

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A YARD)
DEBRIS PROCESSING FACILITY LICENSE TO)
NORTHWEST ENVIRONMENTAL &)
RECYCLING, INC. TO OPERATE)
A YARD DEBRIS PROCESSING FACILITY)
AND DECLARING AN EMERGENCY)

ORDINANCE NO. 98-771

Introduced by Mike Burton,
Executive Officer

WHEREAS, Ordinance No. 98-762C, Section 9 (b)(2) requires an owner or operator of a yard debris processing facility to be licensed by Metro; and

WHEREAS, Ordinance No. 98-762C, Section 5(b) requires yard debris processing facilities to comply with the licensing requirements in Chapter 5.01; and

WHEREAS, Metro Code Section 5.01.060 requires applications for a license to be filed on forms provided by the Executive Officer, and

WHEREAS, Ordinance No. 98-762C, Section 17(a) specifies that licenses are subject to approval by the Council; and

WHEREAS, Northwest Environmental & Recycling, Inc. has submitted a yard debris processing facility license application to operate a proposed yard debris composting facility in Cornelius, Oregon; and

WHEREAS, Metro has adopted licensing standards for yard debris processing facilities; and

WHEREAS, based on information submitted by Northwest Environmental & Recycling Inc., specified in the Staff Report or otherwise submitted, the Executive Officer has found that with the special conditions set forth in the license agreement, the facility is in compliance with applicable provisions and standards in the Metro Code related to the licensing of yard debris processing facilities; and

WHEREAS, the facility will provide necessary services to the public; and

WHEREAS, nuisance impacts from yard debris processing facilities such as odor, dust and noise can adversely affect the health, safety, and welfare of the public; and

WHEREAS, the purpose of the licensing agreement is to protect the health, safety, and welfare of Metro area residents; and

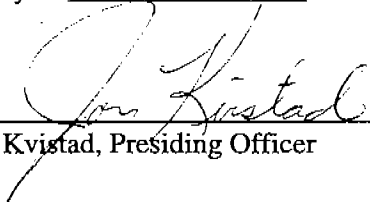
WHEREAS, the Council finds that it is necessary for the welfare of the Metro area that this ordinance take effect immediately, pursuant to Sections 37(2) and 39(1) of the Metro Charter; and

WHEREAS, The Executive Officer recommends that the Council grant the attached license to Northwest Environmental & Recycling Inc.; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

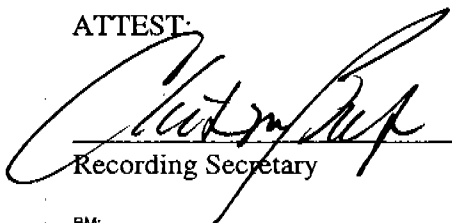
1. The Council authorizes the Executive Officer to execute the attached licensing agreement for a yard debris processing facility within ten days of the effective date of this ordinance.
2. An emergency having been declared because nuisance impacts from yard debris processing facilities (e.g., odor, dust and noise) adversely affect the health, safety, and welfare of the public; and the purpose of the licensing agreement is to protect the health, safety, and welfare of Metro area residents; this ordinance shall take effect immediately, pursuant to Section 39 (1) of the 1992 Metro Charter.

ADOPTED by the Metro Council this 15th day of OCTOBER 1998.



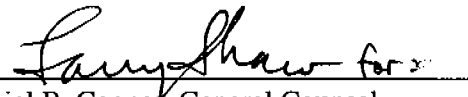
Jon Kvistad, Presiding Officer

ATTEST:



Recording Secretary

Approved as to Form:



Daniel B. Cooper, General Counsel

EXHIBIT A

YARD DEBRIS PROCESSING FACILITY LICENSE

Issued by

METRO

600 N.E. Grand Avenue
Portland, Oregon 97232-2736
(503) 797-1700

LICENSE NUMBER: YD-1198

DATE ISSUED: (see Section 2)

AMENDMENT DATE: N/A

EXPIRATION DATE: _____

ISSUED TO: **NORTHWEST ENVIRONMENTAL & RECYCLING, INC.**

NAME OF FACILITY: **North 4th Environmental and Recycling Facility**

ADDRESS: North end of North 4th Street (a numbered street address is pending)

CITY, STATE, ZIP: Cornelius, Oregon

LEGAL DESCRIPTION: Tax Lot 600, Township 1N, Range 3W, Section 33CA

NAME OF OPERATOR: Warren L. Dow Jr.

PERSON IN CHARGE: Warren L. Dow Jr.

ADDRESS: 1904 Elm Street, Suite #5

CITY, STATE, ZIP: Forest Grove, OR 97116

TELEPHONE NUMBER: (503) 357-6090

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LICENSE AGREEMENT

This License is issued by Metro, a municipal corporation organized under the Constitution of the State of Oregon and the 1992 Metro Charter ("Metro"), to Northwest Environmental & Recycling, Inc. ("Licensee").

In recognition of the promises made by Licensee as specified herein, Metro issues this License, subject to the following terms and conditions:

1. DEFINITIONS

The definitions in Metro Code Section 5.01.010 shall apply to this License, as well as the following definitions. Defined terms are capitalized when used.

"Facility" means the site where one or more activities that the Licensee is authorized to conduct occur.

"Prohibited Wastes" has the meaning set forth in Section 5.2 of this License.

2. TERM OF LICENSE

This License is issued for a term of five years from the date signed by Metro and the Licensee, following approval by the Metro Council.

3. LOCATION OF FACILITY

The licensed Facility is located at North end of North 4th Street, Cornelius, Oregon (a numbered street address is pending). Township 1N, Range 3W, Section 33CA.

4. OPERATOR AND OWNER OF FACILITY AND PROPERTY

4.1 The owner of the Facility is Warren L. Dow Jr.

4.2 The owner of the property underlying the Facility is Warren L. Dow Jr. Licensee warrants that owner has consented to Licensee's use of the property as described in this License.

4.3 The operator of the Facility is Warren L. Dow Jr. for Northwest Environmental and Recycling, Inc. Licensee may contract with another person or entity to operate the Facility only upon ninety (90) days prior written notice to Metro and the written approval of the Executive Officer.

5. AUTHORIZED AND PROHIBITED ACTIVITIES AND WASTES

5.1 Subject to the following conditions, Licensee is authorized to operate and maintain a yard debris composting facility.

5.1.1 Licensee shall accept only yard debris, landscape waste, and clean wood wastes (e.g., untreated lumber, and wood pallets). In addition, limited quantities (approximately 400 tons per year) of horse manure may also be accepted for composting. No other wastes shall be accepted at the Facility unless specifically authorized in writing by Metro.

5.2 Prohibited Wastes

5.2.1 Licensee is prohibited from receiving, processing or disposing of any solid waste not authorized in this License.

5.2.2 Licensee shall not accept Hazardous Waste. Any Hazardous Waste inadvertently received shall be handled, stored, and removed pursuant to state and federal regulations.

6. MONITORING AND REPORTING REQUIREMENTS

6.1 Licensee shall monitor facility operation and maintain accurate records of the following:

6.1.1 Amount of feedstock received and quantity of product produced at the facility.

6.1.2 Records of any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.

6.1.3 Records of any public nuisance complaints (e.g., noise, dust, odor, and litter) received by the operator, including:

(a) The nature of the complaint;

(b) The date the complaint was received;

(c) The name, address, and telephone number of the person or persons making the complaint; and

(d) Any actions taken by the operator in response to the complaint.

6.1.4 For every odor complaint received, the licensee shall record the date, time, and nature of any action taken in response to an odor complaint, and record such information within one business day after receiving the complaint. Records of such information shall be made available to Metro and local governments upon request.

6.2 Records required under this section shall be reported to Metro no later than thirty (30) days following the end of each quarter. The report shall be signed and certified as accurate by an authorized representative of Licensee.

- 6.3 The licensee shall submit to Metro duplicate copies of regulatory information submitted to the DEQ and local jurisdictions pertaining to the facility, within 30 days at the same time of submittal to DEQ and/or a local jurisdiction.

7. DESIGN AND OPERATIONAL REQUIREMENTS

- 7.1 Activities shall be conducted in accordance with the Metro approved facility design plan, operations plan and odor minimization plan submitted as part of the License Application. In addition:
- 7.1.1 To control odor and dust the Licensee shall:
- (a) Install dust control and odor systems whenever excessive dust and odor occur, or at the direction of Metro. Alternative dust and odor control measures may be established by the Licensee with Metro approval.
 - (b) Take specific measures to control odors in order to avoid or prevent any violation of this License, which measures include (but are not limited to) adherence to the contents of the odor minimization plan.
- 7.1.2 The following special condition shall apply:
- (a) High nitrogen feedstocks such as manure and grass clippings shall be blended with a sufficient quantity and quality of bulking agents (high in carbon) and windrowed for composting on a daily basis. The mixture shall be blended to achieve an appropriate carbon-to-nitrogen ratio (C:N ratio) to ensure rapid decomposition without causing excessive release of ammonia. The stockpiling of grass clippings and manure is prohibited.
 - (b) With approval from the City of Cornelius, increase the density, size and variety of the tree buffer-planting zone at the southern facility property line adjacent to the existing business within 30 days of the effective date of this License Agreement. The trees should be tall and fast growing varieties. Applicant should verify plant material with a landscape architect and/or local nurseries to determine type, availability and performance of plant material.
- 7.1.3 With respect to vector control, the Licensee shall manage the Facility in a manner that is not conducive to infestation of rodents or insects. If rodent or insect activity becomes apparent, Licensee shall initiate and implement additional vector control measures.
- 7.2 The Licensee shall provide an operating staff which is qualified to perform the functions required by this License and to otherwise ensure compliance with the conditions of this License.
- 7.3 The licensee shall utilize functionally aerobic composting methods for processing authorized wastes at the facility.
- 7.4 All facility activities shall be conducted consistent with applicable provisions in Metro Code Chapter 5.01 and Metro's Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities. Licensee may modify such procedures. All proposed modifications to facility plans and procedures shall be submitted to the Metro Regional Environmental Management Department for review and approval by the Executive Officer, consistent with Section 17.1 of this Agreement.

- 7.5 Licensee shall remove compost from the Facility as frequently as possible, but not later than one year after processing is completed.

8. FACILITY CLOSURE

- 8.1 In the event of closure of the facility, all yard debris, composting material, end product, and other solid wastes must be removed from the facility within 180 days following the commencement of closure.
- 8.2 Licensee shall close the facility in a manner which eliminates the release of landscape waste, landscape waste leachate, and composting constituents to the groundwater or surface waters or to the atmosphere to the extent necessary to prevent threats to human health or the environment.
- 8.3 Within 30 days of completion of closure, Licensee shall file a report with Metro verifying that closure was completed in accordance with this section.

9. ANNUAL LICENSE FEE

Licensee shall pay an annual license fee of \$300, as established under Metro Code Chapter 5.01. The fee shall be due on or before January 15th, for that calendar year. Metro reserves the right to change its license fees at any time, by action of the Metro Council, to reflect license system oversight and enforcement costs.

10. INSURANCE

- 10.1 Licensee shall purchase and maintain the following types of insurance, covering Licensee, its employees, and agents:
- (a) Broad form comprehensive general liability insurance covering personal injury, property damage, and personal injury with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
 - (b) Automobile bodily injury and property damage liability insurance.
- 10.2 Insurance coverage shall be a minimum of \$500,000 per occurrence, \$100,000 per person, and \$50,000 property damage. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- 10.3 Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED. Notice of any material change or policy cancellation shall be provided to Metro thirty (30) days prior to the change or cancellation.
- 10.4 Licensee, its contractors, if any, and all employers working under this License are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability.

11. INDEMNIFICATION

Licensee shall indemnify and hold Metro, its agents, employees, and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with licensee's performance under the license, including patent infringement and any claims or disputes involving subcontractors. Licensee shall not assume liability for any negligent or intentionally wrongful act of Metro, its officers, agents or employees.

12. COMPLIANCE WITH LAW

Licensee shall fully comply with all federal, state, regional and local laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this License, including all applicable Metro Code provisions whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the Facility by federal, state or local governments or agencies having jurisdiction over the Facility are part of this License by reference as if specifically set forth herein. Such conditions and permits include those attached as exhibits to this License, as well as any existing at the time of issuance of this License and not attached, and permits or conditions issued or modified during the term of this License.

13. METRO ACCESS TO FACILITY

Authorized representatives of Metro shall be permitted access to the premises of the Facility at all reasonable times for the purpose of making inspections and carrying out other necessary functions related to this License. Access to inspect is authorized during all business hours.

14. DISPOSAL RATES AND FEES

- 14.1 The rates charged at licensed facilities are exempt from Metro rate setting.
- 14.2 Licensee is exempted from collecting and remitting Metro fees on waste received at the Facility. Licensee is fully responsible for paying all costs associated with disposal of residual material generated at the facility, including all Metro fees and taxes. A licensee shall obtain a non-system license prior to disposal of residuals at any facility not designated by Metro.
- 14.3 Licensee shall adhere to the following conditions with regard to disposal rates charged at the facility:
 - (a) A licensee may modify rates to be charged on a continuing basis as market demands may dictate. Rate schedules should be provided to Metro on a regular basis, and shall be provided to Metro on request.
 - (b) Public rates charged at the facility shall be posted on a sign near where fees are collected. Rates and disposal classifications established by a licensee shall be reasonable and nondiscriminatory.

15. GENERAL CONDITIONS

- 15.1 Licensee shall be responsible for ensuring that its contractors and agents operate in compliance with the terms and conditions of the license.
- 15.2 This License shall not vest any right or privilege in the licensee to receive specific quantities of yard debris during the term of the license.
- 15.3 The power and right to regulate, in the public interest, the exercise of the privileges granted by a license shall at all times be 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 legal requirements against licensee.
- 15.4 This License may not be transferred or assigned without the prior written approval of Metro, which will not be unreasonably withheld.
- 15.5 To be effective, a waiver of any term or condition of a license must be in writing, signed by the executive officer. Waiver of a term or condition of a license shall not waive nor prejudice Metro's right otherwise to require performance of the same term or condition or any other term or condition.
- 15.6 This License shall be construed, applied, and enforced in accordance with the laws of the State of Oregon and all pertinent provisions in the Metro Code.
- 15.7 If any provision of a license is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, the validity of the remaining provisions contained in the license shall not be affected.

16. REVOCATION

Suspension, modification or revocation of this License shall be as specified herein and in the Metro Code.

17. MODIFICATION

- 17.1 At any time during the life of this License, either the Executive Officer or the Licensee may propose amendments or modifications to this License. Except as specified in the Metro Code, no amendment or modification shall be effective unless it is in writing and executed by the Licensee and the Executive Officer.
- 17.2 The Executive Officer shall review the License annually, consistent with Section 6 of this License, in order to determine whether the License should be changed. While not exclusive, the following criteria and factors may be used by the Executive Officer in making a determination whether to conduct more than one review in a given year:
- a) Licensee's compliance history;
 - b) Changes in waste volume, waste composition, or operations at the Facility;
 - c) Changes in local, state, or federal laws or regulations that should be specifically incorporated into this License;
 - d) A significant release into the environment from the Facility;

- e) A significant change or changes to the approved site development plan and/or conceptual design; or
- f) Any change in ownership that Metro finds material or significant.
- g) Community requests for mitigation of impacts to adjacent property resulting from Facility operations.

18. NOTICES

18.1 All notices required to be given to the Licensee under this License shall be delivered to:

Warren L. Dow Jr.
 Northwest Environmental & Recycling, Inc.
 1904 Elm Street, Suite #5
 Forest Grove, OR 97116

18.2 All notices required to be given to Metro under this License shall be delivered to:

Bill Metzler, Licensing Program Administrator
 Metro Regional Environmental Management
 600 N.E. Grand Avenue
 Portland, OR 97232-2736

18.3 Notices shall be in writing, effective when delivered, or if mailed, effective on the second day after mailed, postage prepaid, to the address for the party stated in this License, or to such other address as a party may specify by notice to the other.

Northwest Environmental & Recycling, Inc.

METRO

 Facility Owner or
 Owner's Representative

 Mike Burton, Executive Officer
 Metro

 Date

 Date

BM:

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EXECUTIVE SUMMARY

ORDINANCE 98-771 GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO NORTHWEST ENVIRONMENTAL & RECYCLING, INC.

PROPOSED ACTION

- Grants a yard debris processing facility license, with conditions, to Northwest Environmental & Recycling, Inc. to operate its proposed yard debris composting facility located in Cornelius, Oregon.

WHY NECESSARY

- Metro Code requires an owner or operator of a yard debris processing facility to be licensed by Metro.
- The terms of the license will be to protect public health, safety, and welfare. The declaration of an emergency is required for the license agreement to take effect immediately.

DESCRIPTION

- The 6.11-acre site is zoned M-1, General Industrial. Surrounding uses to the south are industrial. There is vacant industrial land to the east and west, and there is agricultural land outside the UGB and City limits to the north.
- The recycling/composting operation is an outright permitted use in the M-1 Zone. Industrial development and structures are subject to site design review. A Conditional Use permit was granted on April 28, 1998 for limited retail sales of product produced on-site. The final site design review findings were issued on May 19, 1998.
- The facility will accept loads of yard debris from commercial and residential sources. The facility will be open to the public.
- The facility will accept approximately 30,000 cubic yards of yard debris per year for processing. In addition, the facility will accept limited amounts (approximately 400 tons per year) of horse manure as an additional composting feed stock.
- The facility will use a turned windrow composting method. The dimensions of the windrows will be 10 feet high x 20 feet wide x 100 feet long.

ISSUES/CONCERNS

- Staff has reviewed all required submittals, and recommends that two special conditions be included in the License Agreement. The two conditions relate to the applicant's operating plan, odor minimization plan, and site design / landscape plan. These conditions will help prevent the potential for nuisance impacts associated with the proposed facility operations.
- The license agreement, with conditions, ensures that the facility will operate in accordance with the purpose of Metro's licensing program to protect public health and safety and maintain consistency with the Regional Solid Waste Management Plan.

BUDGET / FINANCIAL IMPACTS

- There will be a slight increase in revenues from the annual license fee of \$300 per year paid by the licensee. Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 98-771, FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO NORTHWEST ENVIRONMENTAL AND RECYCLING, INC. TO OPERATE A YARD DEBRIS COMPOSTING FACILITY, AND DECLARING AN EMERGENCY

Date: October 7, 1998 Presented by: Councilor Washington

Committee Recommendation: At its October 6 meeting, the Committee considered Ordinance No. 98-771 and voted unanimously to send the ordinance to the Council with a do pass recommendation. Voting in favor: Councilors McFarland, Washington and Chair Morissette.

Background: At the request of the region's local governments Metro has developed and is in the process of implementing a licensing program for yard debris facilities. The purpose of the program is to provide a uniform set of regional regulatory standards that must be met by a facilities. These standards include facility design, operations and odor minimization.

Committee Issues/Discussion: Bill Metzler, Yard Debris Facility Licensing Staff, presented the staff report. He noted that the purpose of the ordinance is to grant a license to a new yard debris composting facility in Cornelius. Northwest Environmental and Recycling would operate the 6 acre, of which about two acres be used for composting. The site is adjacent to industrial sites and vacant land on the edge of the city. Metzler indicated that all necessary local and state permits have been obtained. Metzler noted that the facility will process about 30,000 cubic yards of material annually received from both commercial and general public customers. The facility also will process about 400 tons of horse manure each year.

Metzler explained that Metro has required the operator to meet two additional special conditions that were added to the operational and odor minimization plans for the facility. These include: 1) a requirement that high nitrogen feedstocks, including manure and grass clippings be blended and processed on a daily basis to avoid the release of excess ammonia; and 2) increasing the density, size and types of trees planted in a buffer zone between the site and neighboring businesses. Changes in the buffer zone are subject to approval by the city of Cornelius.

Councilor McFarland asked who the facility operator would be. Metzler responded that Warren Dow is the owner of Northwest Environmental and Recycling.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 98-771 FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO NORTHWEST ENVIRONMENTAL & RECYCLING, INC. TO OPERATE A YARD DEBRIS PROCESSING FACILITY AND DECLARING AN EMERGENCY

Date: August 11, 1998

Presented by: Bruce Warner
Bill Metzler

INTRODUCTION

The purpose of this report is to provide the information necessary for the Metro Council to act on the recommendation that Northwest Environmental & Recycling, Inc. be awarded a license, with conditions, to operate a yard debris composting facility located in Cornelius, Oregon. The license agreement is attached to Ordinance No. 98-771 as Exhibit A.

This report is divided into four main parts: (a) a description of the facility and other relevant applicant information, (b) list of submittals and attachments; (c) staff analysis of the application and whether the facility meets the standards as specified in Metro Code in order to be awarded a license; and (d) staff's recommendations and specific conditions to be contained in the license agreement.

The purpose of the licensing program is to help ensure that yard debris processing facilities are designed and operated in a manner that minimizes nuisance impacts on surrounding communities and businesses.

Key Findings and Recommendations Include:

- Yard debris processing facilities are licensed by the Metro Council if they submit the required plans and show compliance with the applicable provisions in the Metro Code and standards for yard debris processing facilities.
- Staff has reviewed all required submittals, and recommends two special conditions to be contained in the License Agreement. The two conditions relate to the applicant's operating plan, odor minimization plan and site design plan. These conditions will help prevent the potential for nuisance impacts associated with the proposed facility operations.
- The declaration of an emergency is pursuant to the Metro Charter. It is necessary for the welfare of the Metro region that this license agreement takes effect immediately. The facility is a new operation that will provide necessary services.

I. FACILITY AND APPLICANT INFORMATION

Location

- The proposed facility is located at the North end of North 4th Street in Cornelius, Oregon (see Attachment 1). The City has not yet assigned a numbered address to this site.
- The facility lies in Tax Lot 600; Township 1N, Range 3W, Section 33CA; Washington County.
- Surrounding uses to the south are industrial. There is vacant industrial land to the east and west, and there is agricultural land outside the UGB and City limits to the north (see Attachment 1).

Zoning and Permitting

- The site is zoned M-1: General Industrial. The recycling/composting operation is an outright permitted use in the M-1 Zone. Industrial development and structures are subject to site design review.
- Two land use requests were made to the City of Cornelius related to this composting facility. One was for a Conditional Use permit for limited retail sales in the industrial zone; and the other for a site Design Review for the composting operation.
- The Conditional Use permit was authorized by the City Planning Commission on April 28, 1998. This permit is limited in application to allowing retail sales of products produced on-site and made from materials delivered to the site by potential retail customers (see Attachment 7). No other retail sales are permitted. The Site Design Review findings were issued by the City of Cornelius on May 19, 1998 (see Attachment 8).
- A required DEQ Land Use Compatibility Statement has been submitted by the City of Cornelius (see Attachment 6).
- The applicant is working with the DEQ to obtain a required Storm Water Discharge Permit (DEQ 1200Z).

General Facility Description

- Warren L. Dow Jr. owns the 6.11-acre site. The active composting area will be conducted on 2.56 acres.
- The facility will accept loads of yard debris from commercial and residential sources. The facility will be open to the public.
- The facility will accept approximately 30,000 cubic yards of yard debris per year for processing. In addition, the facility will accept limited amounts (approximately 400 tons per year) of horse manure as an additional composting feed stock.
- The facility will use a turned windrow composting method using a wheel loader to turn the windrows. The dimensions of the windrows will be 10 feet high x 20 feet wide x 100 feet long.

Completeness and Sufficiency of Application

Applicants for yard debris processing facility licenses are required to complete the application form and provide additional information as requested. The Metro license application and other material required to process the license were submitted (see Section II - List of Submittals).

The license application, as originally submitted by the applicant, was determined to be incomplete and not sufficient for processing. Staff requested clarifications from the applicant in order to augment the license application so that it could be processed (reference Attachment 3). In response, the applicant submitted a letter with supplemental license application information (reference Attachment 4). On June 19, 1998, staff met with the applicant to review the application material, discuss the licensing program standards and request clarifications to the supplemental application responses. On June 30, 1998, staff received the additional license application clarifications (reference Attachments 5). The applicant responses have been determined to be complete and adequate, provided that special conditions are included in the License Agreement (reference Section IV-Conclusions).

II. LIST OF SUBMITTALS / ATTACHMENTS

Attachment 1: Site location/aerial photograph (RLIS).

Attachment 2: Application for a Metro Yard Debris Processing Facility License (received by Metro: April 17, 1998).

Attachment 3: Letter from Metro to applicant dated April 30, 1998 requesting additional License Application information and clarifications.

Attachment 4: Applicant letter of response with additional Metro License Application information (letter from applicant's consultant: Aldie Howard/Jim Griffith & Associates, Inc. received by Metro on June 8, 1998).

Attachment 5: Applicant letter of response with additional Metro License Application information (letter from applicant's consultant: Aldie Howard/Jim Griffith & Associates, Inc. received by Metro on June 30, 1998).

Attachment 6: DEQ Land Use Compatibility Statement (LUCS), signed by the City of Cornelius (May 14, 1998).

Attachment 7: City of Cornelius - Conditional Use Permit Findings Report (March 30, 1998)

Attachment 8: City of Cornelius - Site Design Review Final Decision and Supporting Findings (May 19, 1998).

III. ANALYSIS OF LICENSE APPLICATION

Staff have reviewed the license application and other supporting documentation and have found that the facility is eligible for a yard debris processing facility license provided special conditions are included in the License Agreement related to facility design, processing operations and odor minimization

procedures (see Section IV, Conclusions - Special Conditions). The conditions specified in the License Agreement will provide sufficient assurances that the facility meets all applicable Metro Code requirements. The following table summarizes staff's analysis:

Key Metro Licensing Provisions	Acceptable	Acceptable with Conditions
Yard Debris Facility Design & Processing Operations Plan		X
Yard Debris Facility Odor Minimization Plans		X

FACILITY DESIGN AND OPERATING PLANS

The facility design and operational requirements are intended to ensure that the facility is designed and operated in a safe and suitable manner that minimizes nuisance impacts on surrounding communities and businesses, while protecting public health and safety. These requirements ensure that the operations can support the type of processing and the quantity of material that the applicant is proposing to process.

Facility Design Plan

Staff has found that this facility is designed in a manner that meets the requirements for effective processing, fire protection, barriers for unauthorized entry, and all-weather access roads. This processing facility has sufficient storage capacity to handle the proposed incoming feed stocks of yard debris and small quantities of manure.

Based on the applicant's submittals, staff has found that the applicants facility design plan does not adequately address the buffer zone at the south property line adjacent to an existing business (Truss Components, Inc.) Therefore, special conditions are included in the License Agreement to ensure that the existing business is buffered from the operational and visual impacts of the proposed composting operation. The conditions are described at the end of this section and in Section IV – Conclusions

Operating Plan

In assessing the applicants operating plan, staff has found two areas of concern that warrant the inclusion of special conditions in the License Agreement. The license application and subsequent submittals related to the operating plan describe the stockpiling of certain feedstocks (grass clippings and horse manure) and processing timeframes for these materials that can lead to nuisance impacts and cause a violation of the Metro Code. After meeting with the applicant and requesting additional clarifications and refinements to the license application, it is staffs recommendation that the License Agreement contain a specific condition related to the processing and stockpiling of these feedstocks. The condition will augment the applicants operating plan and odor minimization plan while providing a higher degree of certainty that the facility is operated in accordance with the Metro licensing program.

Composting method: The proposed composting method will be a turned windrow technology. Incoming yard debris will be ground up using a Diamond Z Tub-grinder. The material will be mixed with small amounts of manure and placed into windrows with dimensions of 10 feet high x 20 feet wide x 100 feet long. The windrows will be turned using a bucket wheel loader when pile temperatures reach

150 degrees F. The composting process will take roughly 120 days with an additional 3 months to 6 months for curing the finished product before it is ready for market.

- **Noise:** Noise levels are managed by maintaining the manufacturer mufflers on machinery and trucks. All processing activity will occur during business hours Monday through Saturday.
- **Vector control:** Vectors are controlled and mitigated by rapidly processing (on a daily basis) the incoming manure and yard debris. Active compost piles and finished product rarely attract or harbor vectors.
- **Dust control:** Water trucks will be used to spray water on the windrows processing area to combat excess dust. In addition, the tub-grinder is equipped with a water injection system for dust control.
- **Litter:** The facility grounds are cleaned of litter on a daily basis.
- **Fire prevention and control measures:** Fire hydrants will be installed on site to provide water for any potential fire. Windrows will be closely monitored for temperature ensuring that the heat will not exceed 160 degrees F.

Comments:

- It is staff's recommendation that the license agreement contain two special conditions related to the applicants composting operations plan.
- The first condition requires that the applicant appropriately blend the high nitrogen grass clippings and horse manure with bulking agents (high in carbon) and incorporate it into windrows for active composting on a daily basis. The stockpiling of these feedstocks is not allowed (reference Section IV – Conclusions, Special Conditions).
- The second condition is related to the site landscape plan and requires that the applicant improve the landscape buffer zone at the south property line adjacent to the existing business. The applicant's site plan does not provide an adequate buffer zone adjacent to the existing business. Appropriately landscaped buffer zones can help mitigate and minimize visual and physical impacts associated with composting operations on surrounding businesses (reference Section IV – Conclusions, Special Conditions).
- The applicant's completed license application, submittals and License Agreement conditions, will constitute the required Design Plan and the Operations Plan.

ODOR MINIMIZATION PLAN

The purpose of the odor minimization plan is to ensure that the facility is operated in a manner that minimizes, manages and monitors odor impacts on surrounding communities and businesses.

General Description: All windrows will be constructed not to exceed 10 feet in height. Windrows will be strictly monitored for proper oxygen levels and moisture percentages in order to avoid potential anaerobic conditions. Carbon/nitrogen ratios of the compost feedstocks will be adjusted to maximize aerobic conditions and minimize the release of ammonia. High carbon bulking agents will be stored for blending with high nitrogen feedstocks, such as grass clippings and horse manure. Special conditions in

the License Agreement will ensure that the proper odor minimization operating procedures are implemented.

Odor complaints: Immediate action will be taken to remedy the situation by changing the mix of raw materials, avoiding overly wet conditions, changing temperatures and aerating the product. Odor complaints will be recorded and operations adjusted and monitored.

Comments:

- As in the comments for the facility design and operating plan, it is staff's recommendation that the license agreement contain special conditions. These conditions will augment the applicant's odor minimization plan and provide a higher degree of certainty that the facility will be operated in accordance with the Metro licensing program standards.
- The applicant's completed license application, submittals and License Agreement conditions, constitute the Odor Minimization Plan, and meet the applicable Metro Code requirements.

IV. CONCLUSIONS

In assessing the proposed North 4th Environmental and Recycling Facility for compliance with the relevant Metro Code provisions, staff has reviewed all required submittals and has determined that in order for this facility to meet Metro Code requirements and be granted a Metro License, the applicant must implement special conditions contained in the License Agreement, and described below:

Special Conditions in the License Agreement

The following two special conditions shall apply and are included in the License Agreement, Section 7.1.2.

1. High nitrogen feed stocks such as manure and grass clippings shall be blended with a sufficient quantity and quality of bulking agents (high in carbon) and windrowed for composting on a daily basis. The mixture shall be blended to achieve an appropriate carbon-to-nitrogen ratio (C:N ratio) to ensure rapid decomposition without causing excessive release of ammonia. The stockpiling of grass clippings and manure is prohibited.
2. With approval from the City of Cornelius, increase the density, size and variety of the tree buffer-planting zone at the south facility property line adjacent to the existing business within 30 days of the effective date of this License Agreement. The trees should be tall and fast growing varieties. Applicant should verify plant material with a landscape architect and/or local nurseries to determine type, availability and performance of plant material.

The license agreement ensures that the facility will operate in accordance with the purpose of Metro's licensing program to protect public health and safety and maintain consistency with the Regional Solid Waste Management Plan. The Metro licensing program includes problem resolution through intergovernmental cooperation, technical assistance and enforcement measures.

V. BUDGET IMPACTS

There will be a slight increase in revenues from the annual license fee paid by the licensee of \$300 per year. Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

VI. STAFF RECOMMENDATION

Based on the preceding analysis it is the opinion of staff that Northwest Environmental & Recycling, Inc. should be granted a yard debris processing facility license for its North 4th Environmental & Recycling Facility to be located in the City of Cornelius, with conditions, in accordance with the provisions of the License Agreement attached to Ordinance No. 98-771 as Exhibit A.

VII. EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 98-771.

BM:

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