts, the facility will produce post-digestion separated liquids and solids also known as digestates. These by-products may be used for agricultural purposes such as composting or land application. Once in operation, the facility is expected to employ ten people (further details about the proposed operation are provided in the Proposed Facility Systems section of this report).

## **THE PROPOSED FACILITY SYSTEMS**

The following information provides background about the SORT Bioenergy anaerobic digestion facility systems, as described in the franchise application submitted to Metro.

### **Overview**

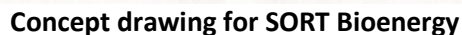
SORT proposes to construct and operate a food waste recovery facility for processing source-separated food waste generated from local government-managed commercial sector waste collection programs. In addition, SORT will selectively process difficult to manage semi-solid and liquid food waste such as

---

<sup>2</sup> ORS 277.600 requires cities and counties to hold a pre-application conference before an applicant can submit an application for land use approval. Also, after the conference, the applicant must hold a community meeting prior to submitting an application for land use approval. Both actions took place in 2015.



The primary facility components will include an enclosed negative air receiving and processing building, proprietary de-packaging equipment, a bio-filter for odor control, processing equipment and tanks, a biogas holding sphere, byproduct storage, energy generation equipment and a gas flare.



A secondary product of the anaerobic digestion process is digestate, a nutrient-rich fibrous material that may be used as a fertilizer or soil amendment product. The applicant is proposing to partner with a nearby (1/2 mile) producer of soil amendment products to create a market-specific product. Liquid generated from dewatering of the digestate material is another byproduct with beneficial re-use potential. This liquid contains nitrogen and phosphorus that are suitable nutrients for agricultural

Staff Report to Ordinance No. 17-1393  
Page 2 of 10

production. SORT has identified seasonal re-use applications and will seek to develop opportunities for off-season storage. In the event that off-season storage is not economical, SORT has incorporated the ability to pre-treat and discharge the liquids to the city of Wilsonville's publicly owned treatment works (POTW) located about five miles away from the facility. The applicant estimates that byproducts will consist of about 15,000 tons of post-digestion solids and up to 50,000 tons of post-digestion liquids annually.

Vehicles hauling food waste will enter the facility through WRI's existing entrance and use that facility's scale for transactions. Vehicles will then be directed to SORT's enclosed receiving building. Prior to emptying, vehicles will be visually inspected and once they pass inspection, contents may be tipped on the floor of the building for a second visual inspection of the waste. The applicant estimates that about 17 commercial vehicles will be directed to SORT daily. Loads containing more than 25 percent of contamination will be isolated and the material moved to WRI for disposal. Loads that are rejected due to contamination will be photo documented and charged the wet waste rate plus a special handling fee. WRI will assist in timely notification of reject loads to the generator.

SORT will accept food waste including food packaging. When food and packaging is received, the material will be shredded and conveyed to packaging removal equipment to capture the food component for processing into a "clean" slurry. All material will be processed from the tipping floor on the day it is received; there will be no storage of material on the tipping floor over night. The clean slurry will be pumped into a pre-digestion holding tank that will provide a continuous feeding to the facility's two anaerobic digesters. Both digesters will be continuous flow stirred tank reactors and will maintain the slurry at a mesophylic temperature regime of 98 degrees Fahrenheit for 18 – 22 days. Biogas generated during this time collects in the headspace of the digesters and continuously conveyed to a low-pressure storage sphere that equilibrates delivery for energy use.

The processed slurry material will be continuously pumped from the digesters. The material will be stored in a post-digestion tank before being dewatered through on-site centrifuges inside the operations building. The resulting solid digestate will be used for agricultural purposes (i.e. composted or used as fertilizer). Waste water (liquid digestate) will be directed to beneficial re-use as land application for fertilizer. The land application of the liquid would be managed by Agri-Tech, a wholly owned subsidiary of Republic that specializes in land application of liquids for agricultural purposes. In the event that year-round beneficial re-use is not feasible, the facility will pre-treat the liquids on-site and discharge to the local POTW. The pretreatment system would operate in accordance with an Industrial Pretreatment Permit to be issued by the city of Wilsonville.

SORT's proposed primary use of the biogas generated during anaerobic digestion is fuel to generate renewable electricity. Two internal combustion engines at the facility will convert the biogas to mechanical energy that will generate electricity. The operator has already entered into an agreement with Portland General Electric to purchase the electricity generated at SORT. The engines will operate under the authority of a DEQ-issued Air Contaminant Discharge Permit.<sup>4</sup> Heat is also a byproduct of the engines and will be used to maintain a constant temperature of the slurry and heat the facility.

Another proposed use of the biogas would be to upgrade the gas for use as transportation fuel. WRI

---

<sup>4</sup> DEQ Air Contaminant Discharge Permit No. 34-0179-ST-01 issued on December 30, 2016.



maintains an on-site CNG filling station for its fleet vehicles. Upgraded biogas could be directed to the filling station for use as transportation fuel.



**Site of compressed natural gas filling station at WRI.**

## **Odor Control**

In its required compost risk screening application evaluation, DEQ determined that the facility's operation poses a risk for odors due to the nature and amount of feedstocks the facility proposes to accept.<sup>5</sup> In the operations plan submitted to Metro as part of the application, the applicant detailed the odor control methods the facility will employ. All food waste delivered to SORT will be tipped in a fully enclosed receiving building with an air handling system that will maintain a negative pressure environment. Fast acting receiving bay doors will open and close for deliveries. Loads will be tipped at the far end of the building away from the bay doors. Air ducting will be focused over the tipping floor to prevent the escape of odorous compounds during deliveries. All food waste will be processed on the day that it is received and placed in enclosed containers. The tipping floor will be washed down at the end of each work day.

Air drawn from the receiving building will be vacuumed through duct work and discharged into a bio-filter for the removal of odorous compounds. The bio-filter medium will be a sand/soil blend containing microorganisms that consume odorous gas molecules. The operations plan indicates that the provider of the bio-filter technology has provided bio-filter installations for several waste water treatment facilities in and near the Metro region. The facility operator will measure the operation of the bio-filter on a daily basis using a handheld gas analyzer around the boundary of the site. The results of the monitoring will be made available to regulatory agencies including Metro.

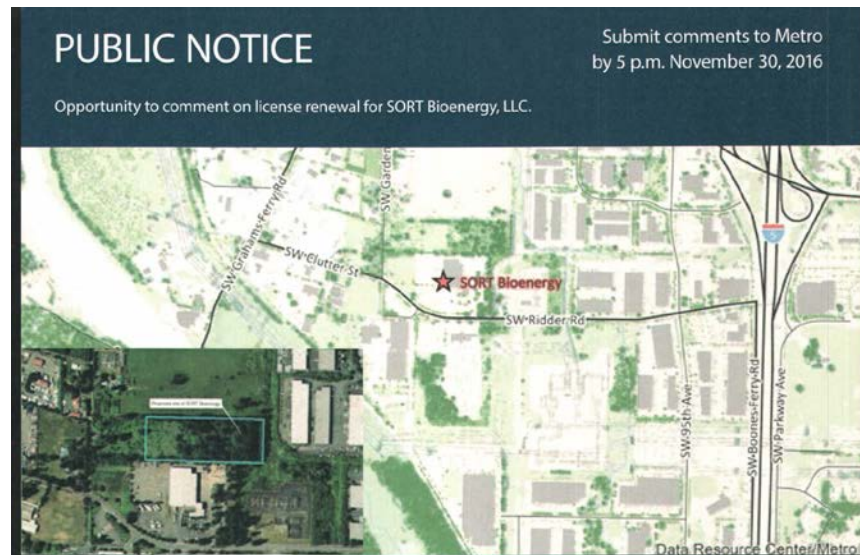
The proposed franchise includes provisions to minimize the generation of odors on site including a requirement for the facility to establish an odor control plan and procedures for responding to odor complaints. Additionally the facility will be routinely monitored for compliance by Metro and DEQ inspection staff. The facility must also comply with the city of Wilsonville's odor ordinance.

---

<sup>5</sup> Although SORT will not operate as a composting facility, anaerobic digestion facilities are subject to the same risk screening evaluation by DEQ under Oregon Administrative Rules (OAR) 340-096-0001 and 0080.

## ANALYSIS / INFORMATION

### Public Notice and Opportunity to Comment



Public notice and opportunity to comment cards were sent to nearby residents and businesses

On October 26, 2016, Metro issued notice of the proposed franchise application and provided the public with an opportunity to submit comments. Public notice was mailed to 28 residences and businesses within 1/3 of a mile of the facility, posted on the Metro web site, and e-mailed to a list of industry and government stakeholders, and members of the public that have expressed a general interest in solid waste issues in the Metro region. The public comment period ended on November 30, 2016. There were no comments in response to the public notice.

During Metro's public comment period, DEQ held a public information meeting and hearing in Wilsonville on November 17, 2016, to provide information and solicit comments on the proposed facility and its DEQ permits. Metro staff attended the hearing to provide information and to accept comments on the franchise application. Eleven people signed the attendance sheet for the hearing. There were no formal comments submitted at the hearing.

### Known Opposition

There is no known opposition to the proposed franchise.

### Legal Antecedents

1. Metro Code Chapter 5.01, entitled "Solid Waste Facility Regulation." Specifically:
  - A. Section 5.01.150 states that a solid waste facility franchise is required for the processing of putrescible waste and operating an energy recovery facility.
  - B. Section 5.01.160 requires that a prospective applicant for a franchise participate in a pre-application conference within one year before filing an application.

The applicant attended a pre-application conference with Metro on July 7, 2016, and subsequently filed a complete franchise application on September 6, 2016.

- C. Section 5.01.170 requires that a franchise application be filed in a format prescribed by Metro and include a description of the proposed activities and waste to be accepted at the proposed facility.

The applicant filed its application using a standard Metro form and submitted the required application fee of \$500 on September 6, 2016. The application included an adequate description of the types of activities and waste to be accepted at the facility.

- D. Section 5.01.170(c) requires that a franchise application must include the following information:

- (1) Proof that the applicant can obtain the types of insurance specified by the Chief Operating Officer during the term of the franchise.

The applicant will be required to submit proof of insurance once the facility is constructed and prior to commencing operation.

- (2) A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ.

The applicant submitted a duplicate copy of its DEQ Solid Waste Disposal Site and Air Contaminant Discharge Permit applications.

- (3) A duplicate copy of any closure plan required to be submitted to DEQ, or if DEQ does not require a closure plan, a closure document describing closure protocol for the solid waste facility at any point in its active life.

The DEQ does not require that the facility submit a closure plan. The applicant included a closure plan with its Metro franchise application.

- (4) A duplicate copy of any documents required to be submitted to DEQ demonstrating financial assurance for the costs of closure.

The DEQ does not require proof of financial assurance for this facility.

- (5) Signed consent by the owner(s) of the property to the proposed use of the property.

The applicant submitted a signed property use consent form with the application.

- (6) Proof that the applicant has received proper land use approval.

The applicant provided proof of land use approval in the form of a LUCS signed by the city of Wilsonville on June 20, 2016.

- (7) Identify any other known or anticipated permits required.

In addition to the proposed franchise, the applicant states it must obtain the following permits to construct and operate the facility:

- DEQ Solid Waste Disposal Site Permit No. 1573 issued on December 5, 2016
- DEQ Air Contaminant Discharge Permit No. 34-0179-ST-01 issued on December 30, 2016
- DEQ Stormwater General Permit 1200-Z
- DEQ Stormwater Construction Permit 1200-C
- City of Wilsonville Industrial Discharge Pre-Treatment Permit

- E. Section 5.01.180(f) states that the Metro Council must consider the following factors when determining whether to authorize a franchise.

- (1) Whether the applicant has demonstrated that the proposed solid waste facility and authorized activities will be consistent with the Regional Solid Waste Management Plan (RSWMP);

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the RSWMP.<sup>6</sup> Specifically, Chapter III of the RSWMP, entitled “Future Direction and Regional Policies,” establishes the long-term vision, values, and policies that provide direction for the region’s solid waste management system. The applicant’s proposed activity is consistent with the regional values outlined in that chapter in that the proposal seeks to reduce the amount of solid waste generated in the Metro region and divert it to energy recovery. Chapter IV of RSWMP, entitled “Program Areas,” emphasizes program goals to implement a collection and processing system to enhance recovery of commercial food waste by targeting large generators such as grocery stores, institutional cafeterias and food processors. Additionally, to meet the requirements of Oregon Administrative Rules 340-93-070 (4)(b) for its DEQ Solid Waste Disposal Site Permit application, the applicant obtained a written statement from Metro that the proposed facility is compatible with RSWMP.<sup>7</sup> In fact, management of commercial food waste in this manner is a primary goal of Metro Council based on direction provided at its October 25, 2016 work session.

- (2) The effect that granting a franchise to the applicant will have on the cost of the solid waste disposal and recycling services for the citizens of the region;

---

<sup>6</sup> Regional Solid Waste Management Plan 2008-2018 Update

<sup>7</sup> Solid Waste Disposal Site Compatibility with Solid Waste Management Plan signed June 28, 2016.

The effect is undetermined at this time. Approval of the proposed franchise would not immediately result in the construction of the facility. The applicant has indicated that it is unlikely the facility would be constructed unless it is awarded a supply contract through the competitive procurement process that Metro will conduct later in 2017. However, the applicant has indicated it will evaluate its situation once the RFP decision is finalized. Metro will determine cost impacts on services through that process and through a related determination of how to most effectively transfer commercial food waste to a processing facility (or facilities) that is awarded the contract(s) (further details about the competitive procurement process are provided in the Anticipated Effects section of this report).

- (3) Whether granting a franchise to the applicant is likely to adversely affect the health, safety, and welfare of Metro's residents in an unreasonable manner;

WRI has been operating a transfer station on the property since 1998. In that time WRI has operated at the site without significant impact to nearby neighborhoods or business, and the SORT facility is not expected to adversely affect health, safety, or welfare of nearby residents or businesses as it will have additional odor control measures and all processes will take place in enclosed vessels.

- (4) Whether granting a franchise is likely to adversely affect nearby residents, property owners or the existing character or expected future development of the surrounding neighborhood in an unreasonable manner;

As discussed above in subsection E(3) above, WRI has been operating a solid waste transfer station at the site since 1998 and has a good operating record at the site. SORT proposes to construct and operate an enclosed anaerobic digester for energy recovery adjacent to the transfer station which is consistent with current activities at the site location.

- (5) Whether the applicant has demonstrated the strong likelihood that it will comply with all the requirements and standards of this chapter, the administrative rules and performance standards adopted pursuant to Section 5.01.280 and other applicable local, state and federal laws, rules, regulations, ordinances, orders, or permits pertaining in any manner to the proposed franchise.

Since WRI has operated at the site since 1998 without significant impact to nearby neighborhoods or business, the proposed anaerobic digester at the site is not expected to adversely affect health, safety, or welfare of nearby residents or businesses. In addition, neither DEQ nor the city of Wilsonville have reported any code, environmental, or nuisance violations at the site. Based on the WRI's good compliance record, staff anticipates that the applicant will also remain in compliance with requirements and standards of the proposed franchise.

## **Anticipated Effects**

Adoption of Ordinance No. 17-1393 will authorize a new, five-year solid waste facility franchise for SORT to operate an anaerobic digestion and energy recovery facility with an annual maximum tonnage authorization of 65,000 tons of food waste. If the proposed ordinance is adopted, the franchise will become effective on July 1, 2017. The construction of the proposed facility is not expected to commence before that date.

Metro intends to issue a request for proposals (RFP) in April 2017 to secure stable, proximate food waste processing capacity for the region. Republic pre-qualified as a potential service provider during an earlier request for qualifications.<sup>8</sup> In its proposal, Republic indicated that SORT would serve as its operator. If Republic is not selected as a service provider by Metro, Republic and SORT have indicated they may re-evaluate whether the proposed facility continues to be viable. Franchise approval does not guarantee that Republic will be selected as a service provider.

## **Budget and Rate Impacts**

If the proposed franchise is approved, SORT is unlikely to have an immediate impact to Metro's budget or transfer station rates. SORT has not yet constructed the anaerobic digestion facility. As discussed above, Republic and SORT have indicated that the proposed facility may be reevaluated if Republic is not selected as a service provider as a result of the RFP. Additionally, SORT's operation will likely coincide with other solid waste policy decisions that may further affect the collection and diversion of commercial food waste and putrescible waste tonnage at both public and private transfer stations. Such direction may result in changes to some of Metro's solid waste fiscal policies and rates at its transfer stations.

Should SORT begin operations it could have an effect on Metro tip fees, transaction fees and disposal costs. For instance, Metro would likely divert the 15,000 tons of commercial food waste that it currently receives directly to SORT. An additional 20,000-30,000 tons of food waste could be diverted if it were to be separated from the current general municipal waste stream. This additional tonnage would be sourced from both Metro's transfer stations and privately-owned transfer stations. Any diverted tonnage from Metro transfer stations will have some commensurate effect on the tip fee, transaction fee, and disposal costs. Under current rate policy, the separation of commercial food waste from the general solid waste stream would result in a slight increase in the per ton rate. Overall, Community Enhancement Fund revenue would be unaffected in the region but would shift from one jurisdiction/fund to another as the waste shifts to different facilities.

## **Metro's Disposal Cost**

Because the proposed facility does not yet receive any waste that would otherwise be disposed of at a landfill, there is no immediate impact on disposal costs.

---

<sup>8</sup> In early 2016, Metro issued a Request for Qualifications (RFQ) to qualify firms and technologies that would be eligible to propose in a scheduled future procurement to process up to 50,000 tons of the region's commercial food waste. Thirteen firms submitted qualifications; nine firms were deemed qualified. Metro is now preparing to issue a Request for Proposals (RFP) to procure long-term, proximate processing capacity for the region's commercial food waste. The RFP, applications, evaluation, and selection are likely to be completed by late 2017.

### Community Enhancement Fund Revenue

All commercial food waste received at the proposed facility will be subject to a \$1.00 per ton community enhancement fee. The funds collected will be remitted to Metro. In turn, Metro will remit these fees to the already established Wilsonville Community Enhancement Program (Wilsonville CEP). The Wilsonville CEP operates under an intergovernmental agreement with Metro to provide support to the local host community of Wilsonville as determined by the local committee. The funds collected at SORT would serve to increase the funds available to the committee on an annual basis of up to an additional \$65,000 per year. In fiscal year 2016, the Wilsonville CEP received about \$86,600.

### **RECOMMENDED ACTION:**

Based on the information and analysis provided in this report, the COO recommends that the Metro Council adopt Ordinance No. 17-1393 and issue a new five-year franchise to SORT as attached to this ordinance as Exhibit A which becomes effective on June 1, 2017 until December 31, 2021.

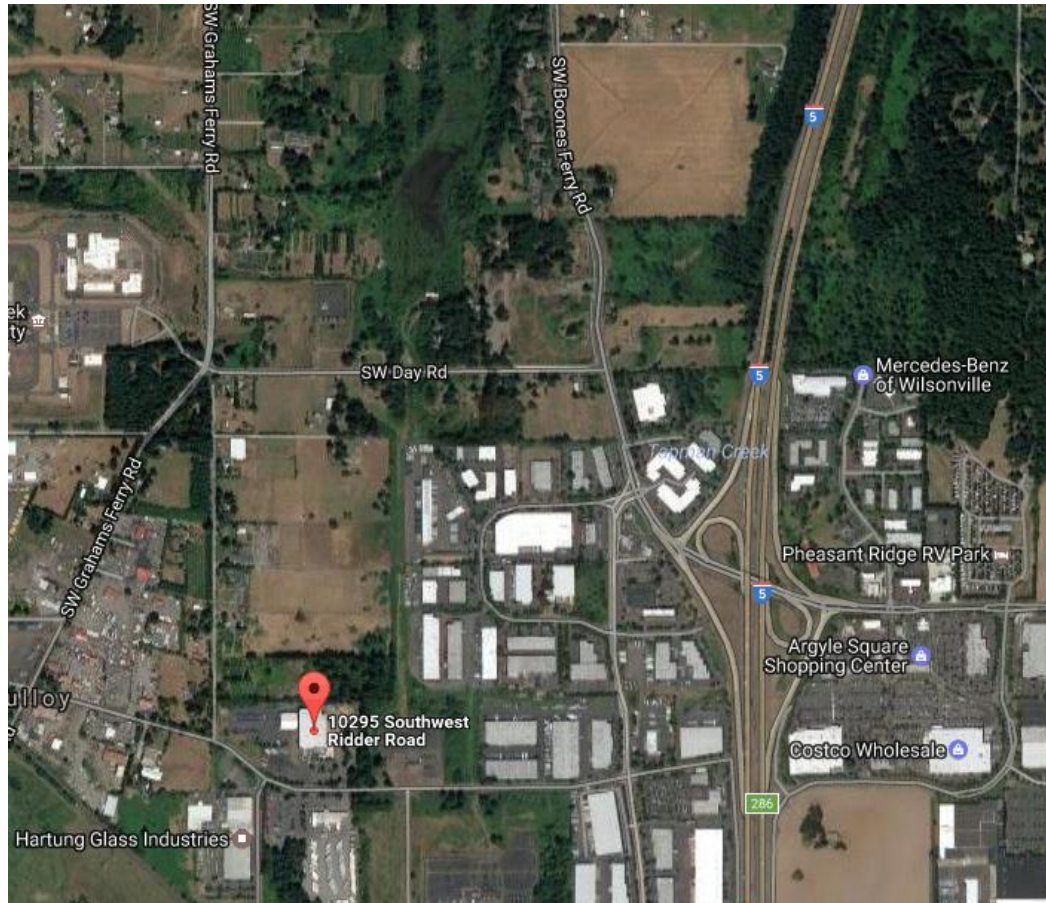
# **SORT Bioenergy Wilsonville Anaerobic Digestion Facility**

## **Metro Council Presentation**

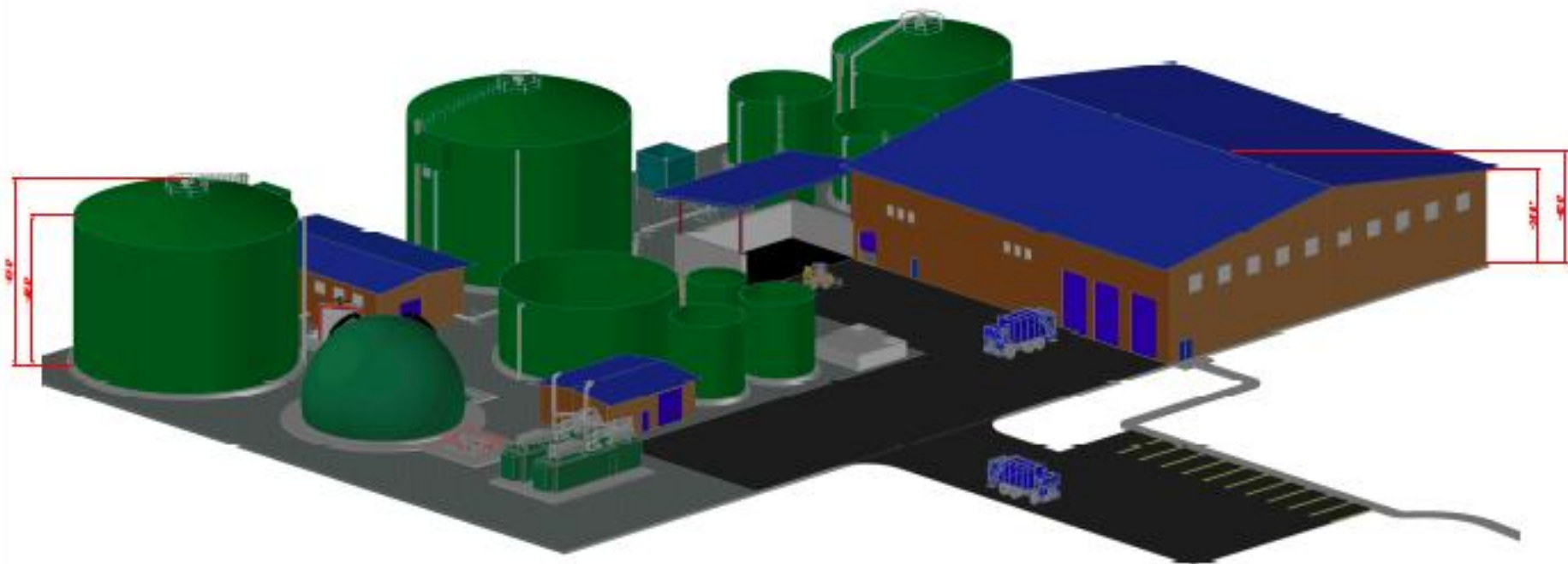
**February 16, 2017**

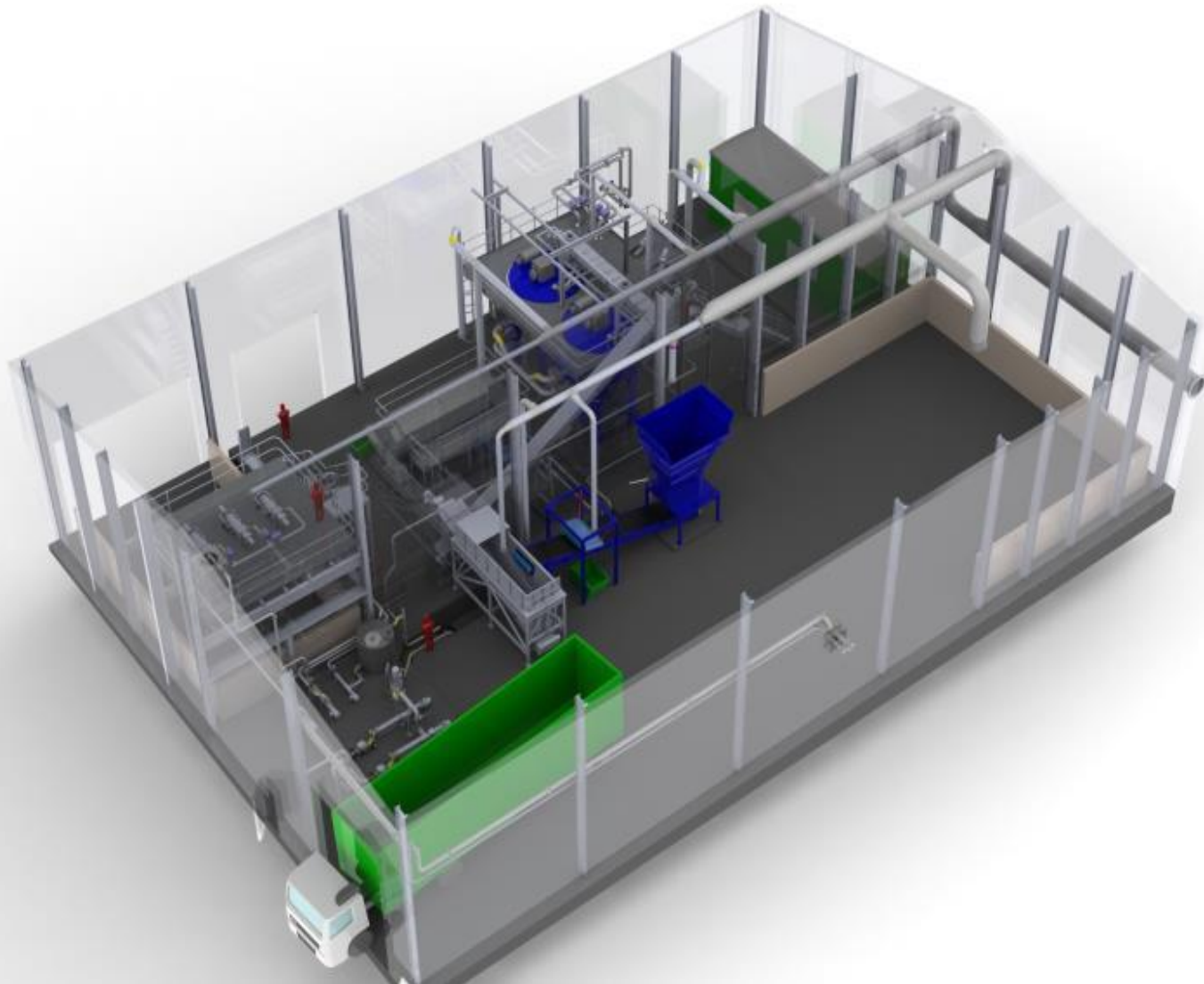


# Facility Location



# Facility Schematic





[SORTBioEnergy.com](http://SORTBioEnergy.com)







[SORTBioEnergy.com](http://SORTBioEnergy.com)





[SORTBioEnergy.com](http://SORTBioEnergy.com)







[SORTBioEnergy.com](http://SORTBioEnergy.com)





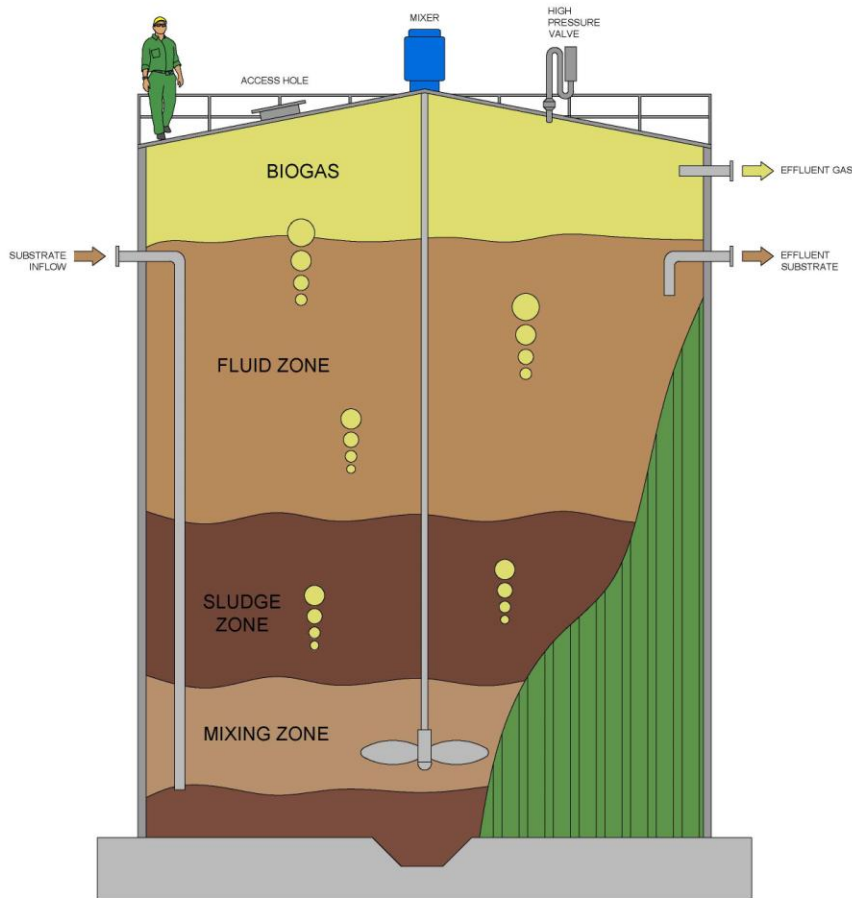
# **BOHN BIOFILTER**<sup>CORP</sup>

## **Odor and Air Emissions Control**

### **Regional Experience**

*Clean Water Services Durham Wastewater Treatment Facility,  
Clean Water Services Forest Grove Wastewater Treatment Facility  
Troutdale Water Pollution Control Facility  
Camas Wastewater Treatment Facility  
Ranier Wastewater Treatment Facility*

# Anaerobic Digestion System



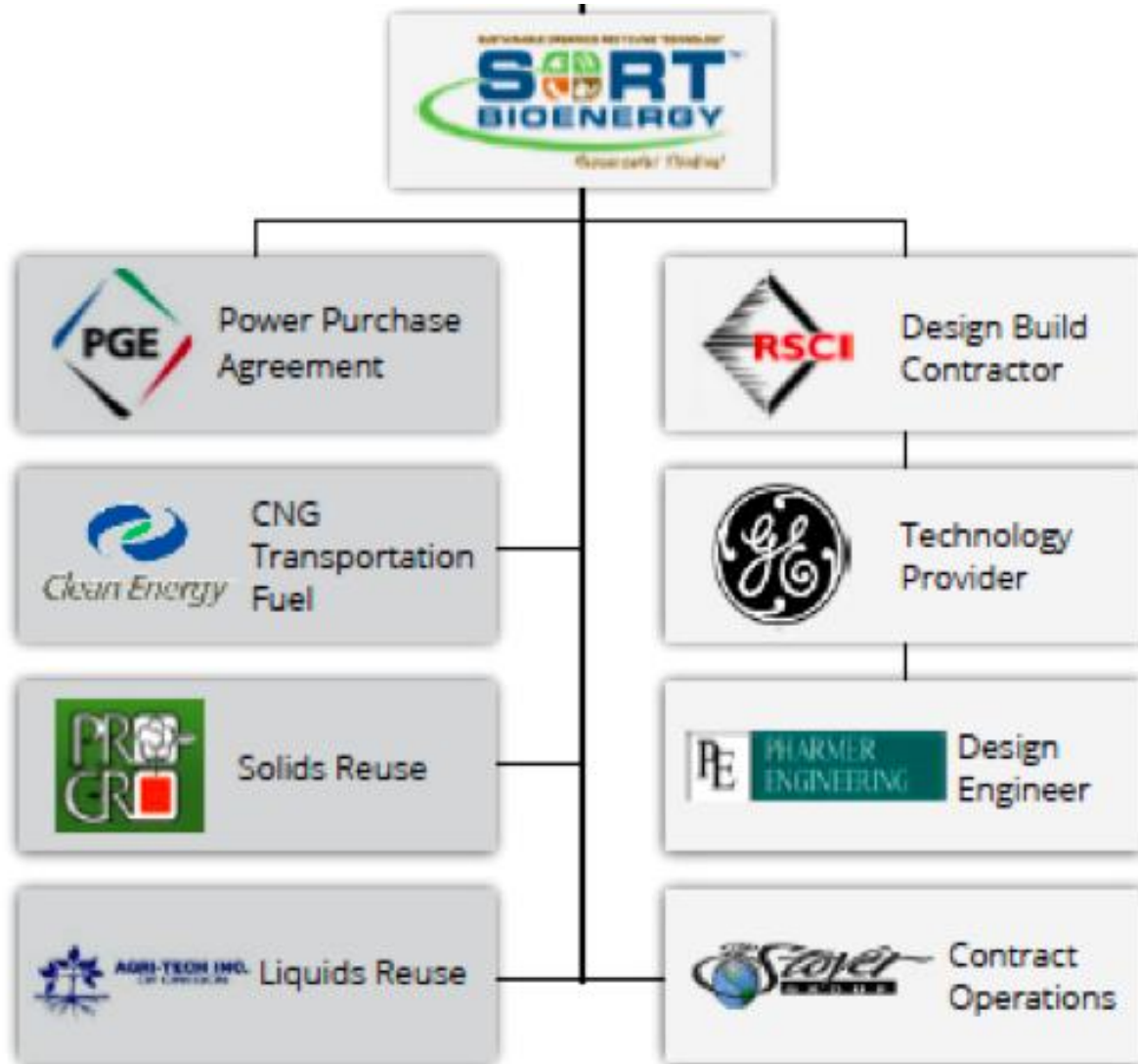




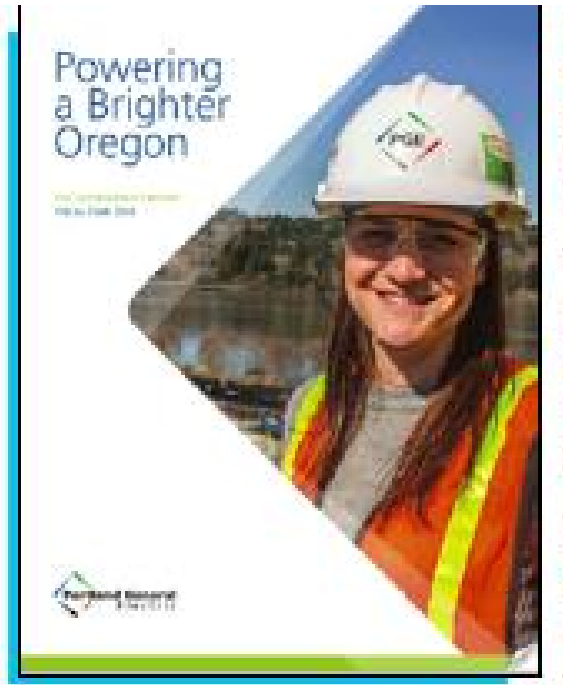
[SORTBioEnergy.com](http://SORTBioEnergy.com)



# Project Partners



# Energy Off-take Option: Renewable Electricity Generation

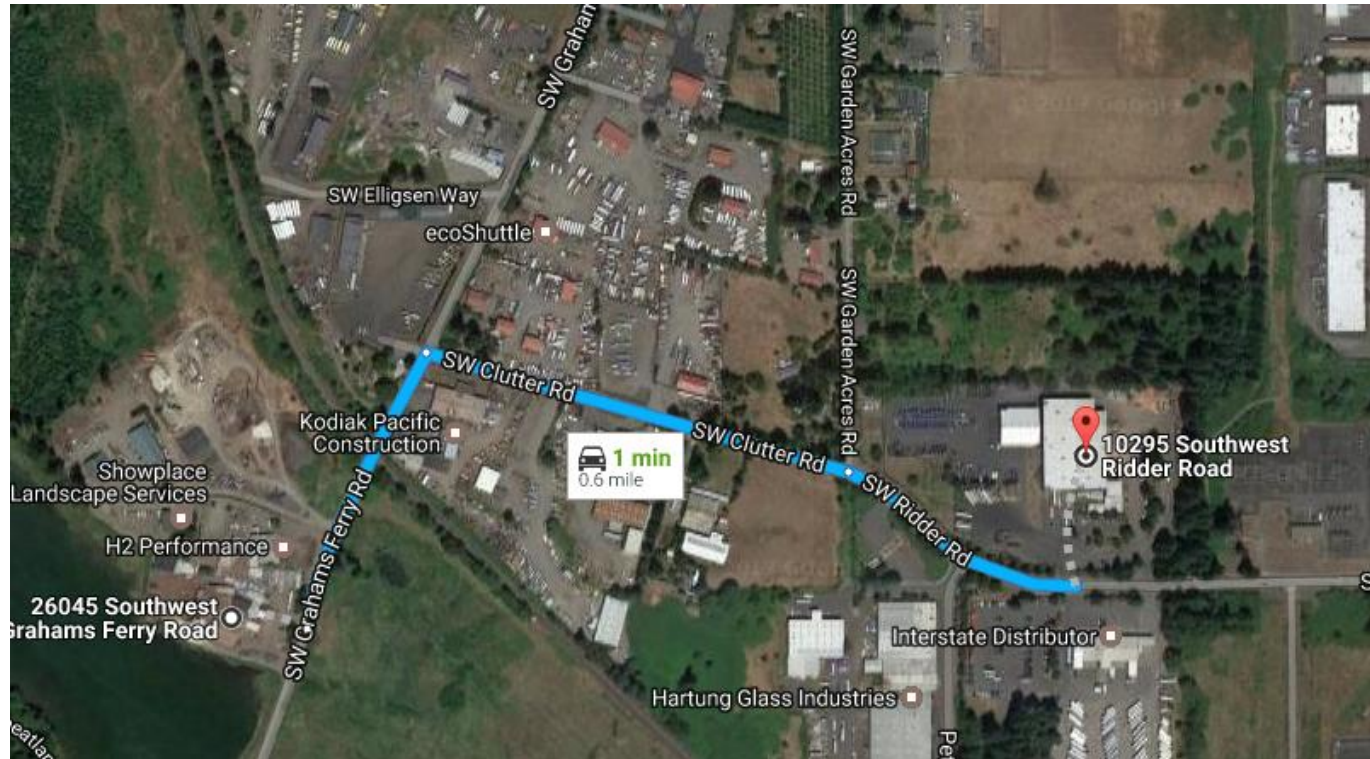




# Energy Off-take Option: Onsite Vehicle Fueling



# Nearby Solids Re-Use partnership with Pro Gro







# Mixes and Materials

Supplying the best planting medium for your growing success.

[Home](#) [Green Rooftops](#) [The Scoop](#) [About Us](#) [Contact Us](#)



## Custom Blends

We Specialize in Custom Blends to your exact specifications.

Blended Potting Soils for Greenhouse, Container, Landscape  
Full line of potting soil for all applications  
Bulk & Bagged Organic Soils

[Read the Full Story](#)

## PRO-GRO WEATHER



PORTLAND, OR

invalid location provided

°F | °C

## SERVICES

- ▶ Green Rooftops
- ▶ Blending Process

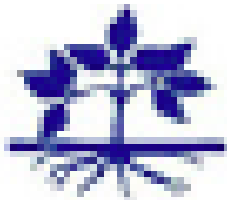
## Custom Soil Blends

We Specialize in Custom Blends to your exact specifications.

- Blended Potting Soils for Greenhouse, Container, Landscape
- Full line of potting soil for all applications
- Organic Soils both Bulk and Bagged



# Dewatered Liquids Re-use



**AGRI-TECH INC**  
OF OREGON

**[SORTBioEnergy.com](http://SORTBioEnergy.com)**

SUSTAINABLE ORGANICS RECYCLING TECHNOLOGY

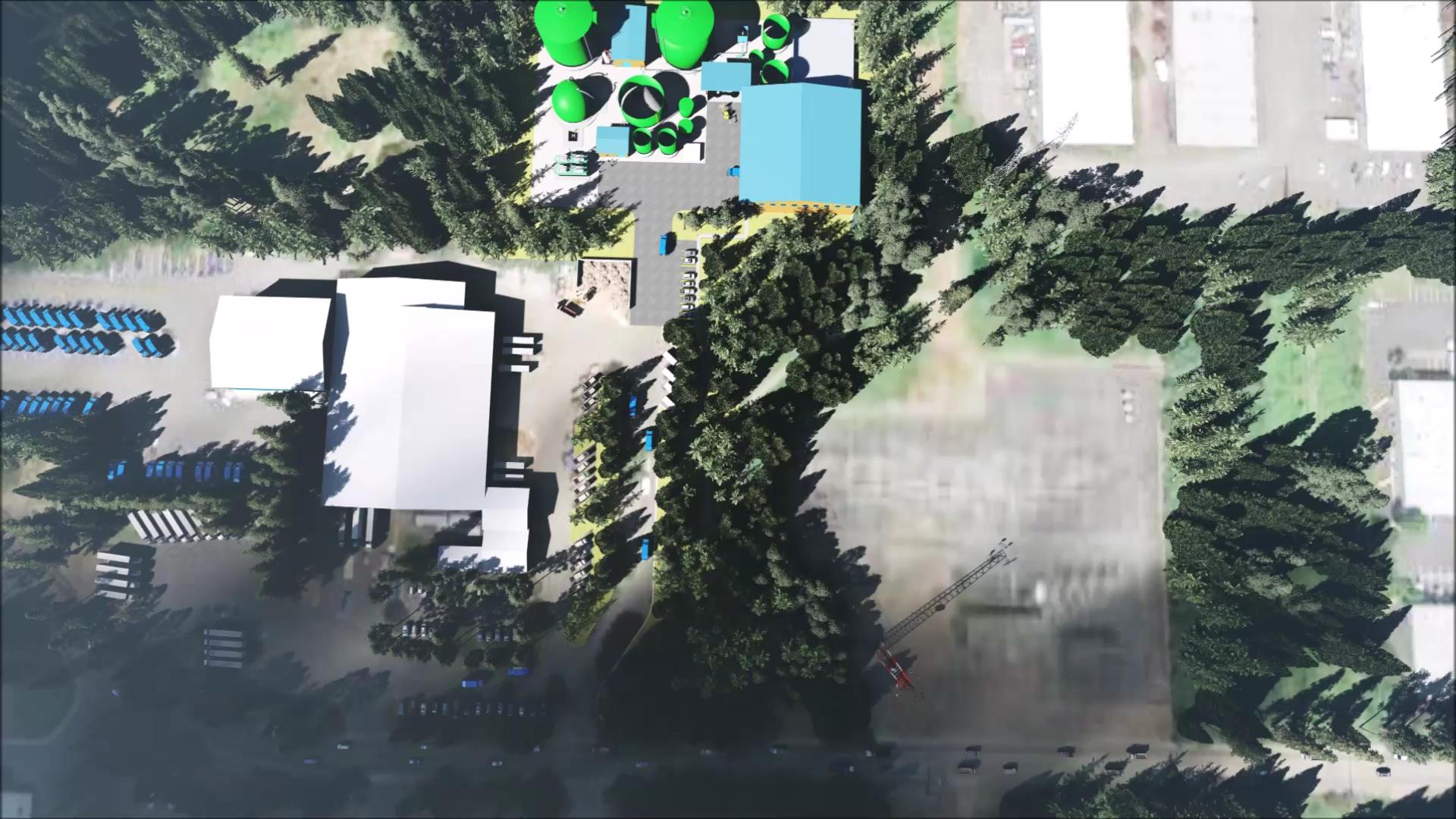
**SORT**  
**BIOENERGY**

*Resourceful Thinking!*

# Permitting Status

1. City of Wilsonville Land Use and Site Specific Conditions of Approval **complete**;
2. Oregon DEQ Solid Waste Permit for Anaerobic Digestion **complete**;
3. Oregon DEQ Air Contaminant Discharge Permit **complete**;
4. PGE Power Purchase Agreement and Interconnection Feasibility Study **complete**.





[SORTBioEnergy.com](http://SORTBioEnergy.com)



# Questions ?

Materials following this page were distributed at the meeting.

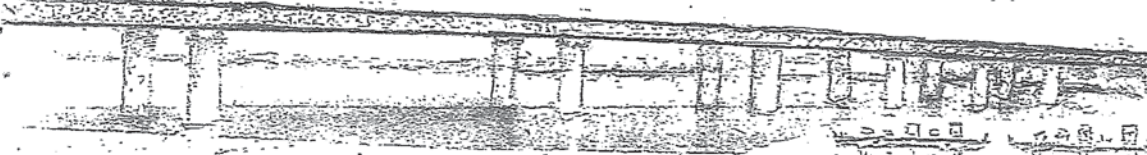
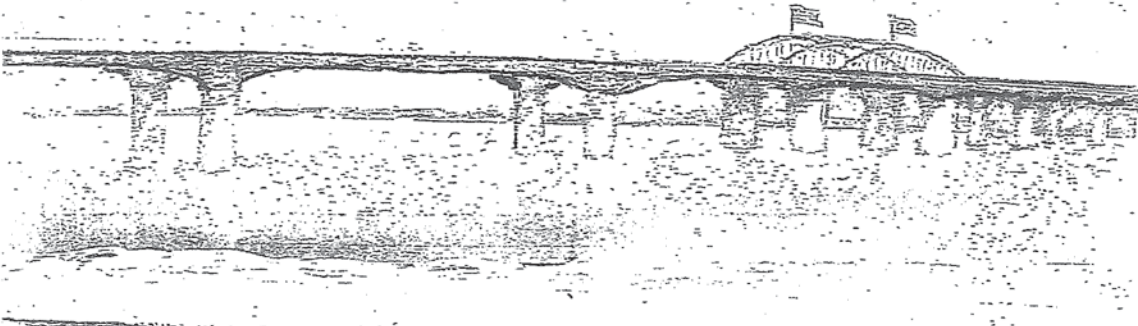




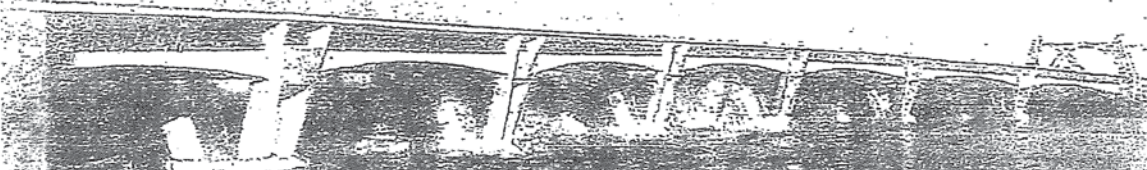
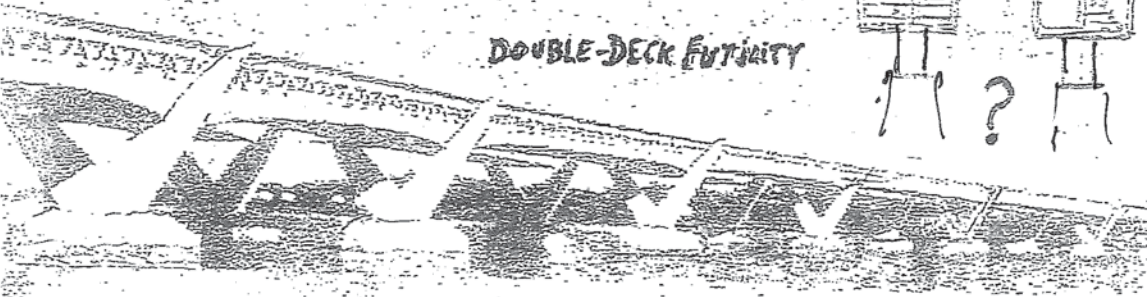
the "GEMSTONE BRIDGE"



- SINGLE-DECK -



DOUBLE-DECK FUTILITY





Concept 4: Major East-West Freeway Long-term Development Proposal

2010

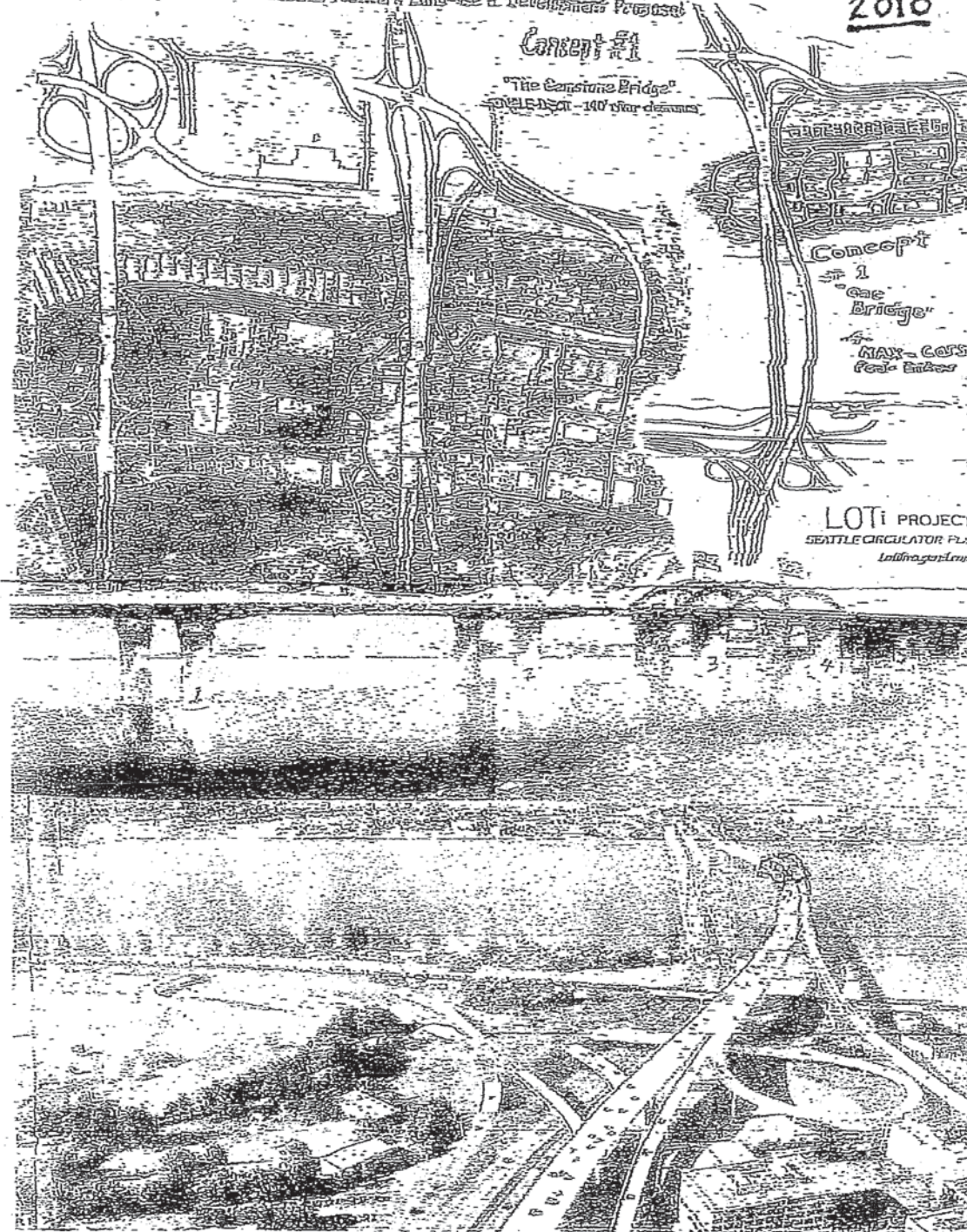
Concept #1

"The Capsule Bridge"  
100' clear - 140' clear

Concept #1  
"Capsule Bridge"

MAX - 60'S  
Feet - 100'S

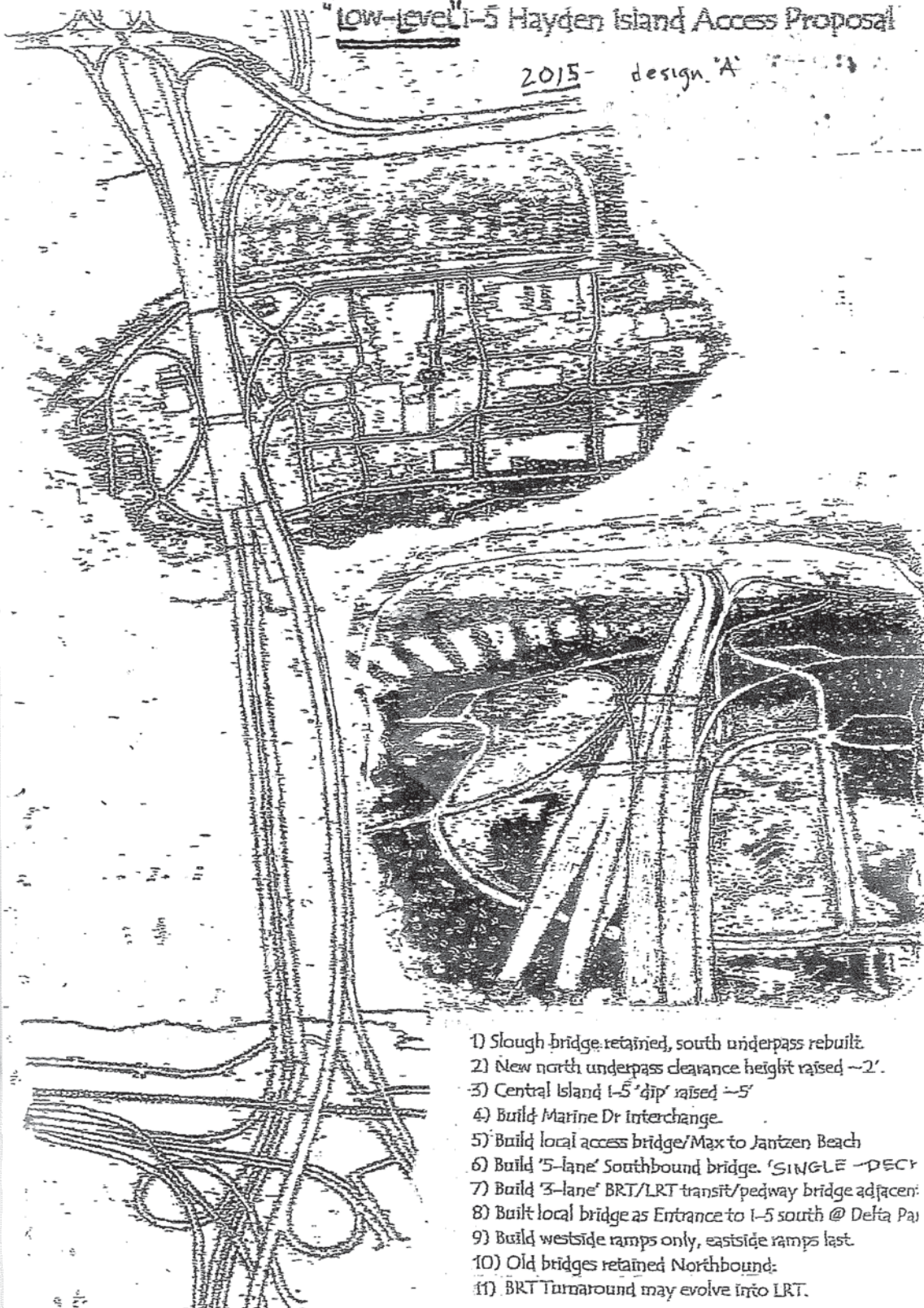
LOTI PROJECT  
SEATTLE CIRCULATOR PLAN  
Lot 100/100/100





# "low-level" I-5 Hayden Island Access Proposal

2015 design 'A'



- 1) Slough bridge retained, south underpass rebuilt.
- 2) New north underpass clearance height raised ~2'.
- 3) Central Island I-5 'dip' raised ~5'
- 4) Build Marine Dr Interchange.
- 5) Build local access bridge/Max to Jantzen Beach
- 6) Build '5-lane' Southbound bridge. 'SINGLE DECK'
- 7) Build '3-lane' BRT/LRT transit/pedway bridge adjacent.
- 8) Build local bridge as Entrance to I-5 south @ Delta Pkwy
- 9) Build westside ramps only, eastside ramps last.
- 10) Old bridges retained Northbound.
- 11) BRT Turnaround may evolve into LRT.

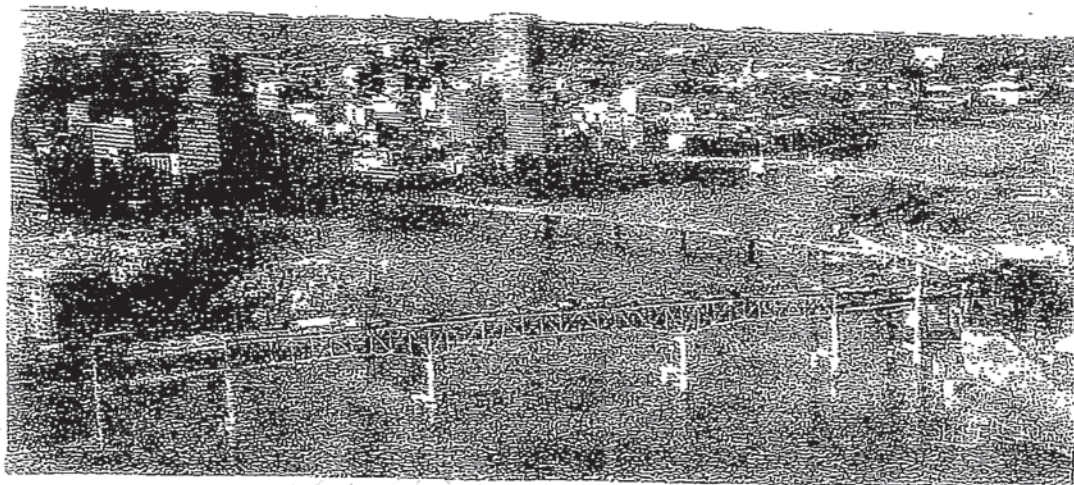


AS PROPOSED -  
WADOT  
CONCEPT 'D'  
(exit death trap)

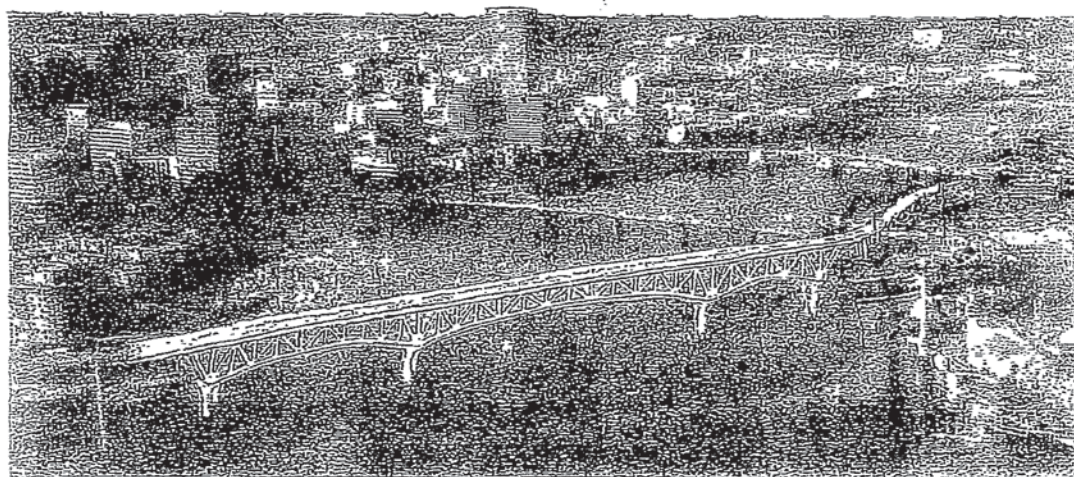
2015 - Design 'A'

2015 - DESIGN 'B'



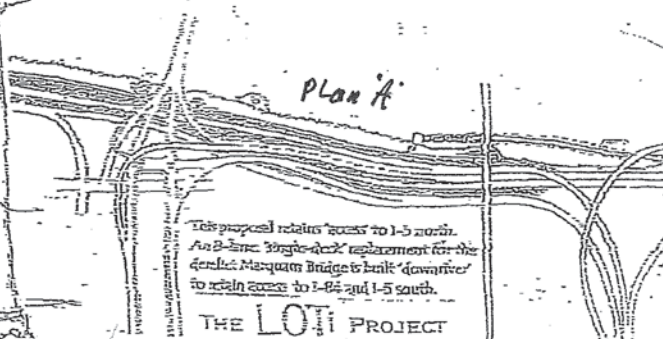


## SINGLE-DECK VS. DOUBLE-DECK STUDY



### "Retro" Marquam Bridge replacement.

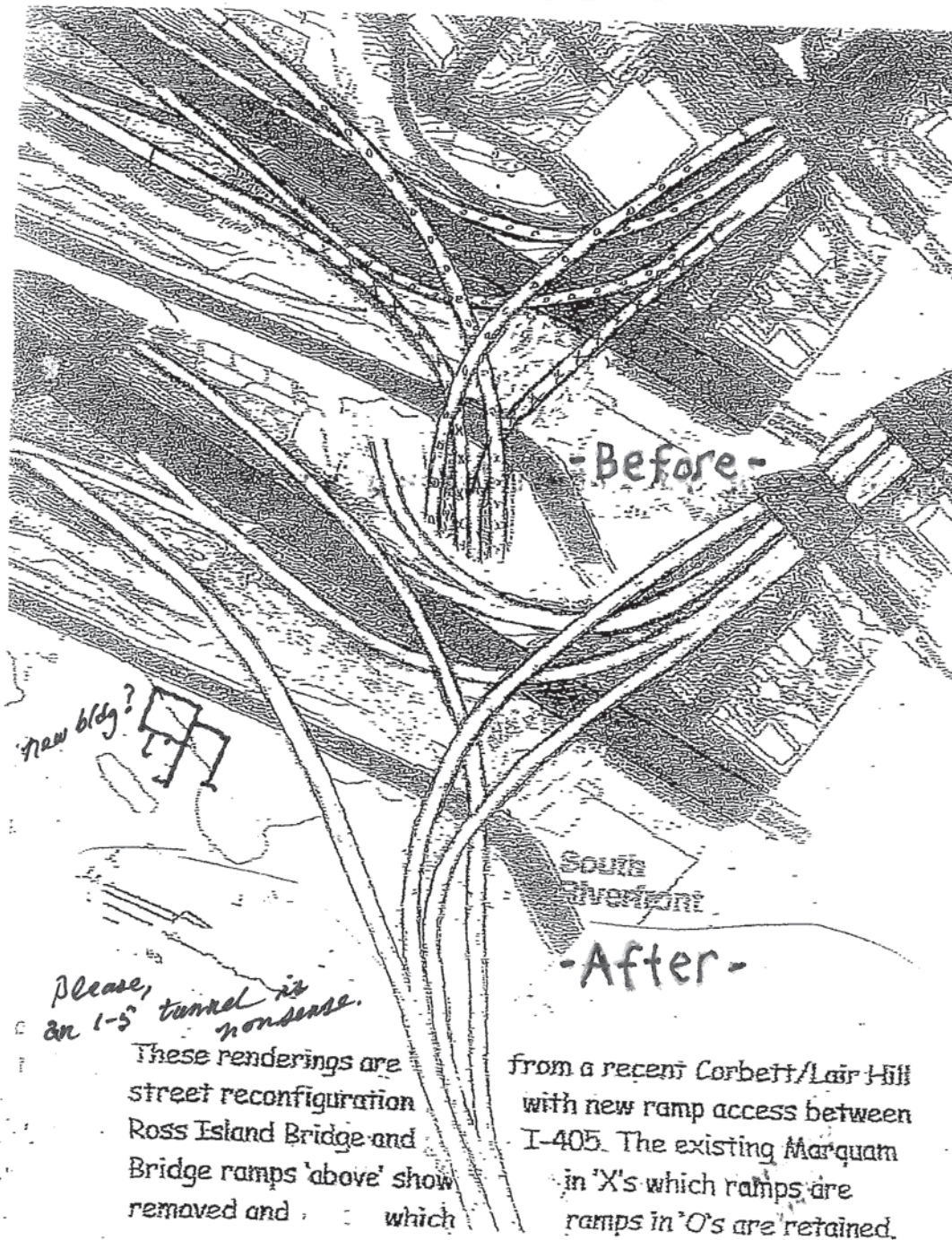
In the 1960's, if a 'single-deck' design were selected, it might look like this. Below, a Harrison/Belmont 'Victory' bridgehead interchange design reconfigures the eastbank segment of I-5. Note the new access to I-84 from this interchange. Should direct I-84 based traffic off Grand Ave north of Morrison.

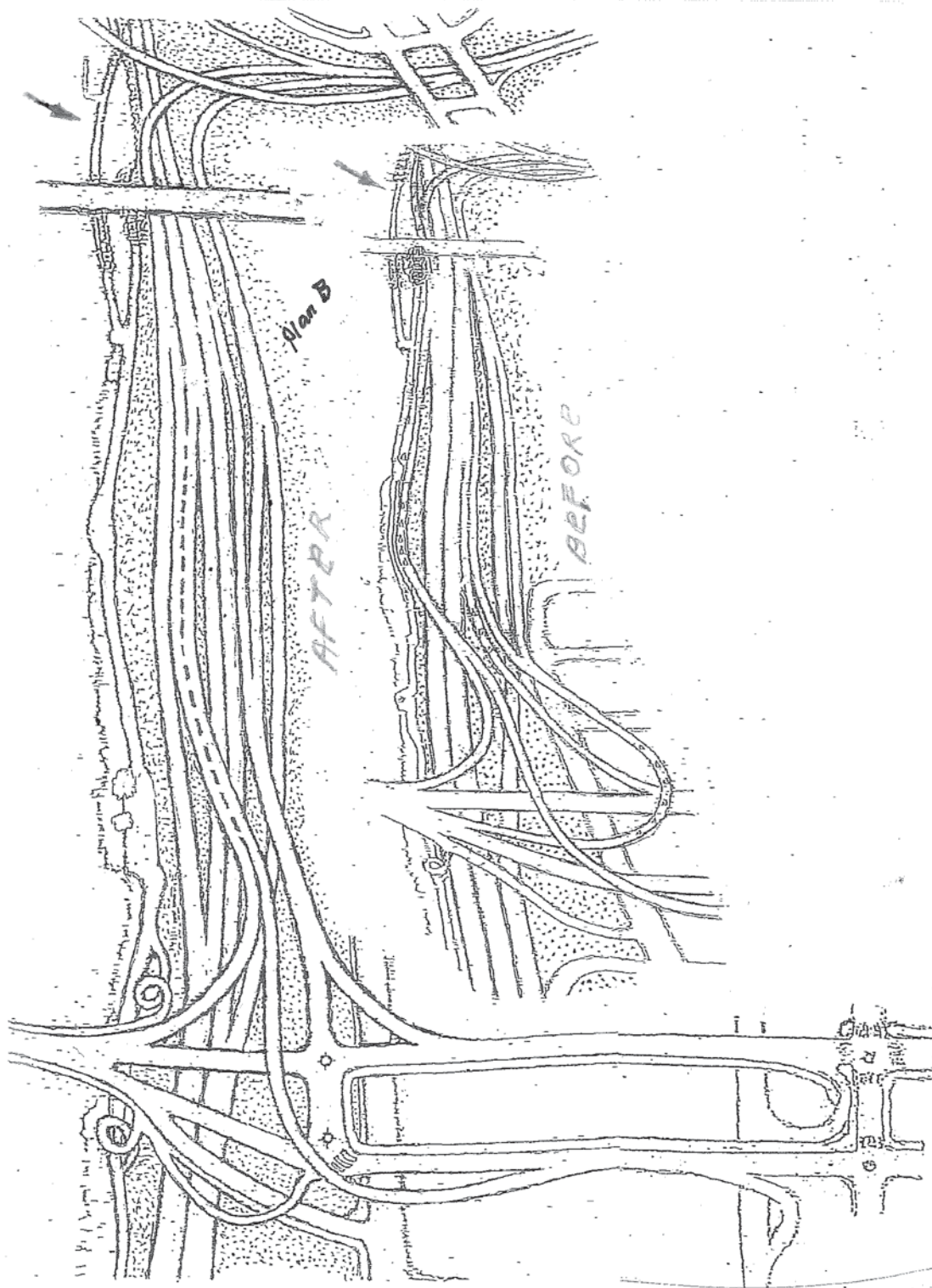


This proposal retains access to I-5 north. An 8-lane 'single-deck' replacement for the decked Marquam Bridge is built 'downriver' to retain access to I-84 and I-5 south.

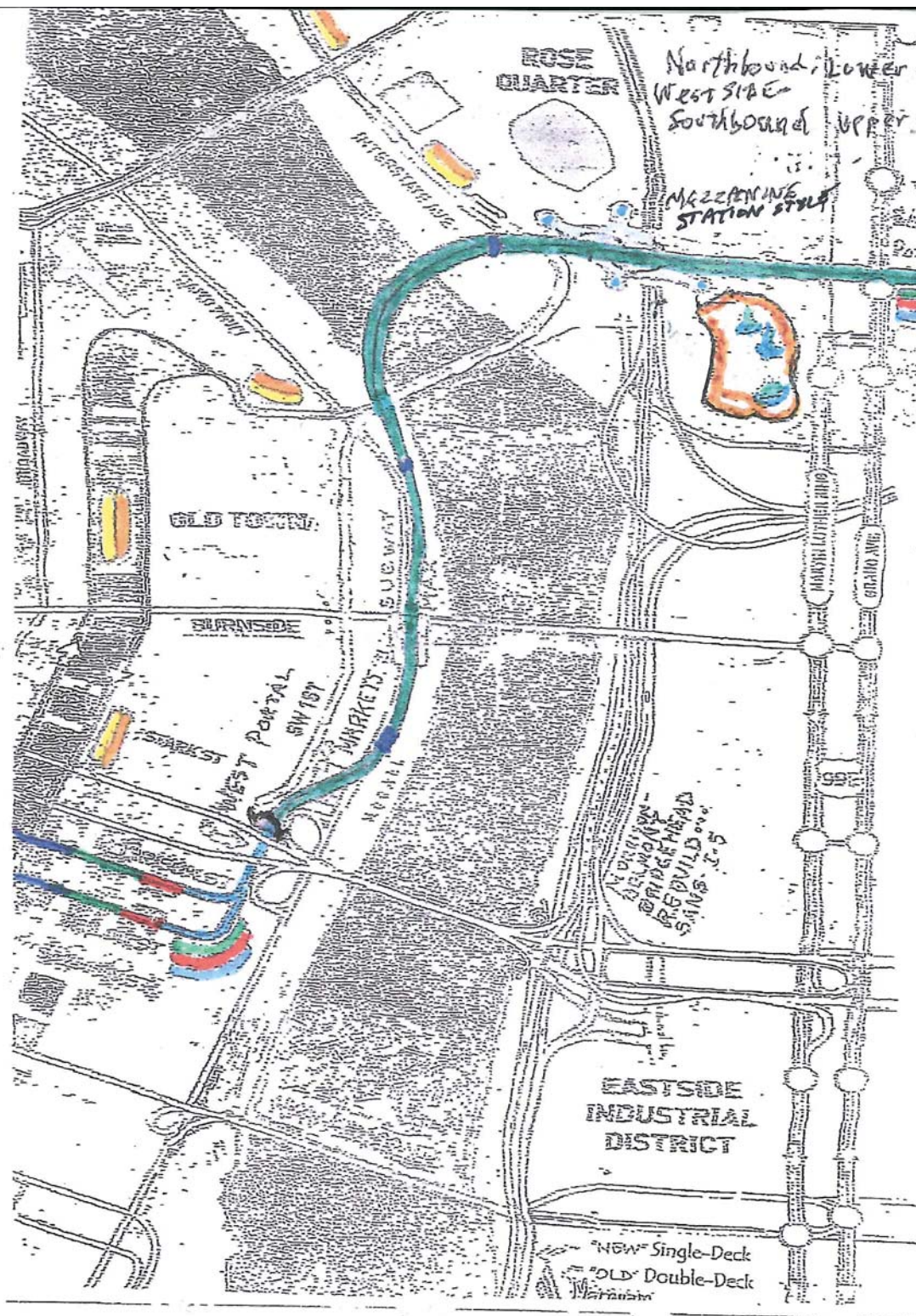
THE LOTI PROJECT





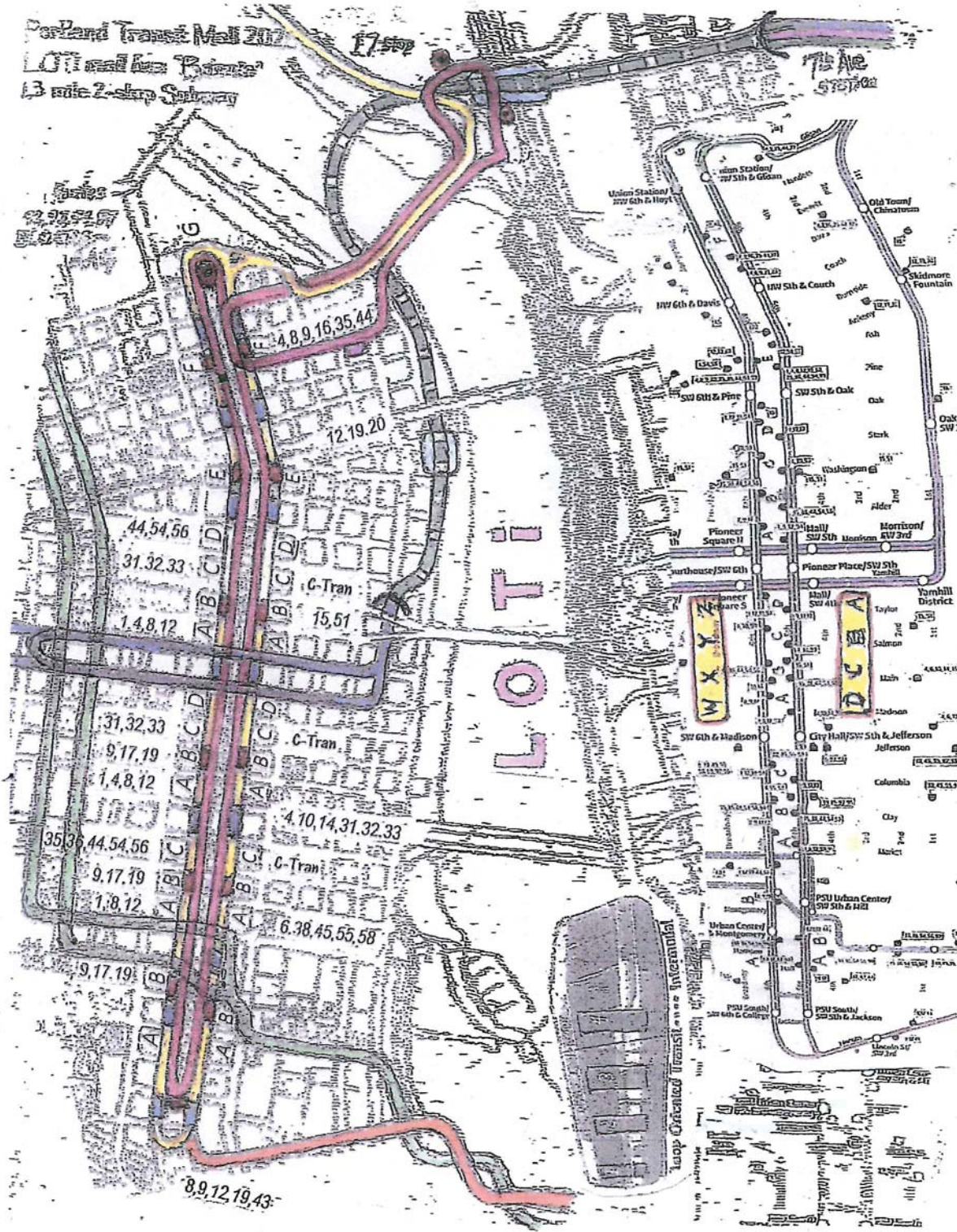








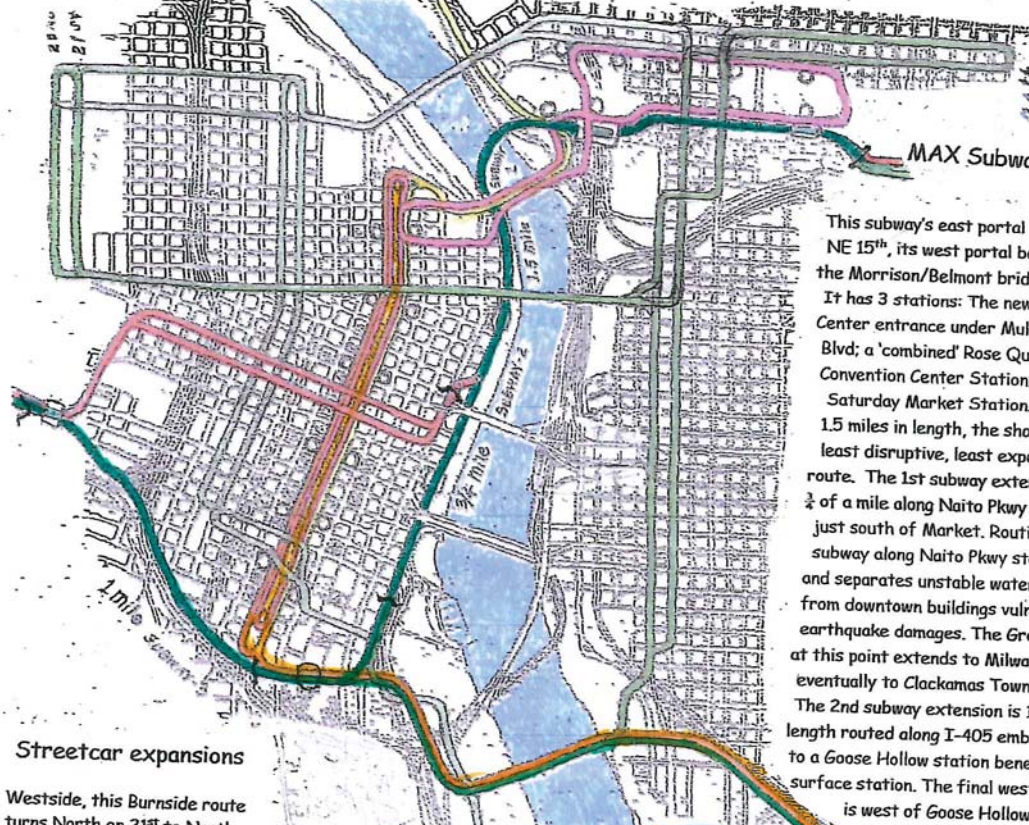
電話



$\Delta D, \Delta R, \Delta BCD, ABCD, E, F, G$  - simplest most intuitive



# Portland Transit - 2040



This subway's east portal is NE 15th, its west portal is the Morrison/Belmont bridge. It has 3 stations: The new Center entrance under Multnomah Blvd; a 'combined' Rose Quarter Convention Center Station; Saturday Market Station. 1.5 miles in length, the shortest, least disruptive, least expensive route. The 1st subway extension is 1/2 of a mile along Naito Pkwy just south of Market. Routing subway along Naito Pkwy station and separates unstable water from downtown buildings vulnerable to earthquake damages. The Green Line at this point extends to Milwaukie eventually to Clackamas Town Center. The 2nd subway extension is 1.5 miles length routed along I-405 embankment to a Goose Hollow station beneath surface station. The final west extension is west of Goose Hollow.

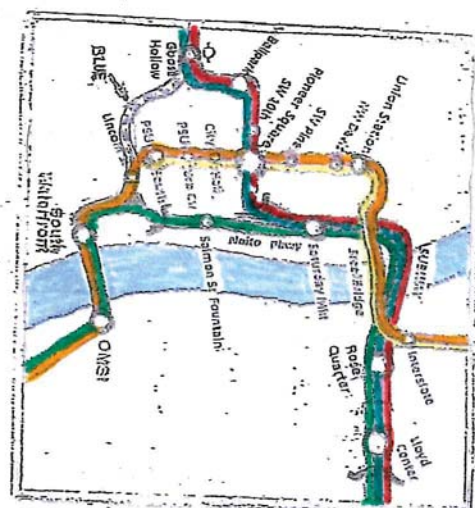
## Streetcar expansions

Westside, this Burnside route turns North on 21st to Northrup then on 23rd returns to Burnside. Eastside, the route turns north Grand then east on Weidler to a turnback at 24th on Broadway, south on 7th and MLK to Burnside.

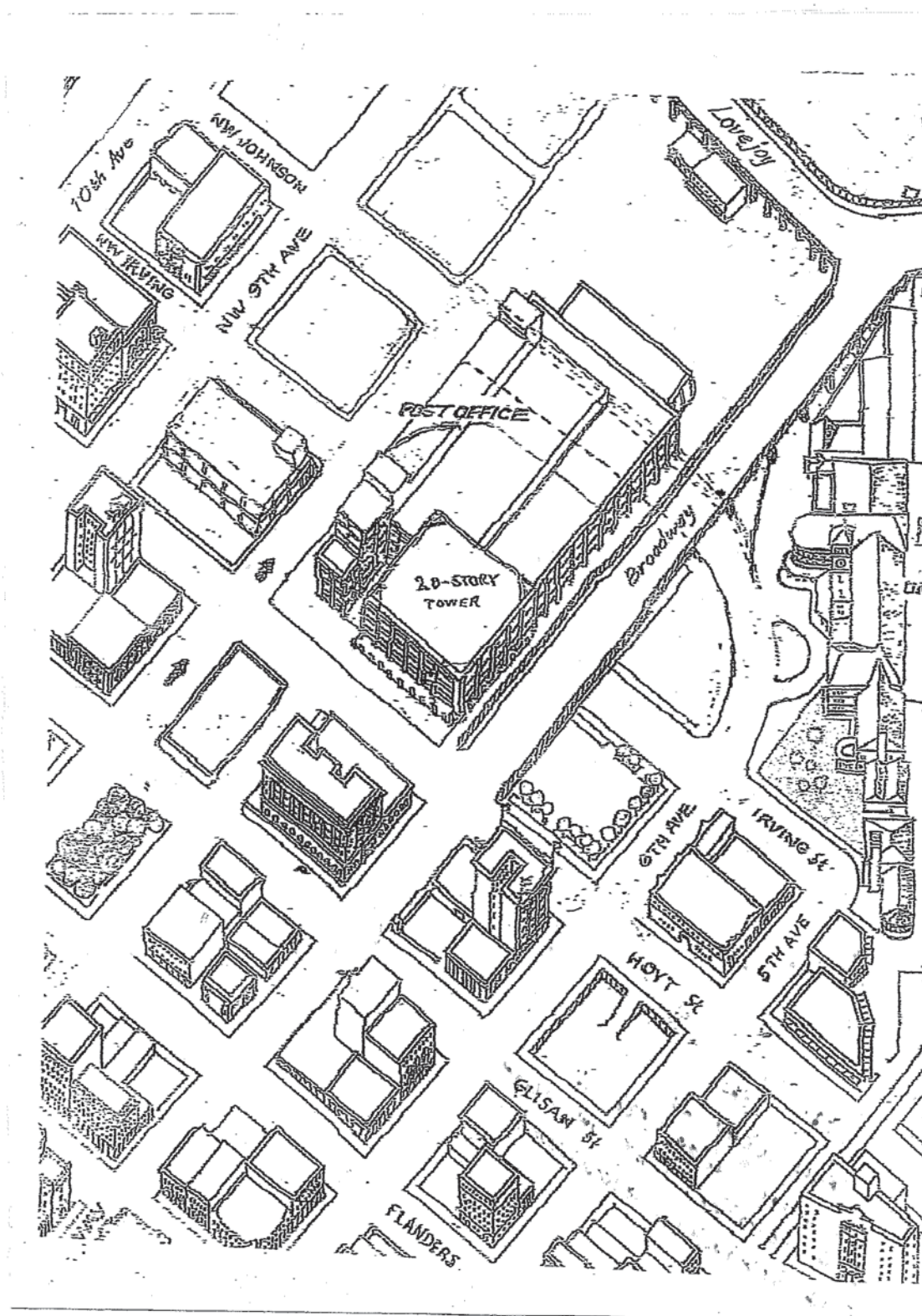


SOIL-STABILIZING ROUTE ??





Sorry Jim,  
your designs  
are fine. Let me prove  
Rock Quarter. Let me prove  
the hydrology question.  
I think you've studied  
the 1-405 embankment,  
H so be my guest.

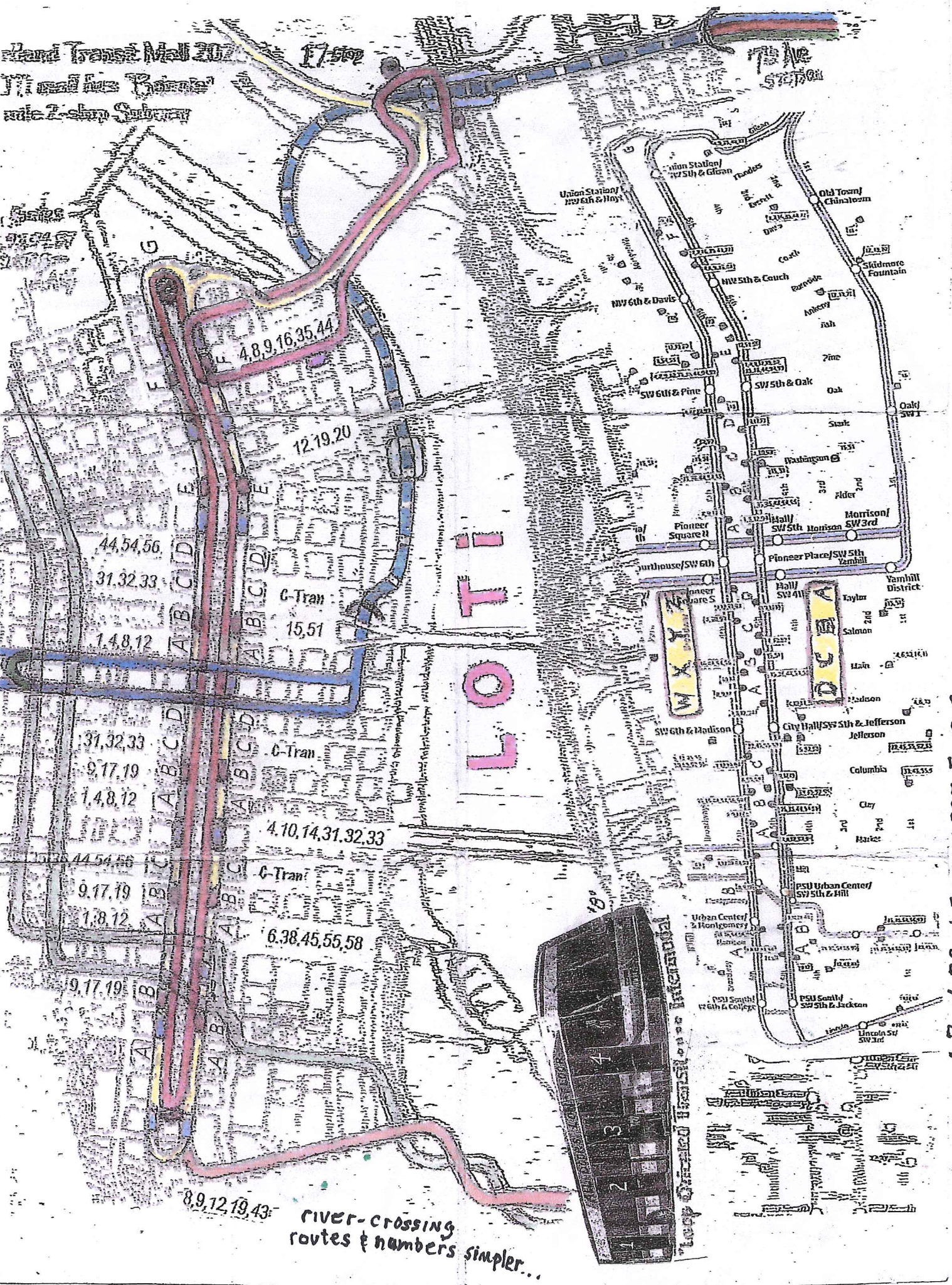




Hand Transit Map 207  
 17th Ave Bridge  
 mile 2-stop Subway

17th Ave

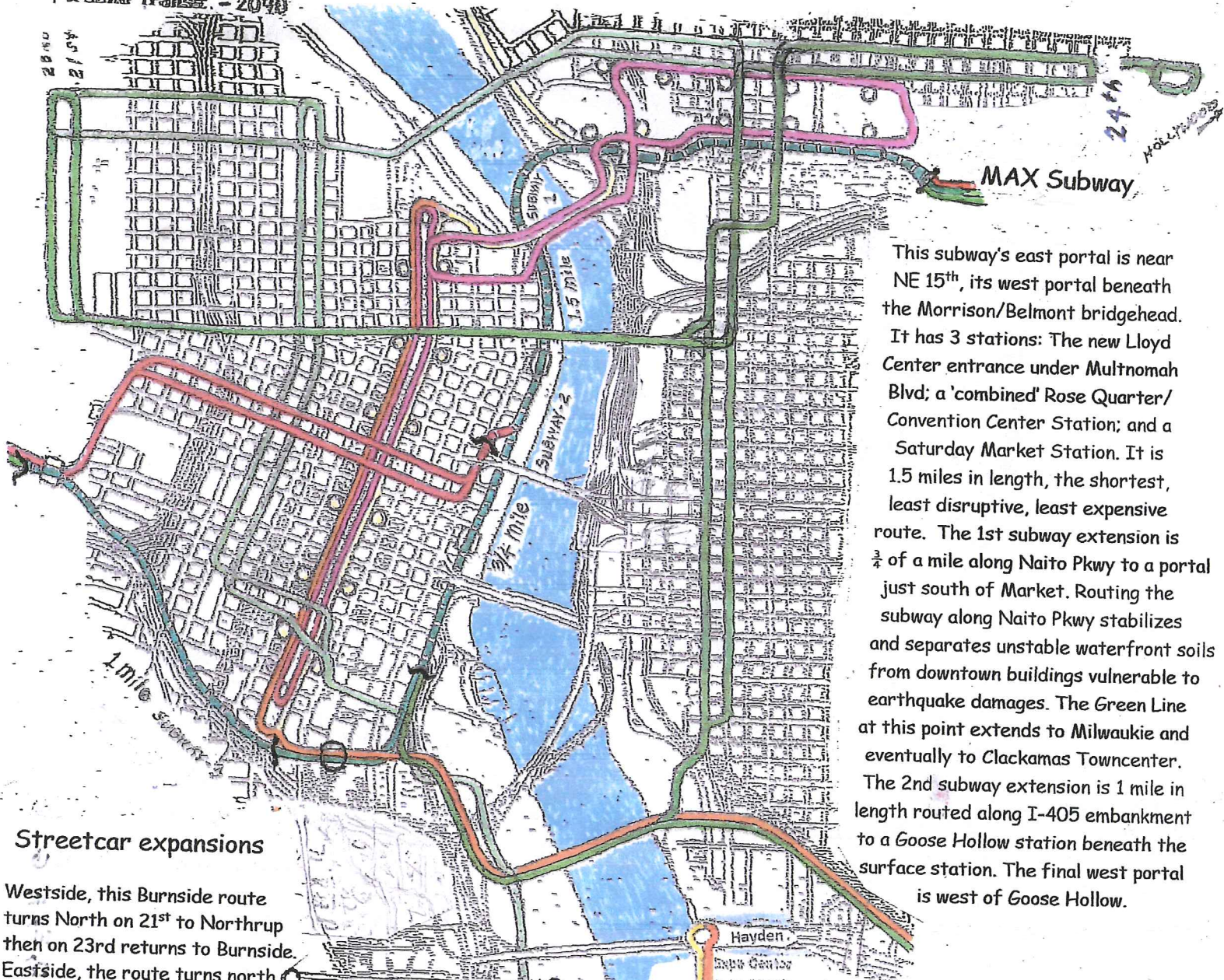
17th Ave  
 Station



A, B, A B C, A B C D, A B C D, E, F, G

river-crossing  
 routes & numbers simpler...

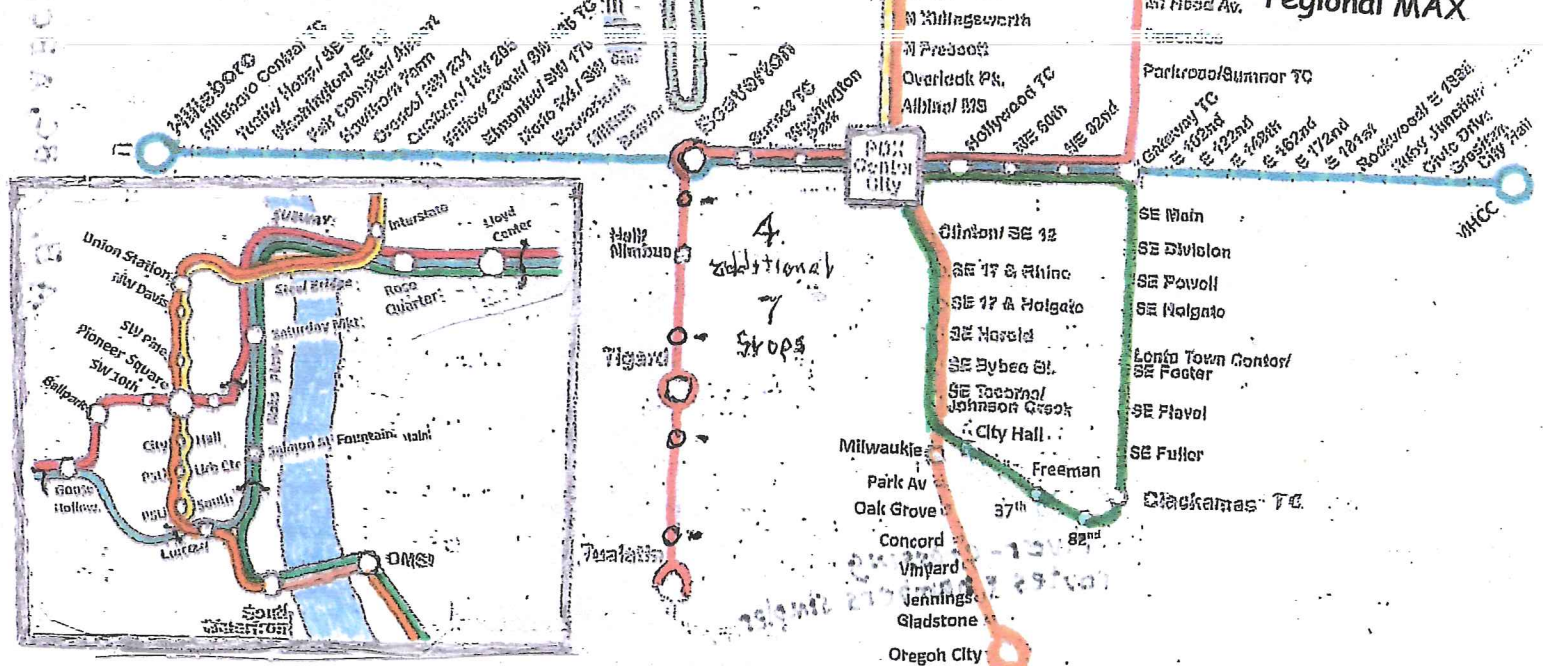




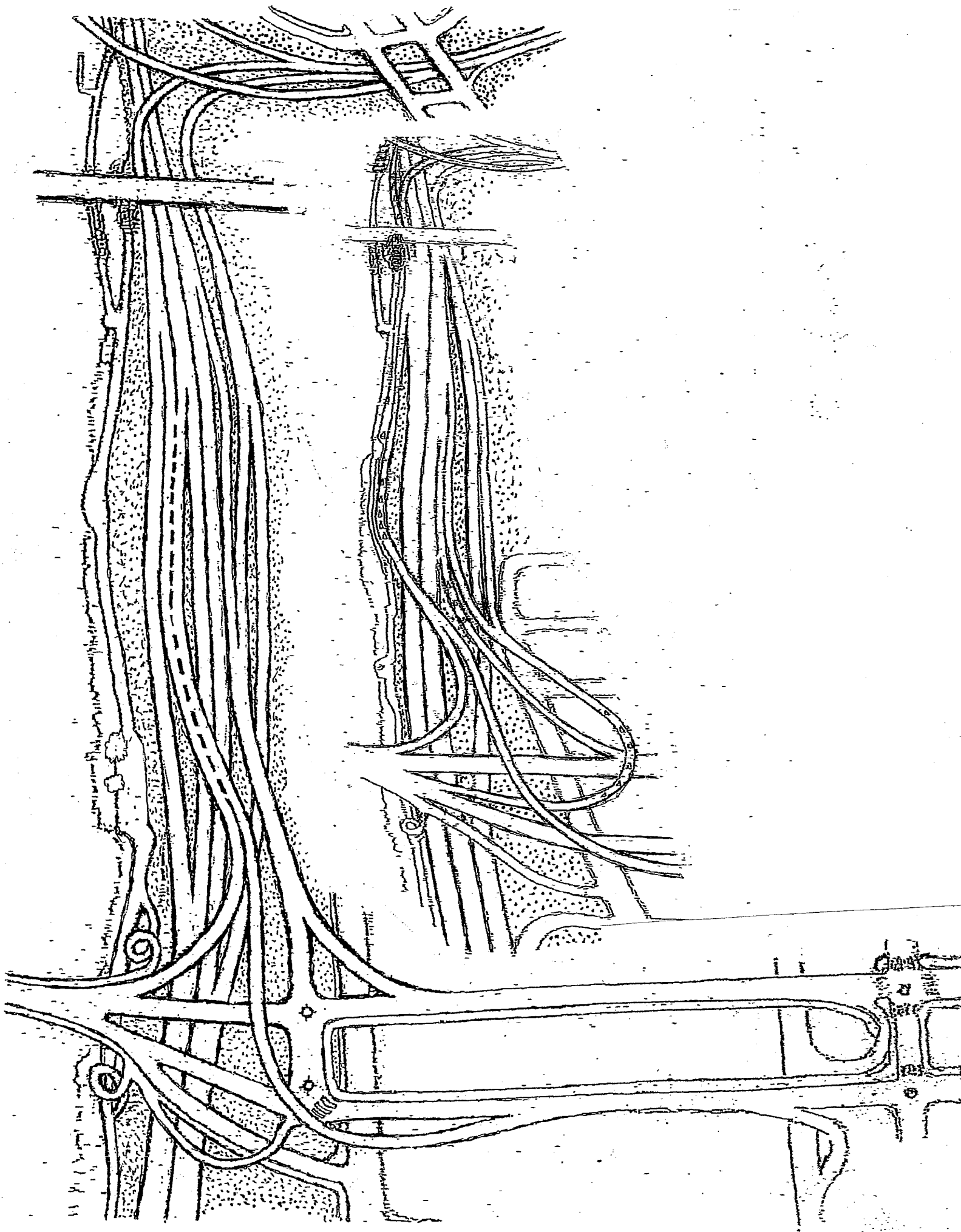
This subway's east portal is near NE 15<sup>th</sup>, its west portal beneath the Morrison/Belmont bridgehead. It has 3 stations: The new Lloyd Center entrance under Multnomah Blvd; a 'combined' Rose Quarter/Convention Center Station; and a Saturday Market Station. It is 1.5 miles in length, the shortest, least disruptive, least expensive route. The 1st subway extension is  $\frac{3}{4}$  of a mile along Naito Pkwy to a portal just south of Market. Routing the subway along Naito Pkwy stabilizes and separates unstable waterfront soils from downtown buildings vulnerable to earthquake damages. The Green Line at this point extends to Milwaukie and eventually to Clackamas Towncenter. The 2nd subway extension is 1 mile in length routed along I-405 embankment to a Goose Hollow station beneath the surface station. The final west portal is west of Goose Hollow.

## Streetcar expansions

Westside, this Burnside route turns North on 21<sup>st</sup> to Northrup then on 23rd returns to Burnside. Eastside, the route turns north on Grand then east on Weidler to a turnback at 24<sup>th</sup> on Broadway, south on 7<sup>th</sup> and MLK to Burnside.





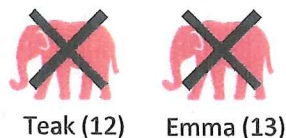


# Elephants do not live in zoos. They die in zoos.

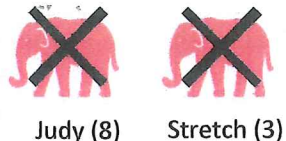
7 baby elephants died before  
their 1<sup>st</sup> birthday



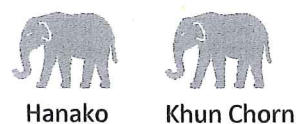
Sold to private buyers;  
dead



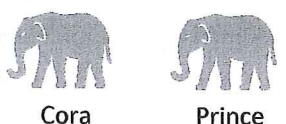
Sold to unspecified buyers;  
believed to be dead



Shipped to other zoos



Sold to  
Ringling Brothers Circus



Shipped to other zoos;  
dead



Sold to circuses;  
dead



Euthanized at the  
Oregon Zoo



## Facts on the Oregon Zoo's Elephant Program

- ☐ Visitor counts peak whenever baby elephants are born
- ☐ Rape racks ('Elephant Restraint Devices') are used for forced breeding
- ☐ Packy has been forced to breed with his sisters – Hanako & Me-Tu
- ☐ Lily was owned by a rental company when born; was later sold to the zoo
- ☐ Sharp, painful bullhooks ('guides') are being used on the elephants

*In the Oregon Zoo, Asian elephants die by age **17** on average. Packy, at **54**, is the oldest, and suffers from tuberculosis. In the wild, they do not contract the disease, and live up to age **70**.*

## Help Stop Captive Breeding at the Oregon Zoo



Voice your opposition to the breeding program to:

Zoo Director Donald Moore

[don.moore@oregonzoo.org](mailto:don.moore@oregonzoo.org)

Metro Council President Tom Hughes

(503-797-1889) [tom.hughes@oregonmetro.gov](mailto:tom.hughes@oregonmetro.gov)



Join us: [facebook.com/FreeTheOregonZooElephants](https://facebook.com/FreeTheOregonZooElephants)  
<http://FreeOregonZooElephants.org>



## Oregon Zoo's Elephant Breeding History

Elephant	Born	History	Age	Status
Packy	1962	Lives at the Oregon Zoo	54	Sick, tuberculosis
Me-Tu	1962	Shipped to LA Zoo (1974) Shipped to Oregon Zoo (1976)	34	Foot disease; Euthanized
Dino	1963	Shipped to Howard Johnson, CA (date unknown) Shipped to Spokane Zoo (1968)	14	Dead
Hanako	1963	Shipped to LA Zoo (1974) Shipped to Tacoma Zoo (1997)	53	Alive
Cora	1965	Shipped to Brookfield Zoo (1966) Shipped to Ringling Brothers Circus (1968)	51	Alive
Teak	1966	Shipped to Morgan Berry (date unknown)	12	Euthanized
Droopy	1968		5 days	Dead
Tina	1970	Shipped to Vancouver Zoo (1972) Shipped to African Lion Safari (1989) Shipped to Vancouver Zoo (1990) Shipped to Tennessee Sanctuary (2003)	34	Dead
Judy	1970	Shipped to Vancouver Zoo (1972) Shipped to Wildlife Safari (1972) Shipped to unspecified location (1978)		Unknown/lost
Unnamed	1970		1 day	Dead
Gabriel	1972	Shipped to Circus Vargas (1973) Shipped to Lincoln Park Zoo (1973) Shipped to Circus Vargas (1973)	11	Dead
Stretch	1973	Shipped to unspecified location (1974)	3	Dead
Stoney	1973	Shipped to Ken Chisholm, Canada (1974) Shipped to Mike La Torres Circus (1975)	22	Dead; broke leg while performing a circus trick
Unnamed	1973		4 days	Dead
Emma	1973	Shipped to Viva Animales (1974) Shipped to San Jose Zoo (1974) Shipped to Busch Gardens (1975)	13	Dead
Unnamed	1976		2 weeks	Dead
Sumek	1978		6 weeks	Dead
Khun Chom	1978	Shipped to Dickerson Zoo, Missouri (1980)	38	Alive
Thongtrii	1979	Shipped to Chaffee Zoo, Fresno (1981)	14	Dead
Shine	1982	Lives at the Oregon Zoo	34	Alive
Sabu	1982	Shipped to Ringling Brothers Circus (1984) Shipped to Twin Falls Ranch (date unknown) Shipped to PAWS (2010)	30	Dead; arthritis in multiple joints from circus performances
Rama	1983	Shipped to Pt. Defiance Zoo, Tacoma (1984) Shipped to Portland Zoo (1988)	31	Dead; leg injury due to badly designed exhibit; TB
Prince	1987	Shipped to Ringling Brothers Circus (1988) Shipped to Two Tails Ranch (2010) Shipped to Ringling Elephant Center (2010) Shipped to PAWS (2011)	29	Alive
Unnamed	1991		1 day	Dead
Unnamed	1994		1 day	Dead
Rose Tu	1994	Lives at the Oregon Zoo	22	Alive
Samudra	2008	Lives at the Oregon Zoo	8	Alive
Lily	2012	Owned by Have Trunks Will Travel, a rental company, when born Bought by Oregon Zoo after a public backlash Lives at the Oregon Zoo	4	Alive

This is a letter to a concerned citizen from Councilmember Chase. I will quote and respond to a few passages:

"My priority regarding Packy's care has been first and foremost his personal welfare and happiness."

FACT: *Packy exhibited several physical problems along with emotional/psychological ones, none of which are seen in elephants in the wild. His entire life was spent being handled or threatened by bull hooks. A photo of baby Packy shows him with three different bull hooks pulling at him, as his mother Belle tries in vain to shield him. That was his life, day-in and day-out, for fifty-four years.*

"Additionally protecting Lily, the rest of the herd, and the public at large from drug resistant tuberculosis must also be a top priority." FACT: *The public was assured that zoo visitors were in no danger, nor were the other elephants, since Packy was kept in isolation. Which statement is true?*

"Unfortunately, once the disease became antibiotic resistant, there was little we could do to protect his quality of life and ensure the safety of the herd as well as other animals and humans at the Zoo." FACT: *Packy's quality of life, according to elephant curator Bob Lee, was more than satisfactory as late as this January, with noticeable improvement after the toxic TB drugs were discontinued."*

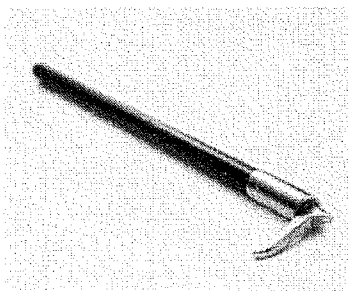
"There is always room to improve. It's critical now that we... learn lessons from this experience that will guide future care for all our zoo animals." FACT: *There is only one lesson here, and by now it should be clear: due to their massive size, social complexity, and high intelligence, elephants do not belong in zoos, period.*

"The Oregon Zoo's new Elephant Lands habitat [has] substantially improved our herd's quality of life."

FACT: *For the immense final cost of almost \$59M, you did not even build in protected contact, so that Packy was, and all the other elephants are, still subject to the use of bull hooks! And despite the hype, Elephant Lands provides less than four acres of room to roam for the five elephants remaining. As you have been reminded many times, elephants in the wild walk miles a day. Also, Elephant Lands is located yards from the zoo's concert stage, where loud music is generated during much of the summer. Did your research include the effect of such noise, especially the very low frequencies, on the sensitive hearing of elephants?*

"Such advancements could not be possible without the support of voters like you, who passed our Zoo Bond and provided funding for the Elephant Lands project." FACT: *Many Portland area voters have been dismayed at the bait-and-switch tactics of the zoo and Metro, having been led to believe that the 2008 zoo bond would provide a permanent off-site retirement facility for the elephants.*

Metro Council is responsible for management of the zoo, and you are the only ones who could have given Packy a chance at a better life. Shame on you for not having the courage to send him to sanctuary before it was too late!





## Release Chendra the elephant to a proper sanctuary!

First Name	Last Name	City	State	Country Name	Why do you think Chendra should be released to a sanctuary?
Kim	Harris	SPRINGFIELD	OR	UNITED STATES	. . . we need to treat ALL of OUR animals like WE would want to be treated. PLEASE send Chendra to a reputable sanctuary to live out her life happily with other elephants. Thank you. "Compassion for animals is intimately connected with goodness of character; and it may be confidently asserted that he who is cruel to animals cannot be a good man." -Schopenhauer 'The greatness of a nation and its moral progress can be judged by the way its animals are treated. I hold that the more helpless a creature, the more entitled it is to protection by man from the cruelty of man.' - Mahatma Gandhi, Indian spiritual/political leader 'The question is not, can they reason? nor, Can they talk? But rather, Can they suffer?' - Jeremy Bentham, 19th century Philosopher, Oxford University "Earth was created for ALL LIFE, not just human life." -Anthony D. Williams 'Man did not weave the web of life - he is merely a strand in it. Whatever he does to the web, he does to himself.' -Chief Seattle 'We must fight against the spirit of unconscious cruelty with which we treat the animals. Animals suffer as much as we do. True humanity does not allow us to impose such sufferings on them. It is our duty to make the whole world recognize it. Until we extend our circle of compassion to all living beings, humanity will not find peace.' - Albert Schweitzer, physician/Nobel Laureate
constance	davidson	elkton	OR	UNITED STATES	A lack of empathy & compassion is indicative of a maladjusted and sick person. Join the human race!
Nancy	Jameson	Portland	OR	UNITED STATES	A more natural environment
amber	shorthill	wilsonville	OR	UNITED STATES	A zoo is no place for a sentient being.

**PLEASE NOTE:** This is a sample page from the petition that was distributed at the February 23, 2017 Metro Council meeting. The full petition, including all signatures and public comments, is stored separately and can be made available upon request.



# **Metro**

*600 NE Grand Ave.  
Portland, OR 97232-2736  
[oregonmetro.gov](http://oregonmetro.gov)*



**Metro**

## **Minutes**

**Thursday, February 16, 2017**

**2:00 PM**

**PACKET REVISED 02/09/17**

**Metro Regional Center, Council chamber**

## **Council meeting**

---

**1. Call to Order and Roll Call**

Council President Tom Hughes called the Metro Council meeting to order at 2:03 p.m.

**Present:** 6 - Council President Tom Hughes, Councilor Carlotta Collette, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Kathryn Harrington, and Councilor Bob Stacey

**Excused:** 1 - Councilor Sam Chase

**2. Citizen Communication**

There was none.

**3. Consent Agenda**

**A motion was made by Councilor Craddick, seconded by Councilor Collette, to adopt items on the consent agenda. Councilor Stacey abstained as he was not present at the February 9 council meeting. The motion passed by the following vote:**

**Aye:** 5 - Council President Hughes, Councilor Collette, Councilor Craddick, Councilor Dirksen, and Councilor Harrington

**Excused:** 1 - Councilor Chase

**Abstain:** 1 - Councilor Stacey

3.1 Consideration of the Council Meeting Minutes for February 9, 2017

**4. Ordinances (First Reading and Public Hearing)**

4.1 Ordinance No. 17-1393, For the Purpose of Approving a Solid Waste Facility Franchise Application and Authorizing the Chief Operating Officer to Issue a New Franchise to SORT Bioenergy, LLC, to Operate an Anaerobic Digestion and Energy Recovery Facility in Wilsonville, Oregon

Council President Hughes called on Mr. Paul Slyman, Director of Metro's Property and Environmental Services, and Mr. Will Ennis, Metro staff, for a brief presentation on the ordinance. Mr. Slyman introduced the franchise recommendation and provided an overview of Metro's authorities within the regional solid waste system. He noted that the Metro Council had expressed its support for

developing new options for removing more food waste from the general waste stream so that better benefits could be achieved by obtaining compost, energy production and other resources. Mr. Slyman stated that food was the largest recoverable portion of the region's waste that was still being sent to landfills and explained that Metro staff was working businesses and local governments to pursue policies, incentives, and other approaches to divert and collect more unwanted and unusable food.

Mr. Will Ennis, Metro staff, provided a staff report on Ordinance No. 17-1393. He stated that if adopted, the ordinance would authorize a new solid waste franchise for SORT Bioenergy, LLC to operate an anaerobic digestion and energy recovery facility in the City of Wilsonville, effective on July 1, 2017. He explained that the proposed facility would be adjacent to Willamette Resources, Inc. (WRI), a Metro-authorized transfer station owned and operated by Republic Services. He stated that WRI would lease a three and half acre parcel to SORT for the construction and operation of the digester and noted that the City of Wilsonville had granted land use approval for the site.

Mr. Ennis explained that staff found the proposed ordinance was consistent with and supported the Council's direction on food waste diversion and local processing capacity. He noted that the franchise could provide regional processing capacity for commercial food waste and result in fewer vehicle miles traveled for the delivery of commercial food waste to a processing facility, helping reduce greenhouse gas and providing other public benefits. Mr. Ennis noted that staff recommended the Metro Council adopt Ordinance No. 17-1393.

#### *Council Discussion*

Councilor Stacey asked if the franchise guaranteed any flow of material from Metro's waste stream to the facility; Mr. Slyman clarified that it did not. Councilor Harrington asked if

and how food packaging would be recycled at the facility. Councilors discussed similar facilities and their successes. Councilor Craddick asked how limits on the organic waste supply might affect such facilities.

Council President Hughes called on Mr. Paul Woods, President of SORT Bioenergy, LLC for a brief overview of the proposed anaerobic digestion and energy recovery facility. Mr. Woods expressed his support for Ordinance No. 17-1393 and thanked Metro, City of Wilsonville, and Department of Environmental Quality (DEQ) staff for their help throughout the franchise application process.

Mr. Woods informed the Council that the facility was located west of Interstate 5 on the north Wilsonville exit in the Coffee Creek Industrial Area. Mr. Woods highlighted renderings of the proposed facility and described how materials would be received, de-packaged, and recycled. He also provided a schematic focused on the anaerobic digester and outlined how it would work. Mr. Woods then shared a computer-generated video of the facility and demonstrated how the facility would be structured.

#### 4.1.1 Public Hearing for Ordinance No. 17-1393

Council President Hughes opened a public hearing on Ordinance No. 17-1393 and requested that those wishing to testify come forward to speak.

Jason Jordan, City of Wilsonville: Mr. Jordan, General Manager of Republic Services, expressed his support for Ordinance No. 17-1393. He explained that SORT Bioenergy, LLC and Republic Services had partnered throughout the process, from initial plan objectives to completing the design. He stated that Republic Services took pride in aligning its long-term, sustainable solutions for the region's solid waste and recycling needs with the priorities of the

local communities it served. He noted that he felt the approval of Ordinance No. 17-1393 and the proposed solid waste facility would support such goals.

*Council Discussion*

Councilors expressed their support for the ordinance. Councilor Collette noted that she was excited to support efforts that better kept food waste out of landfills. She explained that she also supported SORT's goals to not only produce waste energy, but also other resources such as fertilizers. Council President Hughes agreed with the councilors' comments and stated that he appreciated SORT's integrative approach. He asked about current capacity at the transfer station and how SORT would ensure it acquired enough material to remain feasible.

Council President Hughes gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1393 would take place on Thursday, February 23.

**5. Ordinances (Second Reading)**

- 5.1 Ordinance No. 17-1394, For the Purpose of Annexing to the Metro District Boundary Approximately 45.98 Acres Located in the River Terrace Area of Tigard and 17.32 Acres Located in the North Bethany Area of Washington County

Council President Hughes stated that the first reading and public hearing for Ordinance No. 17-1394 took place on Thursday, February 9, 2017. He informed the Metro Council that Mr. Tim O'Brien, Metro staff, was available for questions.

*Council Discussion*

There was none.



**A motion was made by Councilor Dirksen, seconded by Councilor Collette, that this item be adopted. The motion passed by the following vote:**

**Aye:** 6 - Council President Hughes, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

**6. Chief Operating Officer Communication**

Mr. Scott Robinson, Deputy Chief Operating Officer, provided an update on the following events or items: the quarterly trails forum on February 22, the 2017 Wizard World Comic Con at the Oregon Convention Center, and the Oregon Zoo Bond Oversight Citizen's Committee. Mr. Robinson also announced that Mr. Scott Cruickshank had accepted the position of Metro's new General Manager of Visitor Venues. He thanked Councilors Harrington and Chase for participating in the recruitment.

**7. Councilor Communication**

Councilors provided updates on the following meetings or events: the Joint Policy Advisory Committee on Transportation (JPACT) meeting on February 16, Packy the elephant's memorial at the Oregon Zoo on February 18, the Willamette Falls Locks Task Force meeting, and Latino Network community events. Council President Tom Hughes also noted that he had been invited to participate in the Earthquake Ready Burnside Project Policy Advisory Group, focused on examining options for a resilient lifeline crossing over the Willamette River in the event of a major earthquake.

**8. Adjourn**

There being no further business, Council President Hughes adjourned the Metro Council meeting at 2:48 p.m. The Metro Council will convene the next regular council meeting

on February 23 at 2:30 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nellie Papsdorf".

Nellie Papsdorf, Legislative and Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 16, 2017**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
2.0	Citizen Communication	2/16/2017	Comments before Metro Council	021617c-01
4.1	Ordinance 17-1393	2/16/2017	PowerPoint: SORT Bioenergy Wilsonville Anaerobic Digestion Facility	021617c-02