

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING A SOLID	)	ORDINANCE NO. 19-1435
WASTE FACILITY FRANCHISE APPLICATION	)	
AND AUTHORIZING CITY OF ROSES	)	Introduced by Chief Operating Officer Martha
DISPOSAL & RECYCLING, INC. TO OPERATE	)	Bennett in concurrence with Council
A TRANSFER STATION	)	President Lynn Peterson

WHEREAS, Metro Code Section 5.01.150 states that a Metro solid waste facility franchise is required for any person owning or controlling a facility that operates a transfer station; and

WHEREAS, City of Roses Disposal & Recycling, Inc. is affiliated with CORE Recycling which holds a Metro solid waste facility license authorizing it to operate a non-putrescible waste material recovery facility in Northeast Portland; and

WHEREAS, City of Roses Disposal & Recycling, Inc. applied for a Metro solid waste facility franchise seeking authorization to accept putrescible waste at its current facility for consolidation and transfer to a Metro-authorized disposal site; and

WHEREAS, City of Roses Disposal & Recycling, Inc. has complied with all requirements of Metro Code Section 5.01.170 for franchise applications, including applying to DEQ for all necessary permits for a solid waste facility; and

WHEREAS, pursuant to Metro Code Section 5.01.180, the Chief Operating Officer has reviewed City of Roses Disposal & Recycling, Inc.'s application materials and finds that the applicant is qualified to operate a transfer station, the proposed franchise complies with the Regional Waste Plan, and the applicant can comply with other applicable regulatory requirements; and

WHEREAS, the Chief Operating Officer recommends that City of Roses Disposal & Recycling, Inc. receive an initial tonnage allocation of up to 15,000 tons of putrescible waste for calendar year 2019; and

WHEREAS, beginning in 2020, Metro will allocate the region's putrescible waste tonnage to privately-owned transfer stations in accordance with Metro Code Chapter 5.01.105 and Metro's tonnage allocation methodology; and

WHEREAS, City of Roses Disposal & Recycling, Inc.'s putrescible waste tonnage allocation amount may change during the term of the franchise in accordance with Metro's tonnage allocation methodology; and

WHEREAS, the Metro Council finds that the terms, conditions, and limitations contained in Exhibit A to this Ordinance are appropriate; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:


1. The solid waste franchise application for City of Roses Disposal & Recycling, Inc. is approved subject to the terms, conditions, and limitations contained in Exhibit A.
2. The Chief Operating Officer is authorized to issue to City of Roses Disposal & Recycling, Inc. a new solid waste facility franchise substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 16<sup>th</sup> day of May 2019.


Attest:

  
Sara Farrokhzadian, Recording Secretary



  
Lynn Peterson, Council President

Approved as to Form:

  
Nathan A. S. Sykes, Metro Attorney



## SOLID WASTE FACILITY FRANCHISE

### No. F-057-19

FRANCHISEE:	FACILITY NAME AND LOCATION:
City of Roses Disposal & Recycling, Inc. P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com	COR Transfer Station 4530 NE 138 <sup>TH</sup> Ave Portland, OR 97230 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com
OPERATOR:	PROPERTY OWNER:
CORE Recycling 4530 NE 138 <sup>TH</sup> Ave Portland, OR 97230 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com	NE 138 <sup>th</sup> LLC. P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: alando@cityofrosesdisposal.com

This franchise replaces and supersedes the provisions of Metro Solid Waste Facility License No. L-057-18. 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:

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Martha Bennett, Chief Operating Officer

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Date



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<b>1.0</b>	<b>ISSUANCE</b>	
<b>1.1</b>	<b>Franchisee</b>	City of Roses Disposal & Recycling, Inc. P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: <a href="mailto:alando@cityofrosesdisposal.com">alando@cityofrosesdisposal.com</a>
<b>1.2</b>	<b>Contact</b>	Alando Simpson Tel: (503) 285-9940 E-mail: <a href="mailto:alando@cityofrosesdisposal.com">alando@cityofrosesdisposal.com</a>
<b>1.3</b>	<b>Franchise number</b>	Metro Solid Waste Facility Franchise No. F-057-19.
<b>1.4</b>	<b>Term</b>	The franchise term is from August 14, 2019 to December 31, 2023, unless amended, suspended, or revoked as provided in this franchise.
<b>1.5</b>	<b>Renewal</b>	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
<b>1.6</b>	<b>Facility name and mailing address</b>	COR Transfer Station P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: <a href="mailto:alando@cityofrosesdisposal.com">alando@cityofrosesdisposal.com</a>
<b>1.7</b>	<b>Operator</b>	COR Recycling P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940
<b>1.8</b>	<b>Facility premises description</b>	R318510 & R318534, Section 1N, Township 2E, Range 23D, Multnomah County, State of Oregon
<b>1.9</b>	<b>Property owner</b>	NE 138 <sup>th</sup> LLC P.O. Box 301427 Portland, OR 97294 Tel. 503-285-9940 Email: <a href="mailto:alando@cityofrosesdisposal.com">alando@cityofrosesdisposal.com</a>
<b>1.10</b>	<b>Permission to operate</b>	The property owner, NE 138 <sup>th</sup> LLC, consents to use of the property as a transfer station by the franchisee.

2.0	CONDITIONS AND DISCLAIMERS	
2.1	<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.
2.2	<b>Non-exclusive franchise</b>	This franchise does not in any way limit Metro from granting other solid waste franchises within Metro's boundaries.
2.3	<b>Property rights</b>	This franchise does not convey any property rights in either real or personal property.
2.4	<b>Amendment</b>	Except as provided in Sections 5.1 and 12.0, no amendment will be effective unless approved by the Metro Council.
2.5	<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.
2.6	<b>Indemnification</b>	The franchisee must 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.
2.7	<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.
2.8	<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.
2.9	<b>Effect of waiver</b>	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right otherwise 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>	<ol style="list-style-type: none"><li>1. "Mixed Non-Putrescible Waste" means a mixture of more than one type of non-putrescible waste, including commingled recyclables other than residential curbside recyclable material. This category includes construction and demolition waste but excludes Cleanup Materials Contaminated by Hazardous Substances, Source-Separated Recyclable Material, special waste, land clearing debris and yard debris.</li><li>2. Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.</li></ol>

<b>3.0</b>	<b>PRE-OPERATING CONDITIONS AND REQUIREMENTS</b>	
<b>3.1</b>	<b>Completion of facility pre-operating requirements</b>	The franchisee may not accept any putrescible waste as authorized in Section 4.0 unless Metro provides written approval that the franchisee has completed the pre-operating requirements described in this section.
<b>3.2</b>	<b>Demonstration of compliance with City and DEQ requirements</b>	<p>The franchisee must:</p> <ol style="list-style-type: none"><li>1. Install an odor control and neutralizing system subject to approval by DEQ and Metro;</li><li>2. Install landscaping (a high hedge) along the southern property line that meets landscaping standards subject to approval by the city of Portland and Multnomah County Drainage District; and</li></ol>



		3. Implement facility infrastructure improvements for the capture and management of leachate (liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact) subject to approval by DEQ and Metro.
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<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 of this franchise. 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 3.0 of this franchise.
<b>4.3</b>	<b>Acceptance and management of putrescible solid waste</b>	<ol style="list-style-type: none"><li>1. The franchisee is authorized to accept putrescible waste for reload and transfer to an appropriate destination as provided in Section 13.2. The franchisee also is authorized to accept putrescible waste for material recovery.</li><li>2. The franchisee must receive, manage, store, reload, and transfer all putrescible waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight covered or tarped containers or within covered or tarped transport trailers.</li><li>3. The franchisee is authorized to accept putrescible waste generated inside the Metro region only from persons who are franchised or permitted by a local government unit to collect and haul putrescible waste.</li><li>4. The franchisee must not store putrescible waste on-site for more than 24-hours.</li><li>5. Putrescible waste stored on-site overnight must not exceed one truckload (25 cubic yards) and must be stored inside a covered container inside the closed building.</li></ol>
<b>4.4</b>	<b>Acceptance and management of mixed non-putrescible solid waste</b>	<ol style="list-style-type: none"><li>1. The franchisee is authorized to accept loads of mixed non-putrescible solid waste to perform material recovery.</li><li>2. The franchisee must receive, sort, store, reload, and transfer all mixed non-putrescible solid waste on an impervious surface, for example asphalt or concrete, and inside a roofed</li></ol>



		<p>building that is enclosed on at least three sides. Unusually large vehicles, for example 30-foot tippers, may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours of receipt, or by the end of the business day, whichever is earlier</p> <p>3. The franchisee is authorized to accept mixed non-putrescible waste from all customers including public self-haul.</p>
<b>4.5</b>	<b>Material recovery required</b>	<p>1. The franchisee must perform material recovery on mixed non-putrescible wastes. The franchisee must design and operate the facility to ensure materials are recovered in a timely manner and to protect the quality of non-putrescible waste that has not yet undergone material recovery. The franchisee must perform recovery at no less than the minimum level set forth in Metro Code Chapter 5.01.</p> <p>2. The franchisee must take quarterly samples of processing residual that are statistically valid and representative of the facility's residual. Each sample required by this section must weigh at least 300 pounds.</p>
<b>4.6</b>	<b>Management of processing residual from material recovery</b>	<p>The franchisee must store, reload, and transfer all non-putrescible waste processing residual on an impervious surface and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight covered containers or within covered transport trailers.</p>
<b>4.7</b>	<b>Acceptance of source-separated recyclable materials</b>	<p>1. The franchisee must provide a place for collecting source-separated recyclable materials on the facility premises.</p> <p>2. The franchisee is authorized to accept source-separated recyclable materials for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse or recycling.</p>
<b>4.8</b>	<b>Acceptance of yard debris</b>	<p>The franchisee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The franchisee may accept yard debris for grinding and reloading to authorized facilities for composting, use as hogged fuel, or other useful purposes as described in an operating plan and approved in writing by the COO.</p>



<b>4.9</b>	<b>Acceptance of source-separated food waste</b>	The franchisee is authorized to accept source-separated food waste that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The franchisee may accept source-separated food waste only for reloading to authorized facilities for composting or other useful purposes as described in an operating plan and approved in writing by the COO.
<b>4.10</b>	<b>Acceptance of untreated wood</b>	The franchisee is authorized to accept for processing and reloading, source-separated, untreated and unpainted wood waste, for example untreated lumber and wood pallets. The franchisee may accept clean wood waste for grinding and reloading to authorized facilities for composting, use in paper production, use as hogged fuel, or other useful purposes as described in an operating plan and approved in writing by the COO.
<b>4.11</b>	<b>Acceptance of painted and treated wood</b>	The franchisee is authorized to accept painted and treated wood waste for grinding and reloading to authorized facilities for use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by the COO. The franchisee must not use or incorporate painted or treated wood into mulch, animal bedding, compost feedstock, or any other product unless otherwise described in an operating plan and approved in writing by the COO.
<b>4.12</b>	<b>Acceptance of electronics devices</b>	The franchisee is authorized to accept source-separated electronic devices for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer, and other similar functions related to preparing these materials for reuse, recycling, or disposal as required by the Oregon Department of Environmental Quality (DEQ).
<b>4.13</b>	<b>Acceptance of inert material</b>	The franchisee is authorized to accept inert materials for purposes of classifying, consolidating, transfer, and other similar functions related to preparing these materials for useful purposes.
<b>4.14</b>	<b>Production of hogged fuel</b>	<ol style="list-style-type: none"><li>1. As authorized by Section 4.0, the franchisee is authorized to accept and process only untreated wood, painted wood, and incidental quantities of treated wood for delivery to facilities with industrial boilers for use as hogged fuel.</li><li>2. The franchisee is prohibited from mixing any other solid waste with the wood wastes described above in Section</li></ol>



		4.14.1 for the production of hogged fuel.
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5.0	LIMITATIONS AND PROHIBITIONS	
5.1	Tonnage allocation	<ol style="list-style-type: none"><li>1. In calendar year 2019, beginning on August 14, 2019 and ending December 31, 2019, the franchisee is authorized to accept up to 15,000 tons of putrescible waste generated inside the Metro region.</li><li>2. By January 1 of each subsequent year, Metro will establish a calendar year tonnage allocation for this franchise and the COO will amend Section 5.1 as applicable.</li><li>3. Metro bases its tonnage allocations on its <i>Solid Waste Forecast and tonnage allocation methodology</i>. Metro will determine future tonnage allocations based on the tonnage allocation methodology beginning in 2020.</li></ol>
5.2	Waste hauler access	<p>It is in the public's best interest that transfer stations located inside the Metro region maintain adequate capacity to accommodate solid waste generated within the region and provide adequate access to waste haulers that collect solid waste within the geographic proximity of the facility. Therefore:</p> <ol style="list-style-type: none"><li>a) The franchisee must not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting any putrescible or non-putrescible waste generated inside the Metro region;</li><li>b) The franchisee should not accept solid waste collected outside of the geographic proximity of the facility if to do so would deny access to waste haulers that collect solid waste within the geographic proximity of the facility;</li><li>c) The franchisee must not deny access to any unaffiliated waste hauler without due cause or written notice 30-days in advance. Due cause includes, but is not limited to, load contamination, failure to pay, or risk of exceeding the franchise tonnage allocation; and</li><li>d) The COO may require the franchisee to provide a written explanation of its rationale if the facility denies access or refuses service to a waste hauler.</li></ol>
5.3	Prohibited waste	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: materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by the DEQ.
5.4	<b>Prohibition on mixing</b>	<ol style="list-style-type: none"><li>1. The franchisee must not mix or commingle any source-separated recyclable materials, source-separated yard debris or wood wastes brought to the facility with any unprocessed solid wastes or solid wastes destined for disposal.</li><li>2. The franchisee must not mix or commingle putrescible solid waste with non-putrescible solid waste or source-separated recyclable materials, including without limitation wood waste and yard debris.</li><li>3. The franchisee must not mix or commingle non-putrescible solid waste with putrescible solid waste or source-separated recyclable materials, including without limitation wood waste and yard debris.</li></ol>
5.5	<b>Prohibition of size reduction on non-putrescible waste</b>	The franchisee must not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, or processing residual consolidation or loading operations, and such size reduction is described in an operating plan and approved by the COO.
5.6	<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.
5.7	<b>Composting prohibited</b>	The franchisee must not keep yard debris on site long enough for more than negligible biological decomposition to begin.
5.8	<b>Limits not exclusive</b>	This franchise will not be construed to 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.

6.0	<b>OPERATING CONDITIONS</b>	
6.1	<b>General performance goals</b>	The franchisee must operate in a manner that meets the following general performance goals:



		<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>	<ul style="list-style-type: none"> <li>1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility and 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> </ul>
<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 access roads 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</li> </ul>



		<p>emergency conditions or as provided by local traffic ordinances.</p> <p>c) Post signs to inform customers not to queue on public roadways.</p> <p>d) Provide adequate off-street parking and queuing for vehicles, including adequate space for covering and uncovering of loads on-site.</p>
<b>6.5</b>	<b>Managing prohibited wastes</b>	<ol 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:<ol 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 make those records available for review by Metro.</li><li>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.</li></ol></li></ol>
<b>6.6</b>	<b>Storage and exterior stockpiles</b>	<p>The franchisee must:</p> <ol 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></ol>



		<ul style="list-style-type: none"><li>b) Maintain storage areas in an orderly manner and keep the areas free of litter;</li><li>c) Position exterior stockpiles within footprints identified on the facility site plan or operating plan; and</li><li>d) Not stockpile recovered or source-separated materials for longer than 180 days.</li></ul>
<b>6.7</b>	<b>Dust, airborne debris and litter</b>	<p>The franchisee must operate the facility in a manner that controls and minimizes 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-site;</li><li>d) Keep all areas within the site and all vehicle access roads within <math>\frac{1}{4}</math> mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation;</li><li>e) Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; and</li><li>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</li></ul>



		violation of Section 5.09.040 of the Metro Code.
<b>6.8</b>	<b>Odor</b>	<ol style="list-style-type: none"><li>1. The franchisee must operate the facility in a manner that controls and minimizes the generation of odors that are detectable off-site.</li><li>2. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility.</li></ol>
<b>6.9</b>	<b>Vectors (e.g. birds, rodents, insects)</b>	<ol style="list-style-type: none"><li>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.</li><li>2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.</li></ol>
<b>6.10</b>	<b>Noise</b>	The franchisee must operate the facility in a manner that controls and minimizes noise sufficient to cause adverse off-site impacts and to meet applicable regulatory standards and land-use regulations.
<b>6.11</b>	<b>Water contaminated by solid waste and solid waste leachate</b>	<p>The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and must:</p> <ol 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></ol>
<b>6.12</b>	<b>Access control</b>	<ol 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></ol>
<b>6.13</b>	<b>Signage</b>	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:



		<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>
6.14	<b>Complaints</b>	<ul style="list-style-type: none"><li>1. The franchisee must respond to all 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><li>2. If the facility receives a complaint, the Franchisee must:<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 retain each log entry for one year and it must be available for inspection by Metro.</li></ul></li></ul>
6.15	<b>Operating hours</b>	Metro may reasonably regulate the hours of facility operations as it finds necessary to ensure compliance with this franchise.
6.16	<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.

<b>7.0</b>	<b>OPERATING PLAN</b>	
<b>7.1</b>	<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.
<b>7.2</b>	<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.
<b>7.3</b>	<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.
<b>7.4</b>	<b>Procedures for inspecting loads</b>	The operating plan must establish: <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;</li><li>c) A set of objective criteria for accepting and rejecting loads; and</li><li>d) An asbestos testing protocol for all materials that appear to contain friable asbestos.</li></ul>
<b>7.5</b>	<b>Procedures for processing and storage of loads</b>	The operating plan must establish procedures for: <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>
<b>7.6</b>	<b>Procedures for managing prohibited wastes</b>	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.



<b>7.7</b>	<b>Procedures for odor prevention</b>	<p>The operating plan must establish procedures for controlling and minimizing 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 will be used to monitor and manage odors of any derivation including odorous loads delivered to the facility; and</li><li>b) Procedures for receiving and recording odor complaints, immediately investigating all odor complaints to determine the cause of odor emissions, and remedying promptly all odor problems at the facility.</li></ul>
<b>7.8</b>	<b>Procedures for dust prevention</b>	<p>The operating plan must establish procedures for controlling and minimizing 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 all dust complaints to determine the cause of dust emissions, and remedying promptly all dust problems at the facility.</li></ul>
<b>7.9</b>	<b>Procedures for emergencies</b>	<p>The operating plan must establish procedures that the franchisee will follow in case of fire or other emergency.</p>
<b>7.10</b>	<b>Procedures for nuisance complaints</b>	<ul style="list-style-type: none"><li>1. For every nuisance complaint (for example odor, dust, vibrations, and litter) received, the franchisee must record:<ul style="list-style-type: none"><li>a) The nature of the complaint;</li><li>b) The date the complaint was received;</li><li>c) The name, address and telephone number of the person or persons making the complaint; and</li><li>d) Any actions taken by the operator in response to the complaint (whether successful or unsuccessful).</li></ul></li><li>2. 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></ul>
<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 protocol for:</p>



		<ol style="list-style-type: none"><li>1. Short-term closure (duration of time that is more than two consecutive business days but less than 120 days in length); and</li><li>2. Long-term closure (duration of time that is 120 consecutive days or more in length).</li></ol>
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8.0	FEES AND RATES	
8.1	<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.
8.2	<b>Rates</b>	<ol style="list-style-type: none"><li>1. The rates charged by the franchisee for accepting solid waste are not subject to regulation by Metro unless the Metro Council adopts an ordinance that establishes Metro's rate regulation authority.</li><li>2. 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 putrescible waste including food waste and residential yard debris mixed with food waste. The franchisee must remit the community enhancement fees to Metro on a monthly basis in conjunction with fees remitted in Section 8.3.

9.0	RECORD KEEPING AND REPORTING	
9.1	<b>Record keeping requirements</b>	For all solid waste and materials the franchisee is authorized to accept under Section 3.0, the franchisee must keep and maintain accurate records of the amount of authorized materials the franchisee accepts, recovers, recycles, reloads, and disposes. These records include the information specified in the Metro document titled, <u>Reporting Requirements and Data Standards for</u>





		<u><i>Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements.</i></u>
9.2	<b>Reporting requirements</b>	The franchisee must transmit to Metro records required under Section 8.0 no later than fifteen days following the end of each month in a format prescribed by Metro.
9.3	<b>Material recovery reporting</b>	The franchisee must provide the results of its quarterly sampling of processing residual, as provided in Section 4.5 of this franchise, to Metro as a component of its monthly report no later than fifteen days following the end of the each quarter in a format prescribed by Metro.
9.4	<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.
9.5	<b>Transactions based on scale weights</b>	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each inbound and outbound transaction electronically based on actual and accurate scale weights using the franchisee's on-site scales.
9.6	<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.
9.7	<b>Copies of enforcement actions provided to Metro</b>	The franchisee must ensure Metro receives 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) related to the operation of the facility.
9.8	<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</li></ol>



		<p>this franchise or with Metro Code, or which will create off-site impacts.</p> <p>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.</p>
<b>9.9</b>	<b>Changes in ownership</b>	<p>1. Any change in control of franchisee or the transfer of a controlling interest of franchisee requires prior written notice to Metro. "Transfer of a controlling interest of franchisee" includes without limitation the transfer of 10% or more of the ownership of franchisee to or from a single entity. Metro may amend this franchise under Section 12.3 to require the new ownership of franchisee to assume all the rights and obligations of this franchise.</p> <p>2. The franchisee may not lease, assign, mortgage, sell, or otherwise transfer control of the franchise unless the franchisee follows the requirements of Metro Code Section 5.01.220.</p>

<b>10.0</b>	<b>INSURANCE REQUIREMENTS</b>	
<b>10.1</b>	<b>General liability</b>	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 and \$1,000,000 aggregate. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. Contractor's coverage will be primary as respects Metro.
<b>10.2</b>	<b>Automobile</b>	The franchisee must carry automobile bodily injury and property damage liability insurance.
<b>10.3</b>	<b>Coverage</b>	Insurance coverage must be a minimum of \$1,000,000 per occurrence and \$1,000,000 aggregate.
<b>10.4</b>	<b>Additional insureds</b>	Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSURED.
<b>10.5</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 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>10.6</b>	<b>Notification</b>	The franchisee must give at least 30 days written notice to the COO of any lapse or proposed cancellation of insurance coverage.

<b>11.0</b>	<b>ENFORCEMENT</b>	
<b>11.1</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>11.2</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 District, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility.
<b>11.3</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.
<b>12.2</b>	<b>Amendment by Metro Council action</b>	Except as provided in Section 5.0 and 12.0, the provisions of this franchise will remain in effect unless the Metro Council:  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; or  b) Adopts an ordinance amending this franchise to implement the policy, code or process specified by said ordinance.
<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) Significant change in the character of solid waste received or in the operation of the facility;</li><li>f) Any change in ownership or control;</li><li>g) A request from the local government stemming from impacts resulting from facility operations;</li><li>h) Compliance history of the franchisee; and</li><li>i) Changes in regional tonnage trends or actual solid waste generation.</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 rules adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited in this franchise. 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. These conditions and permits include those cited within or attached as exhibits to the franchise document, as well as any existing at the time the franchise is</p>



		issued but not cited or attached, and permits or conditions issued or amended during the term of the franchise.
<b>13.2</b>	<b>Deliver waste to appropriate destinations</b>	The franchisee must ensure that solid waste transported 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.
<b>13.3</b>	<b>Right of inspection and audit</b>	<ol style="list-style-type: none"><li>1. 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 13.4, 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.</li><li>2. The franchisee must permit access to the facility premises to authorized representatives of Metro, including personnel on contract to Metro, at all reasonable times during business hours with or without notice to determine whether the franchisee meets the minimum level of recovery as provided in Section 4.5. The franchisee must provide:<ol style="list-style-type: none"><li>a) Access to all areas where it generates, manages, stores, and reloads processing residual, including without limitation to transfer vehicles;</li><li>b) Access to facility personnel and equipment to collect, segregate, contain, and weigh individual samples of processing residual; and</li><li>c) A safe, covered location away from working areas and vehicle traffic where authorized representatives of Metro may conduct an analysis of the franchisee's processing residual.</li></ol></li></ol>



<b>13.4</b>	<b>Confidential information</b>	<p>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" before it submits it to Metro for review. 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.</p> <p>This Section 12.0 does not 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</p>
<b>13.5</b>	<b>Compliance by agents</b>	<p>The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.</p>

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 19-1435 FOR THE PURPOSE OF APPROVING A SOLID WASTE FACILITY FRANCHISE APPLICATION AND AUTHORIZING CITY OF ROSES DISPOSAL & RECYCLING, INC. TO OPERATE A TRANSFER STATION

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Date: April 25, 2019  
Department: Property and Environmental  
Services  
Meeting Date: May 9, 2019

Prepared by: Hila Ritter, 503-797-1862,  
[hila.ritter@oregonmetro.gov](mailto:hila.ritter@oregonmetro.gov)  
Presenters: Roy Brower and Hila Ritter  
Length: 15 minutes

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#### ISSUE STATEMENT

City of Roses Disposal & Recycling, Inc. (partner company of CORE Recycling) a Metro-licensed non-putrescible (dry) waste material recovery facility located at 4580 NE 138<sup>th</sup> Avenue in Portland, (Metro District 1), seeks authorization to operate a transfer station, named COR Transfer Station, at its existing facility. In addition to its current material recovery operation, COR Transfer Station seeks to accept putrescible (wet) waste for consolidation and transport to Wasco County Landfill in The Dalles for disposal. The Metro Council determines whether to approve or deny an application for a solid waste facility franchise. (Metro Code 5.01.180).

#### ACTION REQUESTED

Review applicable code criteria and Metro policies to determine whether Council should grant a new solid waste facility franchise to COR Transfer Station and authorize it to accept up to 15,000 tons of wet waste for calendar year 2019.

#### IDENTIFIED POLICY OUTCOMES

Approval of this ordinance will support the goals of the *2030 Regional Waste Plan* as described later in this report. It will also help achieve some of the transfer system configuration policy objectives that Council adopted in 2016. Additionally, it will help achieve many of the goals outlined in Metro's *Strategic Plan to Advance Racial Equity Diversity and Inclusion (Diversity Action Plan and Equity Plan)* and Property Environmental Services' *Diversity, Racial Equity and Inclusion (DEI) Work Plan, 2018-2022*. This staff report further describes these expected policy outcomes.

#### POLICY QUESTION

Does the Metro Council approve the solid waste facility franchise application and authorize COR Transfer Station to accept wet waste according to the provisions of Metro Code Chapter 5.01.180 and as described in the ordinance?

#### POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve the ordinance as proposed to grant a new franchise to COR Transfer Station effective 90 days after adoption of the ordinance.
2. Amend the ordinance to grant a franchise with different conditions other than those recommended by staff.

3. Amend the ordinance to declare an emergency, as requested by the applicant, finding that it is necessary to establish an earlier effective date for the franchise for the health, safety or welfare of the Metro area.
4. Do not approve Ordinance No. 19-1435.

### **STAFF RECOMMENDATIONS**

Staff recommends that Council adopt Ordinance No. 19-1435 to authorize a new solid waste facility franchise. The applicant has requested that the ordinance take effect immediately pursuant to an emergency clause, rather than taking effect 90 days after Council adoption. Staff does not recommend that Council adopt an emergency clause.

### **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

Metro's *2030 Regional Waste Plan* sets the policy direction to shape the future of the solid waste system to better attain public benefits and improved sustainability. A major component of this plan is to take a broad look at the role, configuration, and services offered by publicly and privately-owned transfer stations. In 2016, Metro also established a transfer system configuration policy to:

- 1) Ensure that the region's transfer system provides maximum public benefit;
- 2) Maintain the current configuration of publicly and privately-owned transfer stations;
- 3) Ensure that an adequate amount of wet waste flows to publicly-owned stations (at least 40 percent of the region's wet waste);
- 4) Limit the amount of wet waste that any one company may accept for transfer within the region (no more than 40 percent); and
- 5) Improve rate transparency.

The configuration policy also seeks to promote more efficient off-route transport of waste to reduce greenhouse gas and provide opportunities for small, locally-based businesses to participate in the region's solid waste system.

### **Tonnage Allocation**

In addition to the objectives above, the transfer system configuration policy shifted Metro away from its historical "tonnage cap" approach, in which the Metro Council had established annual facility tonnage limits, to a more systematic and predictable "tonnage allocation" system, in which tonnage authority is proportionally allocated to privately-owned stations each year. Staff is developing the detailed methodology for future tonnage allocations for adoption as administrative rules later this year, to become effective in 2020.

In its franchise application, COR Transfer Station requested an allocation of 30,000 tons of wet waste per calendar year. If Council approves the ordinance as proposed, then the proposed franchise would become effective mid-way through the year. As such, staff recommends that the Council grant COR Transfer Station an initial tonnage allocation of 15,000 tons of wet waste for the remainder of calendar year 2019. In the future, Metro will determine and adjust tonnage allocations for all privately-owned transfer stations in the region, including COR Transfer Station, by applying a percentage-based allocation methodology currently being developed using the allocation framework that Metro Council adopted in November 2018 via Ordinance No. 18-1426.



### **Regional Waste Plan Goals**

This proposed ordinance is consistent with Metro's 2030 Regional Waste Plan because it helps achieve many of the goals outlined in the plan including nos. 2, 4, 12, 13, and 16. In particular, staff finds that the proposed facility would likely:

- Increase the percentage of garbage and recycling system revenue that benefits a company owned by people of color (Goal 2);
- Increase the diversity of the workforce in occupations where people of color are underrepresented (Goal 4);
- Promote efficient off-route travel which reduces environmental impacts (Goal 12);
- Support investment in the host community by way of the Community Enhancement Grant program (Goal 13); and
- Implement the transfer system configuration policy by including a small, locally-based business in the region's solid waste system (Goal 16.7).

### **Equity Plan and Diversity Plan**

The Metro Council adopted a Diversity Action Plan and the Equity Plan that set goals for Metro to advance racial equity, diversity and inclusion. This proposed ordinance is consistent with the strategies and goals outlined in those plans. In particular, staff finds that the proposed ordinance helps achieve Metro's goal of advancing racial equity by authorizing COR Transfer Station to operate a transfer station and participate in the region's solid waste system (Goal E).

### **PES DEI Work Plan**

In 2016, the Property and Environmental Services Department (PES) adopted its first DEI work plan to support Metro's Equity Plan and Diversity Action Plan and further guide its work in solid waste reduction, regulation, management, planning and policy. Approval of this ordinance aligns with many of the DEI work plan strategies. Specifically:

- Providing services equitably, with a priority on communities of color (strategy 3);
- Create jobs, career pathways and promote workforce equity in the sectors where PES works, with a priority on people of color and women (strategy 5); and
- Incorporate racial equity outcomes into PES allocation of budget resources (strategy 6).

### **Emergency Clause**

As previously noted in this staff report, if the Council approves the proposed ordinance, then the applicant seeks a franchise with an effective date earlier than the 90-days required under the Charter for adoption of an ordinance. The applicant submitted the following request for Metro to consider as part of its application:

*Due to the urgency and necessity of this facility not only for the City of Portland but more importantly for the Metro Region, we are strongly urging and requesting that you and your council move forward with an emergency ordinance which would allow this facility to immediately receive wet waste if Metro Council decides to approve the application. The urgency in this matter has a triple bottom line effect for our region but moving forward with the standard 90 day process (upon approval), will only hinder our ability to work alongside all solid waste stakeholders in this region to achieve the desirable environmental outcomes by logistically citing the first ever privately owned transfer station in the City of Portland, achieve the social outcomes the Diversity Equity and Inclusion goals set forth by the Property and Environmental Services team strives to achieve and lastly the underserved community of East Portland will now have the*

*chance to host this facility and the ability to tap into the Community Enhancement Grant Program which will foster greater investments and economic opportunities for this part of the region.*

*Please consider moving forward with an emergency ordinance that would allow for this transfer station facility to provide all the community benefits we all hope to see in the near future.*

Per the Metro Charter, all ordinances take effect 90 days after adoption *unless* the Council finds that an emergency exists that affects the “health, safety or welfare of the Metro Area.” In such instances, at least two-thirds of the Council (five Councilors) must approve an emergency clause and the Council must state the reasons for the emergency.

Staff does not find that there is an emergency circumstance, as described in Metro’s Charter, in this instance and does not recommend adoption of an emergency clause. Additionally, the proposed franchise includes several pre-operating conditions that the applicant would be required to complete before the facility accepts wet waste.

### **Specific Franchise Conditions**

As mentioned above, the proposed franchise includes several pre-operating conditions and other unique requirements in addition to Metro’s standard requirements for transfer stations. The unique requirements included in the franchise are derived from the land use conditions required by the city of Portland, and facility infrastructure improvements required by DEQ for leachate management.

The proposed franchise requires that the facility must meet the following conditions before accepting wet waste:

- Install an odor control and neutralizing system subject to approval by DEQ and Metro;
- Install landscaping (a high hedge) along the southern property line that meets landscaping standards subject to approval by the city of Portland and Multnomah County Drainage District; and
- Implement facility infrastructure improvements for the capture and management of leachate (liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact) subject to approval by DEQ and Metro.

In addition to the above, the proposed franchise includes a specific operating condition that requires that the facility must remove all wet waste from the site within 24 hours of receipt. The facility may store small amounts of wet waste on-site overnight if the waste is enclosed in a covered container within a closed building.

### **Known Opposition/Support/Community Feedback**

Metro posted notice and provided an opportunity for the public to review and submit comments on the franchise application. The public notice was posted on Metro’s website, mailed to approximately 1,420 property owners and residents surrounding the proposed facility, and emailed to various other parties that are generally interested in solid waste issues. The comment period began on December 28, 2018, and closed on February 8, 2019. A detailed description of the written comments that Metro received during that time is provided in the *Public Comment Report* included as Attachment 2 to this staff report. Overall, comments were mixed. Many neighboring residents expressed concerns about the location of this facility and its proximity to residential housing, increased traffic impacts, potential environmental and human health impacts, and odors negatively impacting quality of life in the area. Comments in

support of granting the proposed franchise generally described the benefits of approving a local minority-owned business with an emphasis on innovation and waste recovery.

In addition to posting the application for public review and comment, staff also hosted a community conversation in conjunction with DEQ's public hearing at Shaver Elementary School on April 9. Metro hosted this event in response to requests from the public received during Metro's public comment period. As explained further in the *Public Comment Report*, public opinion regarding the proposed transfer station is mixed.

Staff finds that COR Transfer Station has a good compliance history as a material recovery facility and has adequately demonstrated that it is qualified to appropriately manage wet waste. The proposed franchise includes specific operating conditions to prevent and mitigate off-site impacts. Approval of the proposed franchise aligns with Metro's *2030 Regional Waste Plan*, the transfer station configuration policy, Equity Plan, and the PES DEI Plan. Staff finds that the application meets the franchise requirements in Metro Code Section 5.01.170 and the proposed franchise meets the objectives and goals of the Regional Waste Plan.

### **Legal Antecedents**

Pursuant to Metro Code 5.01.180, the Council must consider the following factors when determining whether to issue 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;

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the *2030 Regional Waste Plan* and specifically aligns with many of the goals of the plan, leading with equity in particular.<sup>1</sup> In addition, staff finds that the proposed activity is consistent with the configuration policy in that it promotes more efficient off-route transport of waste to reduce greenhouse gas (as it provides a closer option for trucks operating in the vicinity) and provides an opportunity for a small, locally-based business to participate in the region's solid waste system.

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

Approval of the proposed franchise would likely result in minimal shifting of tons of waste away from Metro's transfer stations. COR Transfer Station is seeking to initially provide additional transfer options for third-party haulers. Staff understands that most of the wet waste that the proposed facility is likely to receive in 2019 will be from a vertically integrated hauling company, Waste Connections, which currently transports waste to its affiliated transfer stations located in Clark County, Vancouver Materials Recovery Center, under authority of a Metro non-system license (NSL No. N-029-17B). Waste Connections is also the owner/operator of Wasco County Landfill. Because this waste has already been allocated to privately-owned facilities the associated revenue impacts have already been

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<sup>1</sup> Regional Solid Waste Management Plan retitled to 2030 Regional Waste Plan during planning process. Metro Code will be amended to reflect this name change in 2019.

factored into Metro's budget. Additional information regarding the costs associated with the proposed franchise is provided in the budget and rate impact section of this report.

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

The applicant operated a dry waste material recovery facility at 5726 NE 109<sup>th</sup> Avenue in Portland since 2013. In February 2019, the applicant relocated its facility to 4580 NE 138<sup>th</sup> Avenue in Portland. The applicant proposes to perform material recovery activities and accept wet waste for consolidation and transport to a landfill for disposal. Staff finds that the proposed franchise is unlikely to adversely affect the health, safety, and welfare of Metro's residents because transfer stations generally pose minimal environmental risk. The proposed franchise requires the franchisee to manage all wet waste received inside of a building and subsequently remove from the site within 24 hours. In addition, COR Transfer Station has performed significant site improvements to appropriately manage waste, and meet all land use conditions such as paving, land clearing and landscaping, and internal and external rehabilitation of existing structures.

The applicant plans to use operational practices and management controls that are typical of transfer stations and that Metro considers adequate for the protection of health and the environment.

- (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 in attachment 2, the *Public Comment Report*, this facility is located in a regionally-significant industrial sanctuary. City of Portland has granted conditional use approval for the proposed waste-related activity in this industrial zone. The site was formerly home to Oregon Recycling Systems, a processor of recyclable materials, from 1995-2016.

The proposed franchise requires the franchisee to operate the facility in a manner that controls and minimizes off-site impacts, including, but not limited to: odors, noise, vectors, traffic, etc. All wet waste will be required to be managed and received inside of a building and subsequently removed from the site within 24 hours of receipt, and all vehicles transporting waste materials will have to be covered. Furthermore, additional facility infrastructure improvements will be required prior to the facility accepting wet waste such as: installing an odor control and neutralizing system subject to approval by DEQ and Metro, improving the leachate capture and management system within the building, and increased landscaping to function as a buffer.

Staff's detailed response to both the concerns and the benefits of approving this proposed transfer station, which were submitted to Metro during the comment period, is included as attachment 2, the *Public Comment Report*.

In addition, in order to help mitigate potential impacts from solid waste facilities on host communities, Metro requires that any facility receiving wet waste must collect and remit to

Metro \$1 per ton for use in local community enhancement programs to mitigate facility impacts by improving economic opportunities, neighborhood livability, and public safety. As previously mentioned, COR Transfer Station is already operating as a dry waste material recovery facility at this location. Approval of a franchise will initiate the formation of a Community Enhancement Committee to grant funds for enhancement projects. Staff finds that the proposed franchise is not likely to adversely affect the surrounding community in an unreasonable manner.

- (5) Whether the applicant has demonstrated the strong likelihood that it will comply with all requirement 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, and regulations, ordinances, orders or permits pertaining in any manner to the proposed franchise.

Metro staff's investigation of COR Transfer Station has revealed a good record of compliance. DEQ and city of Portland staff have reported that there are no code, environmental, or nuisance violations at the site. Based on the applicant's good compliance record operating a material recovery facility, staff finds that there is a strong likelihood that COR Transfer Station will comply with the requirements and standards of the proposed franchise.

### **Anticipated Effects**

Approval of ordinance No. 19-1435 will authorize the COO to issue a new franchise to COR Transfer Station to accept up to 15,000 tons of wet waste in 2019 and establish future annual allocations as described in Metro's tonnage allocation methodology currently being developed. If approved, the franchise will replace and supersede the applicant's current solid waste facility license upon its effective date. The proposed license becomes effective on August 14, 2019, and expires on December 31, 2023.

### **Financial Implications (current year)**

As described above, it is Metro's understanding that for 2019, COR Transfer Station will partner with Waste Connections to accept the wet waste that it currently transports to its affiliated facilities in Clark County Washington. COR Transfer Station proposes to transport the waste to Wasco County Landfill which is also affiliated with Waste Connections. Metro's cost and rate model already assumed that waste would not come through Metro's transfer stations. Therefore, approval of the proposed franchise is expected to have minimal impact to Metro's Solid Waste Fund operating costs and revenues. Furthermore, beginning in 2020, as part of Metro's tonnage allocation methodology, Metro will adjust tonnage allocations for all privately-owned transfer stations and require that at least 40 percent of the region's wet waste tonnage flows to publicly-owned transfer stations (Metro Central and South).

If this proposed ordinance is approved, a Community Enhancement Committee will be established in the city of Portland which could receive up to \$15,000 in 2019, and \$1 per ton of wet waste received for all subsequent years under the proposed franchise. As a result of this action, other Community Enhancement Committees might experience a reduction in funds based on potential tonnage shifts. For example, it is possible that the Metro Central and South community enhancement committees could experience a reduction in funds if any tonnage shifts to COR Transfer Station.

This ordinance may also have the effect of driving rates down at privately-owned facilities as a result of increased competition, which would benefit rate payers. Cost savings may also occur if vehicle miles traveled are reduced.

As previously explained in this staff report, staff are developing administrative rules that will set forth a detailed process for determining and adjusting future tonnage allocations. Staff notes that this prescribed tonnage allocation process, beginning in 2020, may result in a different, to be determined, tonnage allocation for COR Transfer Station.

## **BACKGROUND**

The applicant is a locally-owned company that operates a waste hauling service (City of Roses Disposal and Recycling) and a Metro-licensed dry waste material recovery facility. COR Transfer Station has operated a facility on NE 109<sup>th</sup> since 2013. COR Transfer Station applied for and obtained Metro and DEQ authorization to operate a dry waste material recovery facility at its current location, 4530 NE 138<sup>th</sup> Ave in Portland.<sup>2</sup> COR Transfer Station primarily accepts and processes mixed dry waste collected by its hauling company. It does not currently accept waste from the general public, and is not proposing to accept self-haul waste as part of its transfer station operation. It specializes in the recovery of waste generated during construction projects that seek to obtain LEED (Leadership in Energy and Environmental Design) certification. LEED projects require that the solid waste resulting from construction activities be recovered to a higher degree and be more extensively documented than from standard construction projects.

Metro has conducted one inspection of the applicant's current site on NE 138<sup>th</sup> Avenue, and 44 inspections of the former location at NE 109<sup>th</sup> Avenue (from August 2011 - January 2019). COR Transfer Station is currently in compliance with Metro's requirements and has a good history of compliance. In addition, DEQ and city of Portland staff have reported that there are no enforcement or compliance issues associated with the current site.

The functions of regional solid waste system are implemented by Metro, cities and counties, and many private for-profit businesses and non-profit organizations. This sharing of responsibilities means that Metro has a strong interest in the success of the private sector at creating, expanding, preserving and broadening efforts that advance waste prevention, reuse, recycling and energy recovery. In December 2017, the Metro Council established a new Investment and Innovation grant program to support this interest through the granting of funds to businesses and non-profit organizations involved in these efforts and to help foster economic opportunities for people who have historically been left out of the garbage and recycling system, particularly communities of color. COR Transfer Station applied for and was granted a capital grant for \$500,000 with a 100 percent matching requirement. The grant will be used to expand dry waste material recovery and processing operations at its facility. This expansion will include significant property improvements and new equipment to increase both the volumes and types of materials recovered for reuse and recycling at COR Transfer Station.

The applicant seeks to continue and evolve its current material recovery activities on dry waste and also accept wet waste to diversify its operation, and avoid the added costs of travel time and tipping fees using other transfer stations. The site was formerly occupied by Oregon Recycling Systems which operated a material recovery facility there from 1995-2016. Additionally, the city of Portland had previously granted a conditional waste related use of the site and Metro had previously issued a transfer

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<sup>2</sup> Metro Solid Waste Facility License No. L-057-18 and DEQ Solid Waste Disposal Site Permit 1606

station franchise to the former occupant in 2005, although the transfer station never opened. The site has undergone significant site improvements under COR Transfer Station's ownership.

On November 28, 2018, the applicant submitted to Metro a complete solid waste facility franchise application accompanied by payment of the appropriate application fee of \$500. The applicant requested to both become authorized to accept wet waste for transfer and amend its NSL (N-134-16C) to similarly authorize the transport of waste to Wasco County Landfill for disposal. The proposed non-system license amendment will be brought to Metro Council for consideration on May 16, 2019, under Resolution No. 19-4981 on the consent agenda.

#### **ATTACHMENTS**

- A. Exhibit A to Ordinance No. 19-1435: Draft Franchise No. F-057-19
- B. Attachment 1 to Staff Report: Images
- C. Attachment 2 to Staff Report: Public comment report

# Attachment 1: Images



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

Attachment 1 to Staff Report for Ordinance No. 19-1435

## PUBLIC NOTICE:

### COR Transfer Station

Submit comments to Metro by 5 p.m. January 25, 2019

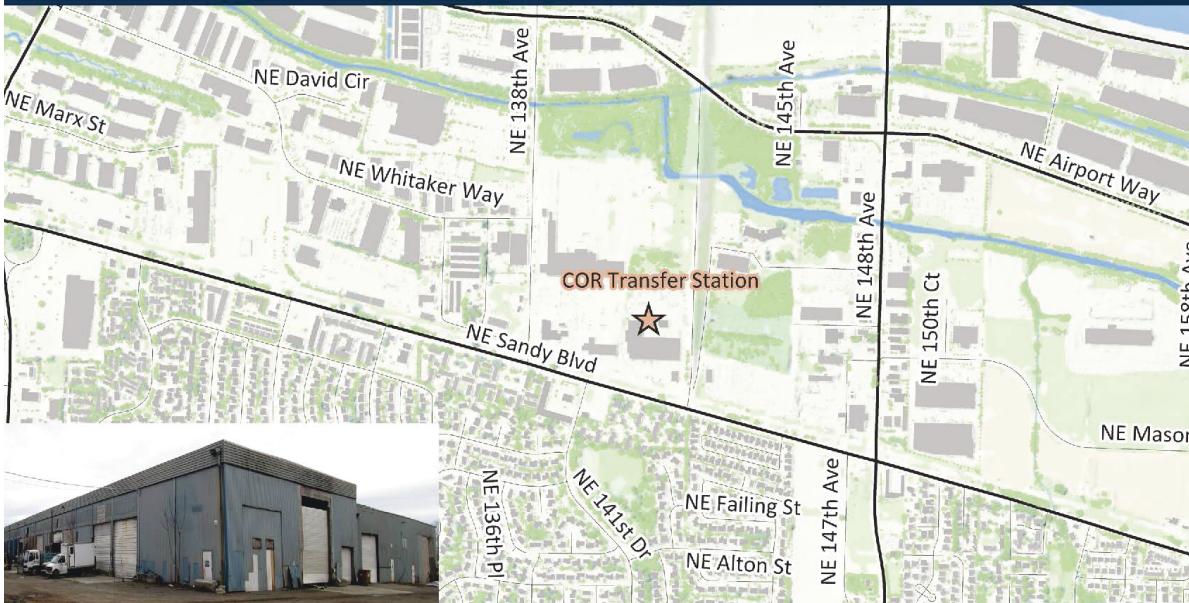


Photo 1: Public notice post card, front

COR Transfer Station submitted an application for a new Metro solid waste franchise to receive garbage generated within the Metro region for reloading and transport to a landfill for disposal. COR Transfer is a locally owned and operated subsidiary of City of Roses Disposal and Recycling.

Please refer to [oregonmetro.gov/solidwastepublicnotices](http://oregonmetro.gov/solidwastepublicnotices) for more information about the license application.

Location: 4530 NE 138th Ave, Portland, Oregon



**Metro**

600 NE Grand Ave  
Portland, OR 97232

**Written comments must be submitted by 5 p.m. January 25, 2019.**

Metro Solid Waste Information Compliance & Cleanup  
600 NE Grand Ave., Portland, OR 97232

Fax: 503-813-7544 Email: [SWICC@oregonmetro.gov](mailto:SWICC@oregonmetro.gov)

More information: [oregonmetro.gov/solidwastepublicnotices](http://oregonmetro.gov/solidwastepublicnotices)

Esta es una notificación de su oportunidad para comentar sobre una solicitud para operar un establecimiento de desechos sólidos (basura o reciclado) en su comunidad. Si necesita asistencia con el idioma, llame al 503-797-1890 (de 8 a 5, lunes a viernes).

Настоящим уведомляем, что у вас есть возможность оставить свой отзыв относительно заявки на эксплуатацию учреждения по переработке твердых отходов (или вторсырья), расположенного в вашем районе. Языковую поддержку можно запросить по номеру 503-797-1890 в рабочие дни с 8:00 до 17:00.

Đây là thông báo về cơ hội của quý vị được trình bày ý kiến bằng đơn trong việc điều hành cơ sở quản lý rác thải (rác hoặc đồ tái chế) trong cộng đồng của quý vị. Nếu quý vị cần trợ giúp về ngôn ngữ, xin gọi số 503-797-1890 (từ 8 giờ sáng đến 5 giờ chiều vào những ngày thường).

本公告旨在通知您利用這個機會評論在您所在社區經營固體廢棄物(垃圾或回收服務)設施的申請。需要語言援助者請在撥打503-797-1890(工作日上午8點至下午5點)。

본 통지서는 지역사회 내 고형 폐기물(쓰레기 또는 재활용) 시설 운영 신청에 대해 귀하의 의견을 제시할 수 있는 기회를 알려 드리기 위한 것입니다. 언어 지원 서비스가 필요한 경우 전화(근무일 기준)까지 503-797-1890으로 전화하십시오(주중 오전 8시 ~ 오후 5시).

Printed on recycled content paper.

Photo 2: Public notice post card, back



## Attachment 1: Images

### Attachment 1 to Staff Report for Ordinance No. 19-1435



Photo 3: Aerial photo of COR Transfer Station located at 4530 NE 138<sup>th</sup> Ave in Portland



## Attachment 1: Images

### Attachment 1 to Staff Report for Ordinance No. 19-1435

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Photo 3: COR Transfer located at 4530 NE 138<sup>th</sup> Ave in Portland



Photo 4: COR Transfer located at 4530 NE 138<sup>th</sup> Ave in Portland



## Attachment 1: Images

### Attachment 1 to Staff Report for Ordinance No. 19-1435

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Photo 4: Community conversation and DEQ public hearing at Shaver Elementary School on April 9, 2019



Photo 5: Community conversation and DEQ public hearing at Shaver Elementary School on April 9, 2019

April 25, 2019

Prepared by: Hila Ritter  
503-797-1862

## BACKGROUND

COR Transfer Station, (partner company of City of Roses Disposal and Recycling) a Metro-licensed non-putrescible (dry) waste material recovery facility located at 4580 NE 138<sup>th</sup> Avenue in Portland, (Metro District 1), submitted a Solid Waste Facility Franchise application to Metro to operate a transfer station at its existing facility. In addition to its current material recovery facility (MRF) operation, COR Transfer Station seeks to accept putrescible (wet) waste for consolidation and transport to a landfill for disposal.

## PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

Metro posted notice and provided an opportunity for the public to review and submit comments on COR Transfer Station's franchise application. The public notice was posted on Metro's website, mailed to approximately 1,420 property owners, schools, neighborhood association and residents surrounding the facility, and emailed to other parties that have a general interest in solid waste issues. The 30-day public comment period began on December 28, 2018, was extended an additional two-weeks to ensure sufficient time to comment, and closed February 8, 2019.

In addition to posting the application for public review and comment, staff also hosted a community conversation in conjunction with the Oregon Department of Environmental Quality's (DEQ) public hearing for the proposed transfer station at Shaver Elementary School on April 9. This event was planned in response to requests for a public meeting received during Metro's public comment period, and approximately 70 people attended. The questions and concerns discussed at the meeting were similar to those articulated to Metro during the written comment period.

Metro received an additional five written comments via e-mail after the comment period closed on February 8, which did not become an official part of the record. COR Transfer Station submitted responses to the comments that Metro received, which are included in full at the end of this report.

## SUMMARY OF WRITTEN PUBLIC COMMENTS ON APPLICATION

Metro received 48 comments during the public notice period from 45 individuals or organizations. Twenty-six of the comments supported the proposed franchise citing support for a local minority-owned business, and increased recycling infrastructure. Twenty comments opposed the proposed franchise primarily due to its location (proximity to residential housing, restaurants, and Costco). Two comments were neutral/indeterminable.

The concerns and benefits that were identified by the commenters can be summarized in five general categories: livability, facility location, traffic, economic impacts and environmental impacts.

## 1. LIVABILITY

- Concerns that garbage odors will be pervasive in the surrounding community.
- Concerns about increased noise, both from trucks entering/exiting the site and equipment noise negatively impacting the community.
- Concerns about increased pests, particularly rodents

### Metro response #1 – Livability:

Metro is tasked with planning, management, and oversight of the region's solid waste system. It has an obligation to the public to ensure that the waste intended for reuse, recycling and other purposes is handled properly and sent to appropriate markets, and that all other waste is safely managed and disposed. In carrying out its oversight responsibilities, Metro balances the need to manage waste in or near the region with the needs of the local communities that live and work near these facilities.

The proposed franchise requires the franchisee to operate the facility in a manner that controls and minimizes off-site odors. In addition it must manage all wet waste received inside of a building and subsequently remove wet waste from the site within 24 hours of receipt. It also requires the facility to install an odor control and neutralizing system subject to approval by DEQ and Metro prior to accepting wet waste.

The facility is located in an industrial sanctuary and is subject to compliance with local noise regulatory standards allowed in industrial zones. Metro primarily relies on the local jurisdiction, in this case city of Portland, to determine noise allowances. The proposed franchise requires the franchisee to operate the facility in a manner that controls and minimizes noise and to meet applicable local noise regulatory standards and land-use regulations

The proposed franchise requires the franchisee to operate the facility in a manner that is not conducive to the harborage of rodents, birds, insects, or other vectors or pests. It further requires implementation of vector control measures if vectors are present or detected.

Metro employs two full time solid waste facility inspectors who are trained in environmental compliance and tasked with monitoring the solid waste facilities authorized by Metro in and around the region. The inspectors generally perform seven or eight inspections of a facility annually. When greater attention at a facility is merited, Metro performs an increased amount of both announced and un-announced facility inspections and complaint investigations in neighboring areas surrounding the facility. Metro has conducted one inspection of the applicant's current site on NE 138<sup>th</sup> Avenue, and 44 inspections of the former location at NE 109<sup>th</sup> Avenue (from August 2011 - January 2019). COR Transfer Station is currently in compliance with Metro's requirements and has a good history of compliance. In addition, DEQ and

city of Portland staff have reported that there are no enforcement or compliance issues associated with the current site.

## 2. FACILITY LOCATION

- Land use concerns, particularly, that a garbage facility should not be allowed in proximity to residential housing and restaurants.
- Concerns about whether there is a need for another transfer station in the region.
- East Portland has been historically disproportionately burdened by industry.

### Metro response #2 – Facility location:

This facility is located in a regionally-significant industrial sanctuary and has been the site of several industrial, commercial, and waste-related businesses since 1959. City of Portland has granted conditional use approval for the proposed waste-related activity in this industrial zone. Additionally, the site was formerly occupied by Oregon Recycling Systems which operated a material recovery facility there from 1995-2016. Additionally, the city of Portland had previously granted a conditional waste related use of the site and Metro had previously issued a transfer station franchise to the former occupant in 2005, although the transfer station never opened. The site has undergone significant site improvements under COR Transfer Station's ownership.

Metro is committed to working with existing facilities to ensure they operate in a manner that is benefitting the community, and overseeing the region's solid waste system to achieve public benefits of the highest and best use of materials and, when needed, their safe disposal. Since early 2017, Metro has been working with communities across the region to develop the 2030 Regional Waste Plan as both a vision for greater Portland's garbage and recycling system and a blueprint for achieving that vision. For more information visit: [www.oregonmetro.gov/regionalwasteplan](http://www.oregonmetro.gov/regionalwasteplan)

COR Transfer Station is a private business that has applied to Metro to operate at its location on NE 138<sup>th</sup> Ave. Although there are other transfer stations in proximity to this proposed facility (GSS Transfer locally owned by Gresham Sanitary Service and Troutdale Transfer Station owned by Waste Management), COR Transfer Station chose this site for its industrial zoning between three freight heavy streets and its historical use as a solid waste facility.

In order to help mitigate potential impacts from solid waste facilities on host communities, Metro requires that any facility receiving wet waste must collect and remit to Metro \$1 per ton for use in local community enhancement programs to mitigate facility impacts by improving economic opportunities, neighborhood livability, and public safety. As previously mentioned, COR Transfer Station is already operating as a dry waste material recovery facility at this location. Approval of a franchise will initiate the formation of a Community Enhancement Committee to grant funds for enhancement projects. Staff finds that the proposed franchise is not likely to adversely affect the surrounding community in an unreasonable manner.



### 3. TRAFFIC

- Concerns about increased traffic congestion.
- Railroad concerns and hazards associated with trains transporting oil.

#### Metro response #3 – Traffic:

Traffic is a major concern across the region. As greater Portland grows into a major metropolitan area, our communities need a collaborative approach to transportation planning, funding and implementation. Metro primarily relies on the local jurisdiction, in this case city of Portland, to determine traffic allowances for solid waste facilities. The applicant completed and submitted a Transportation Impact Study (TIS) to the City. Based upon the information that Metro received from City staff, the proposed activities comply with the Portland Bureau of Transportation and Oregon Department of Transportation traffic requirements. The vehicles that will access the site will likely use streets that are classified to accommodate truck movements. The applicant intends to direct customers to use NE Airport Way, when possible, to minimize congestion at the intersection of NE 138<sup>th</sup> Avenue and Sandy Boulevard. Finally, given the significant paving of the site, there will be adequate areas on site to accommodate the peak number of vehicles expected at the site at any one time.

The concerns about the adjacent rail line and potential impact of oil trains raised at the public meeting on April 9 are outside the scope of Metro's franchise requirements. However, the franchise requires that the operator must comply with all local, state, and federal requirements. In addition, Union Pacific Railroad offers a railroad safety presentation for those interested in enhancing railroad safety in their community. Union Pacific inspects crossing signals regularly for a variety of safety checks. If a malfunctioning signal is noted, the public should report it via the Union Pacific Grade Crossing Hot Line (1-800-848-8715).

### 4. ECONOMIC IMPACTS

- Concern about decreased property values
- Increased job opportunities

#### Metro response #4 – Economic impacts:

The city of Portland has determined that the proposed waste-related use is appropriate for this industrial site. At this time, Metro does not regulate the location where private facilities are cited, and relies on the local jurisdiction for zoning determinations.

Regionally significant industrial areas are near major transportation routes that enable efficient movement of freight, and movement and storage of goods. These are vital to the region's economy and provide good jobs. COR Transfer Station proactively hires second-chance populations and provides living wage jobs to this marginalized group as well as employing people of color. As mentioned previously, this is a locally-owned business whose owners live in the community where the facility is located and seeks to support the local community and economy. COR Transfer Station expects that diversifying and expanding its operations will increase its ability to create more living wage jobs.

## 5. ENVIRONMENTAL IMPACTS

- Concerns about potential contamination of air from dust and odors, and groundwater or nearby waterways such as the Columbia Slough due to contaminated stormwater.
- Comments in support based on COR Transfer Station's sustainable business practices and innovation in the recycling industry.

### Metro response #5 – Environmental impacts:

The proposed site has undergone significant site improvements since COR Transfer Station acquired ownership of the facility in 2018. For example, all site roadways have been paved to mitigate dust from vehicle traffic, significant portions of exterior siding of the main building were replaced to decrease exposure to elements and increase aesthetics, land clearing and preliminary landscaping have begun to enhance visual aesthetics and buffer site activities, and the site office building has been largely renovated. As a condition of sale of the property to COR Transfer Station, an engineered bio-swale and natural area was installed on the eastern property line to control site drainage and function as a buffer. City of Portland's Bureau of Environmental Services has evaluated the existing stormwater management system and has determined that it meets the City's requirements. The site has also applied for and obtained a DEQ National Pollutant Discharge Elimination System Stormwater Discharge Permit 1200-Z. In addition, the proposed Metro franchise requires additional facility infrastructure improvements for the capture and management of leachate (liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact) subject to approval by DEQ and Metro prior to the acceptance of wet waste. This requirement is to ensure that the catchment and storage system located inside the facility is sufficient to manage any liquids that are then regularly pumped out and transported offsite to a wastewater treatment facility. Additional site infrastructure improvements are planned, as described above, including construction improvements to buildings, and paving and site improvements including design, engineering and permitting for site drainage and traffic access.

COR Transfer Station is actively working toward increasing its recovery rate of recyclable materials, particularly around re-use of reclaimed lumber and discarded wood products. The proposed transfer stations may reduce emissions in the region based on decreased vehicle miles traveled while also increasing workforce and enterprise opportunities for low-income people and people of color. As mentioned previously, COR Transfer Station's hiring practices are intentional around building wealth in low-income and people of color communities who have been marginalized in the region's economic prosperity. Additionally, COR Transfer Station is a certified Benefit Corporation, which are businesses that achieve a minimum verified score on a rigorous assessment of a company's impact on its workers, customers, community, and environment—and make their Benefit Impact Report transparent on [bcorporation.net](http://bcorporation.net). Certified Benefit Corporations also amend their legal governing documents to require their board of directors to balance profit and purpose.

Staff finds that the proposed facility supports many of the goals of the Regional Waste Plan that was collaboratively created with the community to plan for the future of the solid waste system with a focus



on equity, health and the Environment. This proposed franchise will increase the percentage of garbage and recycling system revenue that benefits a company owned by people of color (Goal 2), increase the diversity of the workforce in occupations where people of color are underrepresented (Goal 4), promote efficient off-route travel which reduces environmental impacts (Goal 12), support investment in the host community by way of the Community Enhancement Grant program (Goal 13), and implement the transfer system configuration policy by including a small, locally-based business in the region's solid waste system (Goal 16).

**PUBLIC COMMENTS ARE LISTED BELOW IN NO PARTICULAR ORDER:**

1. I am sending this email to show my support for the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling! When opportunities like these are offered to organizations of color it shows the community that Portland has and supports the economic growth and development for minority owned business. Additionally, this company conducts sustainable and environmentally friendly practices. Also, they are leaders in innovative recycling practices. Lastly, as an individual who is a native to Portland and impacted by gentrification in inner N/NE Portland, it's important to me to see equal access to space for minority owned businesses.
2. This letter is in support of the transfer station franchise proposal being submitted by City of Roses Disposal and Recycling. City of Roses is a local minority-owned business focused on sustainability and innovation. Their increased industry presence will be a benefit to diversifying the disposal industry and investment in the local community.
3. I am writing in support of the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. Alando Simpson came to the Parkrose Neighborhood Association a couple years ago when he was thinking of expanding his current facility in the neighborhood., and at the time, it appeared he had all the bases covered. From what I have seen of his plans for the Argay station, he has continued to follow all the necessary precautions against noise and vectors and has even taken traffic impacts into account. There are other reasons I support this project. Simpson has sustainability at the core of his business. Recycling is a bigger interest of his, but he is creating a transfer station in our area both because he sees a need as this area's population grows and also to have shorter trips for garbage trucks to make on the east side, thereby reducing fuel usage. His business will also be a minority-owned business that will create jobs (in an area that typically has higher unemployment than the rest of Portland) and will keep profits local. Overall, Simpson and his family--who has been in this community since the early 1900s--has community concerns in mind, and I trust his business will be beneficial. I'm glad he has chosen to invest in our community, and I'm looking forward to see how the Community Enhancement Grant program that comes along with a transfer station project can help improve an area that suffers from blight and is the home to vulnerable populations. Thank you for considering my commentary, and I hope that Mr. Simpson's project will be approved.
4. I am writing you this email to show my support for the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. I hope that you recommend or vote for approval of this proposal.  
City of Roses Disposal and Recycling is African American owned waste hauling and recycling benefit company with deep roots and long standing ties to the North and Northeast

Portland community. It is the first African American transfer station in the state of Oregon. As long time African American resident of Northeast Portland, myself, this business is great for Portland and supports the equity goals that have been expressed by the City of Portland and METRO.

City of Roses is a leader and innovator. This business focuses on a growing sector of the economy and plans for the future. It will provide living wage jobs for East Portland and the community. It embodies the triple bottom line goals and objectives we seek for the region, promotes sustainability and our natural resources, provides local growth for a minority entrepreneur and our regional economy, and is a concrete measurable example of investment in a minority business, which promotes real measurable economic equity.

Please support this innovative business as it captures the spirit of Oregon!

5. I would like to express to you my support for the transfer station franchise proposal that is being submitted by City of Roses Disposal and Recycling. My support comes in the fact that COR is a locally and minority owned business that has been in the community since the early 1900's. They are an innovated leader in the recycling industry and bring a wonderful value to our community. Between their sustainable ways and the great value they bring to the community by offering jobs in the community and keeping profits local, they have my complete support in this matter.
6. We as a family in the Argay neighborhood are vigorously opposed to a new transfer station off 138th. The traffic on 138 is already congested because of Costco being on that street not to mention the railroad tracks and the back ups on Sandy Blvd as well. We already have traffic issues on Sandy Blvd why escalate the traffic issues we endure already? There will be traffic accidents with trucks entering and leaving the station. This site might produce contaminated water runoff near the Columbia River because it of its drainage system. We are concerned also about the odor, noise and more rats in our neighborhood. We don't believe that we need another transfer station when we have two closeby in Troutdale and one at Metro. Don't allow this station at this location here! It's a very bad idea!
7. I know there is a meeting coming up this Tuesday which I will be attending. I am told we will not be able to participate and will only be able to listen. Therefore, I would like voice my concerns now regarding the potential location of the Waste Transfer operation slated for 138th off of Sandy Blvd. I am not in favor of the Transfer Station being relocated to this property and feel it is a very bad addition for our surrounding neighborhood. I would like my concerns voiced at this meeting.  
This proposed Transfer Waste station is very close to one of the largest undeveloped properties in Northeast Portland. The Rossi/Guisto/Garre Farms property located at 122nd and Shaver, near Parkrose high school. This land is slated for a major residential and commercial development and is in the proposal/planning process at this time. Having a dump located just on the other side of Sandy Blvd. is not conducive to "upgrading" the Parkrose/ Argay neighborhood

and definitely not a “plus” for selling the commercial and more importantly, the residential development of this location.

Sandy Blvd is already a major traffic / commuter route. With only single lanes in both east and west directions, traffic congestion is already heavy at most times of the day. Adding major truck traffic for the transfer station will only make traffic worse, adding more early morning noise pollution as well. I have additional concerns about air quality for our neighborhood. The prevailing wind often comes along the river. Having a “wet” as well as dry transfer station is concerning. The odors associated with this type of operation are not pleasant for the surrounding neighborhood. This type of “wet” and “dry” waste are also a breeding ground for rodents and other garbage related pests. The increased traffic and air quality will decrease the desirability and livability of the surrounding area. With the increase in homeless camps, tent cities in the slums and along the bike paths and freeways along with the east counties focus on affordable housing, we do not need one more development that makes our area less desirable and livable. A more remote location that is not in direct proximity to existing and planned residential neighborhoods would be a better solution. There is land further out in Gresham and Fairview that have better I-84 access that would be more suitable for this Transfer Station.

The proposed location on 138th off of Sandy should be developed with similar types of businesses as the surrounding area. Warehouses, regional offices and sales outlets would be a better development for our neighborhood.

I hope you will strongly voice these concerns at the upcoming meeting. I speak for many of my neighbors who have discussed with me their opposition to the location of this proposed Waste site.

8. We as a family in the Argay neighborhood are vigorously opposed to a new transfer station off 138th. The traffic on 138 is already congested because of Costco being on that street as well. There will be traffic accidents with trucks entering and leaving the station. We are concerned also about the odor, noise and more rats in our neighborhood. We don't believe that we need another transfer station when we have two close by in Troutdale and one at Metro. Don't allow this station at this location here! It's a very bad idea!
9. I would be interested in a public meeting regarding this transfer station. I think the location off 138 is bad because of the existing traffic issues with Costco there. Will you consider a meeting? What do we do to make it happen?
10. The volume of trucks this will bring to an area that already is extremely congested will be INSANE. Does anyone have any knowledge of this area? Costco is right there causing constant traffic jams. The plan does not seem thought out or vetted in any way. Please reconsider this. It will be terrible for the adjacent neighborhoods that already have to fight constant long lines of traffic on Sandy Blvd. OY!

11. I have used City of Roses Disposal and Recycling in the past to recycle construction debris from a remodel we were doing on our home. We were drawn to this company because of their ongoing commitment to the community, the fact that they are a minority owned business, and the emphasis they put on sustainability not only for the environment but the social and economic aspects as well. When I found out that they were looking to grow their business by opening a transfer station I was very excited and knew that I needed to lend them my support as a community member. This is the type of business that we as a community need to get behind; we should encourage their growth as a locally owned business who is investing their profits back into the area to the benefit of the future of Portland. In closing, I would like to thank you for your service to the community as the Solid Waste Authorization Coordinator with Metro.
12. We have lived in the Argay neighborhood for 48 years and are strongly opposed to the proposed garbage transfer station off NE 138th and Sandy Blvd. We have not objected to the previous requests for the recycling transfer stations (which are self contained). However, this transfer station will process garbage and will pollute the neighborhood with obnoxious odors. This proposed transfer station is too close to existing homes and apartments. There are many low income apartments on NE Sandy Blvd that will be only one block from this proposed station. It is very unfair to put such a facility in an area where there are many low income residents. There are also many homes just two blocks away. Our property values would be greatly affected as well as livability. We will be unable to spend time outside without smelling this garbage facility. We are also concerned that this will produce more rats in our neighborhood. We are already plagued with rats from the homeless RV's that park nearby, leaving their garbage by the side of the road. In addition, we are concerned about the noise. The existing businesses north of Sandy Blvd already produce continual low level noise during the day. Another concern is additional traffic. Traffic at the intersection of 138th and Sandy Blvd is already congested because of Costco being on that street. There are also the railroad tracks. All this causes considerable traffic backup on Sandy Blvd in both directions as well as on 138th heading south. Since we already have traffic issues on Sandy Blvd, why escalate the traffic issues we endure already? There could be additional traffic accidents with trucks entering and leaving the station. A further concern is this site might produce contaminated water runoff near the Columbia River because of its drainage system. If there is a need for another transfer station, it should NOT be built so close to homes. There are many other locations closer to Airport Way that would be away from any homes. Also lots of empty area east of 181st. Please, don't allow this transfer station at this location! It's a very bad idea and will greatly harm the Argay neighborhood.
13. The location at NE 138th that you have selected for a potential Waste Transfer location is a very poor decision by Metro. You have selected a high-traffic area that is consistently backed up and congested at all times of day. The streets are narrow and can't handle the amount of cars and trucks today let alone adding more trucks to the streets. Building a Transfer Station at this location will cause traffic

that the streets are not able to handle. The streets are at capacity right now. Having large Garbage Trucks hauling in and out will reek havoc on the traffic flow not to mention the bad odor that will waft through the adjoining residential neighborhood. The Gorge Winds consistently blow down Sandy Blvd at 138th and will spread the foul odor. The quality of air will deteriorate rapidly. You need to find a more remote location that will not adversely affect traffic patterns and cause air pollution to residential neighborhoods.

Metro claims to be community-focused and friendly to Portland residents' needs. Approval of this Transfer location will have a very high-impact negative affect on many, many levels. The Parkrose residents are currently working with the City, on a major Project, to improve the livability and desirability of the Parkrose Neighborhood. Having a Garbage Dump for a neighbor will decrease our Property Values significantly which will result in less Property Taxes for you to use.

14. As a Tax Payer, in Argay/Parkrose, I am requesting that you conduct a Public Hearing on Metro's decision to locate a Transfer Station (Garbage Dump) on NE 138th Avenue.  
I am unclear as to why Metro would make such a decision with a 2-lane Road on Sandy Blvd. that intersects with the narrow 2-lane road on 138th. This infrastructure cannot even handle the current traffic flow let alone adding multiple large Garbage Trucks to the already backed up traffic lanes.  
Metro needs to have some consideration and respect for the Tax Payers who support Metro and Metro should not make these kind of negative impact decisions without Tax Payer feedback. Please schedule a Public Hearing ASAP and notify the neighborhood of the date, time and location.
15. I wanted to take a moment and express my support of the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. There are many reasons I support this, but some key reasons that stick out in my head are that they are locally owned, it's a minority owned business (first African American xfer station in the state), and they go above and beyond to keep their profits local. In addition to this they are a true leader in recycling and innovation and this would be a strong job boost for East Portland. If you have any questions, please don't hesitate to reach out and thank you for taking the time to read my email!
16. I would like to express my support for City of Roses Disposal and Recycling and their transfer station. I love the fact that they are a minority owned company that provides jobs to other minorities and convicted felons. This goes along with their goal of full sustainability; environmentally and socially.
17. Please accept this note of support for the franchise proposal submitted by City of Roses Disposal and Recycling.

18. I am against this garbage transfer station in my neighborhood of Argay Terrace for many reasons. Smell, traffic concerns, vermin, etc. I could go on but I'm sure you have heard other people's concern already. I would like to request a public hearing. I do not think sending a post card in the mail is sufficient notice.
19. As a customer of City of Roses Disposal & Recycling, I am in support of the transfer station franchise proposal that was submitted by them. City of Roses Disposal & Recycling is a locally minority owned business that promotes sustainability while continuing to be a leader in recycling and innovation. As a N/NE Portland native, I have witnessed the gentrification and displacement of the African American community and I believe that it would serve the community well if the proposal was granted.
20. My wife and I oppose the transfer station on 138th of sandy blvd. we live in the Argay neighborhood and it's not a good idea!
21. I just wanted to write in support of the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. Not only are they a company that is centered around sustainability, it they are a locally owned business. Both of these points alone are reason enough for my support. Things like being the first African American transfer station in Oregon, or that this family has been a part of this area since the really 1900's.. these are just more of a reason for my support. Please consider!
22. I write in support of the transfer station franchise proposed submitted by City of Roses Disposal & Recycling for a number of reasons, but in particular, because their ownership is a local, minority- and family-owned, and it is a registered Benefit corporation. City of Roses has led to efforts in job creation, sustainability, innovation, and civic engagement for our city. The owners are family that is from our community, with generations in Portland going back to the early part of last century.  
Thank you for considering my letter of support.
23. This letter is in regard to the City of Roses Disposal and Recycling COR Transfer Station Station and CORE Recycling Material Recovery Facility proposed off of 138th and NE Sandy Blvd. I have a number of concerns which I have listed below, all of which comprise my objections to these two facilities, objections which I believe all those in my community share as well.  
Noise
  - The noise that these facilities stand to generate concerns me greatly: back-up beepers, machinery, trucks, etc.
  - Will a sound level survey be conducted?
  - What levels of sound are deemed appropriate and at what distance will these various sounds be audible?



- What will the days and hours of operations be?

### Odor

- The inevitability for odors emanating from these facilities, especially one categorized as taking “putrescent” waste, is another cause for extreme alarm.
- What methods will be used to control odor?
- Is there an “acceptable” level of odor? If so, at what distance is this odor deemed acceptable?

### Chemical and Biological Pollutants

- What control measures will be taken to not only minimize, but completely eliminate, the risk of chemical and biological pollutants being released and/or accumulating in these two sites?
- Facilities like these have the high probability of being feeding grounds and general harborage for pests. An explosion in the population of pests in the community is another great concern. What effective pest control measures will be taken?

### Truck Traffic

- We will already be experiencing an increase in traffic due to the new Castlegate Apartment Complex. Has a traffic impact study been conducted?
- Where will the main entry and exit points be for trucks and other vehicles? This is important to consider given the following:
  - NE Sandy Blvd is a 2 lane “highway,” in fact, all routes in this area save for Airport Way only have 2 lanes
  - Airport Way going West often becomes impassable after 2pm on weekdays due to people commuting back into Washington
  - 138th, a main connecting route from Airport Way to Sandy, which is also just 2 lanes, is often choked by traffic to and from Costco
  - Train traffic traveling parallel to Sandy Blvd often blocks the ability to cross back and forth from North to South for extended periods of time at various intersections
  - NE Fremont St. is a 2 lane residential thoroughfare with a cut-through on NE 141st to Sandy and is not a reasonable route for increased truck traffic

For each of these concerns, I would like to know what governing agencies – local/state/federal government and/or third party auditors – are responsible for inspecting and enforcing any and all measures City of Roses Disposal and Recycling commit to taking to mitigate each of these concerns that have a direct impact on the health, finances / property value, and general wellbeing and livability of the residents in this community, including myself. At what intervals are inspections to be conducted and any applicable re-certifications re-issued? What recourse do residents have to file meaningful and actionable complaints should these agencies not be effective?

I would also like to request a hearing regarding these facilities.

As I mentioned above, this list of concerns – which is by no means comprehensive – serve as the reasons for my strong objection to these two facilities. Some of the questions I ask, while I am interested in the answers, also serve as an almost comical and certainly rhetorical list of reasons



why the proposed locations for these two facilities is incomprehensible. Why would facilities such as these be considered, let alone approved, for installation this close to residential areas? It is beyond rational thought why area residents should have to hear, smell, and see these types of facilities from their backyard, patio, porch, or Community Park.

I appreciate the opportunity to submit this comment and I look forward to your response and the hearing on these two facilities.

24. Just a quick Friday email in support of the transfer station franchise proposal being submitted by the locally minority owned City of Roses Disposal & Recycling based in NE Portland. The geographic location makes real sense at 138th and Sandy Blvd. Strategically located for less fuel consumption and material handling. It's also in a industrial spot away from the community. Thanks for considering this good idea for METRO and the people it serves.
25. I am writing you regarding the proposed COR Transfer Station Station at 4530 NE 138th Ave, Portland, Oregon, to be operated by City of Roses Disposal and Recycling. I would like to voice my support for the approval of the Transfer Station and provide you with some insight about why I take this position.
- City of Roses Disposal and Recycling has an exemplary history of operations in Portland, already having operated other waste management facilities and transfer stations in the area for over 20 years. Alando Simpson, Vice President and owner of COR Disposal and Recycling, has a long history of service to the community and environmental responsibility and stewardship evidenced by his extensive resume. This includes serving on the board of the City of Portland Small Business Advisory Council, the National Association of Minority Contractors of Oregon, as well as the Oregon Sustainability Board. Mr. Simpson also serves on the Oregon Transportation Commission as PAC Co-Chair.
- City of Roses Disposal and Recycling was started in 1996 by Al Simpson, the father of Alando Simpson, becoming the first waste company in the United States fully owned by African Americans. Both Al and Alando have striven to maintain a highly diverse, well-paid workforce, with a focus on providing quality jobs to the community while working to protect and preserve the environmental sustainability and livability conditions in the Portland metro area.
- I have worked in the recycling, carting and environmental sustainability sector in Portland for as long as City of Roses Disposal and Recycling has existed. It has been my privilege and honor to consider both Al and Alando Simpson friends and business associates for many of those years. In my own 20+ years in the industry, I have found City of Roses Disposal and Recycling to be among the most well managed organizations I've interacted with. They have a true passion for creating a sustainable Portland and exercise extreme care for neighborhoods they operate in, the citizens of those communities, and the Portland-Metro area as a whole.
- In closing, I wish to point out that the facility location being proposed was previously

licensed to another firm to perform, greatly, the same services being proposed at the new facility. While that previous operation never got off the ground at the proposed location, I can say with full certainty that City of Roses Disposal and Recycling has the know-how to do the operation the right way. This will provide additional solid waste processing capacity that is badly needed in the City of Portland.

By approving this facility, METRO would be sending a strong message that a) it fully supports responsible recycling operations; b) is strongly committed to supporting minority owned local business, c) supports environmental sustainability efforts of the greater Portland metro area; and d) is committed to creating new jobs, diverse workforce initiatives and general economic opportunity to the communities it serves.

Thank you for your time and consideration in this effort.

26. I currently use City of Roses Disposal and Recycling for remodeling our home. This is a minority owned business and with me being a minority I feel like it was best to support this business. This company is family owned and they've been apart of the community since the early 1900's. They're all very professional, affordable and overall just great people. love using them also because I know they're guaranteed to recycle our debris from my house. I'm very excited about this transfer station if all goes well. As a community member and someone who currently still uses the company, it's only right I support them. This company has grown tremendously and I can't wait to see what's still to come.
27. I am writing regarding the COR Transfer Station station on 138th. I live in the Argay neighborhood and am very opposed to a new transfer station. The traffic on 138th is already congested because of Costco, the railroad tracks, and increased traffic on Sandy Blvd. The morning and afternoon gridlock on Sandy is unnavigatable now. This site will undoubtedly produces contaminated water runoff and will impact the Columbia River. We are concerned also about the odor, noise and more rats in our neighborhood. We don't believe that we need another transfer station when we have two close by in Troutdale and one at Metro. Don't allow this station at this location here!
28. As a resident in the Argay neighborhood, I vigorously oppose a new transfer station off 138th. Has a traffic analysis been completed for the increased truck traffic and number of vehicles in Sandy and at 138th with Costco bringing in so much already? Has an impact study been completed for environmental sustainability to ensure health of the neighbors and Columbia River Watershed? Why not? We are concerned also about the odor, noise and more rats in our neighborhood. Has an impact study been completed for home values and quality of life/livability with a waste management center so close to homes? As a home owner, I have only read nightmare stories about living next to recycling and waste from the families in these areas and expect we would suffer the same. What about when the farms are sold and developed for more housing and business? This will

likely drive away residents and businesses from investing. We don't believe that we need another transfer station when we have two close by in Troutdale and one at Metro. Don't allow this station at this location here! It's a very bad idea!

29. I am writing in support of the transfer station franchise proposal being submitted by the City of Roses Disposal & Recycling. City of Roses is the first African American-owned transfer station in the State of Oregon and is recognized for its leadership in sustainability, recycling and social equity – it invests in blighted communities, keeps its profits local as a locally-owned benefit corporation, and creates jobs in East Portland. I have worked with City of Roses for more than a decade in my previous position as a director at the Portland Development Commission and as current vice chair of the Metropolitan Contracting Improvement Partnership (MCIP) and the Hispanic Metropolitan Chamber of Commerce, and I have never met a better community partner. This family-owned business is exactly what Portland needs, and this proposal is crucial for its business plans to create jobs and keep them local. Please feel free to contact me if you need any more information or would care to discuss.

30. As residents of the Argay neighborhood, we are expressing concerns with the proposed Metro authorized franchise, COR Transfer Station Station at 4530 NE 138th Avenue, Portland. A response to our concerns is requested.

Positives: In reviewing the application, the company-CORE Recycling- demonstrates strong knowledge and experience with the proper handling of its business to process and dispose of, or recycle, waste products. Their application plans more than adequately address issues of that business including acceptable waste materials; processes to review, contain, and dispose of acceptable and unacceptable or unsafe materials; environmental impact and safety; pest control; and noise reduction or abatement issues.

Negatives / Concerns: Traffic impact, management, and related safety issues are not requested nor addressed in the application process. The company's application estimates initial traffic volume – use by 10-30 trucks per day, with a potential and goal for increases beginning in Year Two. Also, the application states that certain property-specific paving and road management will be addressed eventually.

We could not see if Metro's application process contained or requested traffic impact or traffic management studies, and subsequent plans for the surrounding roadways. If those elements had been included, a study or review would show that traffic along adjacent Sandy Blvd (from NE 122<sup>nd</sup> Ave to NE 148th Ave) and along NE 138th Avenue (NE Sandy Blvd and NE Airport Way due to Costco Warehouse) is frequently extremely congested. The adjacent major commercial railway frequently stalls traffic on both of the arterial roadways. The addition of several large commercial waste disposal trucks per day will further congest the two roadways, adding to safety issues, potential for traffic accidents, and driver impatience, aka "road rage". What is traffic flow capacity for these roadways?

1- Please address the issue of traffic impact, management and related safety plans for the new COR Transfer Station Station on NE 138th Avenue.

### Attachment 2 to Staff Report for Ordinance No. 19-1435

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2 - Please describe the preferred method(s) and agency(ies) for reporting observations of COR Transfer Station franchise not fulfilling its management plans, and when traffic exceeds capacity.

31. As a resident and active community member in the City of Portland, I am writing in support of COR Transfer Station's application for a new Metro solid waste franchise. After reviewing their application, I believe that their business would serve our City needs. I am impressed by COR Transfer's proposed approach to working with community members in the area through their master planning process for the site and innovative ideas for material recovery. Also, given limited industrial zoned land and the community lens COR brings as well as M/W/ESB goals for the City, I support the approval of this application.

32. I live in the Wilkes Neighborhood and I am vehemently opposed to the COR Transfer Station

proposed at 4530 NE 138th Ave.

This area can not withstand the additional traffic and safety hazards. The intersection at NE Sandy Blvd and NE 138th Ave is currently horrendous. Sandy Blvd is only a two lane street as is 138th Ave. Train tracks run parallel to Sandy Blvd and prevent traffic from turning onto 138th when there is a train. That wait for a train can be lengthy at times which creates a huge backup of traffic on Sandy Blvd.

Costco at this location on NE 138th Ave is extremely popular, not only for those of us in Portland and the surrounding area, but in addition draws an incredible amount of traffic from Vancouver and the surrounding area. This is the only Costco location on this side of the city. Their gas station was so busy that they had to increase the size, and yet there is still a huge backup of traffic waiting for gas at times. There are many times when they have multiple deliveries of gas just to service the need, not to mention the trucks making deliveries to stock the warehouse. And there is a backup of traffic on 138th waiting to make that left hand turn into Costco.

Western Pacific Trucking School is also there on NE Whitaker Way putting additional big trucks on the street increasing traffic. The Columbia River Slough is right there. What will the environmental impact be with a transfer station?

I strongly urge you to deny this application for a new Metro Solid Waste franchise.

33. I wanted to express my support for the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling. I think it is important we consider that they are a company that is locally owned, minority owned, focused on sustainability and they are creating job opportunities in a community who needs it.

Thank you for your attention to the matter.

34. My name is Laura Tokarski, and I am the Executive Director of Trash for Peace. I am writing to support the transfer station franchise proposal being submitted by City of Roses Disposal & Recycling.

From our experience working in the solid waste and recycling field (mostly through education and outreach), we find it is not every day we work with a hauler who genuinely cares about reducing waste and recycling, and who cares about the sustainability of our planet. City of Roses is one of those organizations.

They are also a locally and minority owned business, they are a benefit corporation, they invest in our community and are willing to partner with organizations such as my own to work towards a cleaner and safer Metro region.

I have no doubt that their increased participation in this industry will make our region better. Feel free to call me if you have any questions.

35. As an East Portland resident and business owner, I wholeheartedly support the City of Roses Disposal and Recycling transfer station in the Historic Parkrose district.

This proposal is beneficial for East Portland for multiple reasons. First, this local, family owned business will bring much needed living wage job opportunities to East Portland residents. This is a top priority for the East Portland Action Plan, of which I am the co-chair of the Economic Development Sub-committee.

Further, this business investment is within the Historic Parkrose Neighborhood Prosperity Initiative's service area, which has been identified as a priority area for commercial revitalization in Prosper Portland's five year strategic plan. As the former executive director of the Division Midway Alliance, East Division Street's NPI area, an investment like this aligns directly with Historic Parkrose's revitalization efforts.

Portland has historically supported small, local business, and the City of Roses Disposal and Recycling is exactly that type of business. As the United States sees more and more disposal companies purchased by corporations, it is essential that Metro support a local, multigenerational, family owned business with roots in the very community where it is investing.

Thank you for supporting the City of Roses Disposal and Recycling transfer station proposal; your support will help establish Oregon's first African American owned transfer station.

36. I am a HOA board member and resident of Jasper Heights Condominium. Our complex is located on 148th north of I-84 and south of Sandy. We continue to see traffic increases on 148th as it is a main arterial street for airport traffic, Costco traffic, business traffic, commuters, etc. As PBOT slows traffic down on the 4 lane streets in east county drivers continue to find other streets in the area where they can drive faster to get to their location.

Allowing additional traffic especially commercial trucks into this congested area is irresponsible and not on the path to making this area more desirable for residential housing as the land gets developed. There are lots of lower income rentals in the area where this transfer station would be located. These individuals are going to see the worse of the effects from this garbage and recycling station. I consider this another bad decision that is made by individuals who don't live in this area. Perhaps you come out here and see industrial, railroad tracks, junk yards, etc. but

there are nice neighborhoods with well maintained homes, condominiums, and apartments. We don't want this in our area. It's not compatible with our vision.

37. I am a resident of the Argay neighborhood and it has come to my attention that Metro is considering a transfer station on 138th. I am curious if anyone from Metro has ventured out here to review the current feasibility of added traffic on 138th. I travel this road regularly and during times that Costco is open for business it is a solid stream of traffic. If there is not a planned traffic light, the garbage trucks are going to have a difficult time entering and exiting the property. I have other concerns centered mostly on possible smells and varmints. I believe you owe it to the surrounding community to at least express how Metro plans to deal with the variety of issues that this transfer station could pose. I would also hope that government won't ignore the voices of those affected.
38. I live in outer Northeast, not far from where you want to make your solid waste transfer station. I am opposed to your proposed location and do wonder why you chose this location and also about the environmental impact for our area. The area is full of low income and other disenfranchised people. The surrounding roads are bumper to bumper at times during the day and when it isn't bumper to bumper people are significantly speeding because there is no regular police presence in our area. Increased traffic with garbage trucks, no sidewalks, and no police presence is scary to me.  
Please help make our neighborhood a better place, not a place that no one would want to live, given choices. Please reconsider this and do the right thing.
39. Even though I have not yet used City of Roses Disposal and Recycling services I am quite familiar with them. My father works for them and I know the type of business they run and I am familiar with everyone who works there. When I heard that they wanted to expand and open up a transfer station I was so excited to hear that because they are a company who offer opportunities to everyone that walks into their facility. I feel that with this new station they will be able to provide the community with job opportunities. This the type of business that we as a community need to get behind and encourage their growth as a locally owned business who is investing their profits back into our community.
40. There is already so much traffic in the area being proposed (there was a fatality on Sandy Blvd not to far from the site). Car traffic going in and out of COSTCO and plus the fact that Sandy Blvd. is a heavily traveled street from 205N to Gresham is significant. Not to mention the train tracks. I don't feel that this would be positive for the environment and those who live in the Argay area.
41. I am writing you due to my anxiety that large waste companies are possibly interfering with City of Roses Disposal and Recycling efforts for their new location by the airport. We have all seen way-too many times how these big guys destroy opportunities for the emerging, locally-owned



businesses, when these small operations are the background of our local economies and civic interests. Here we have a Benefit Corporation, minority owned, family enterprise which has been so dutifully engaged in the health and welfare of our entire community, and is finding struggles due to the influence of these out-of-state, well-funded organizations which care only to absorb dollars out of our region, not contribute. I urge you to support the transfer station franchise that the City of Roses is submitting.

42. Greetings and thank you for the chance to "chime in" on the discussion of the upcoming COR Transfer Station. I have been waiting for a new recycle location to handle the type items we used to recycle at the old NE Marx St. location, which has closed for good without a nearby location for an alternative. We used that place for years, decades with great appreciation. I am thinking that this new station will not be handling recycling but garbage instead. I may be wrong, but if that is the case, I would certainly be very concerned about this kind of operation so close to my home, which is also my business. Everyone knows what that stuff smells like and I am not at all interested in smelling garbage from my house. I remember a composting operation near my old place of employment near PDX that had to shut down after the smells and air born toxins were affecting nearby folks. If it's going to smell and be any kind of air issue, I am not for this location for such a project. Better to find a spot a bit further east to avoid costly public problems after it starts to smell in my opinion.
43. As a resident in the Argay neighborhood, I adamantly oppose a new transfer station off 138th. Traffic in that specific area is already at its maximum. If a study by PBOT has been done, you need to share it with the community. Sandy Blvd always backs up now almost every afternoon. Has an impact study been completed for environmental sustainability to ensure health of the neighbors and Columbia River Watershed? Why not? We are concerned also about the odor, noise and more rats in our neighborhood. Rats are already a huge problem here and I am sure this transfer station will just increase the problem. And the odor that will be in the air daily is not what homeowners want or should have to tolerate. As a home owner, I have only read nightmare stories about living next to recycling and waste from the families in these areas and expect we would suffer the same. What about when the farms are sold and developed for more housing and business? Rossi Farm area will be developed soon and but it is unknown yet as to what will be built there. Also the Kmart area. So both will probably bring more traffic. We don't believe that we need another transfer station when we have two close by in Troutdale and one at Metro. Metro sent us a flyer but why aren't we having some sort of community meeting on this issue? I think many neighbors may have missed this in their mail. We need a public meeting. This is a very bad idea.
44. We oppose the transfer station. I wanted to share with you our concerns as nearby homeowners. We are concerned about:

Increased Traffic (Currently, we already can hardly take a left or right on Sandy Blvd)  
Increased Smells  
Increased Vermin  
Increased Noise (We already have the planes flying over us, buses and existing traffic)  
We already have transfer stations in Troutdale and Metro that are close by. We do not need one located here. How much more can we take living in NE Portland.. Please.

45. I am writing you regarding the transfer station franchise proposal by City of Roses Disposal and Recycling. I have worked in the waste sector both locally and internationally for the past decade. I have not found a Portland waste business that better represents the values of inclusion, equity, job creation for disadvantaged folks, local development, and commitment to waste reducing/recycling than COR. We live in a state with an unfortunate history of racial exclusion, including in our waste sector, and there is work to be done to tip the balances towards a more equitable and inclusive business environment in Oregon and in Portland. We should be proud to have a African American-owned company in our city that is able to expand its work here, and as a city we should support such ambitions. I ask that you please do what you can to ensure that COR's proposal is accepted, and to help COR's neighbors understand the value and potential of having this type of business in our city.
46. I am writing to express support for the transfer station franchise proposal submitted by City of Roses Disposal & Recycling. As a family-owned and operated minority business, City of Roses has proven its commitment to responsible waste management as well as generating community benefits through its business operations. I believe they will bring the same level of commitment to this franchise opportunity, which is much needed in the Metro area.
47. Verde is a Portland-based non-profit focused on ensuring that low-income communities and communities of color participate and benefit from sustainability and environmental investments. Since 2005, Verde has worked at the intersection of sustainability, social justice and equity and has brought environmental infrastructure to low-income neighborhoods, engaged residents to design and implement these projects, and ensured that environmental investments contribute to community well-being.
- City of Roses is a long-standing partner and important part of our collective effort to build wealth in low-income and people of color communities. It's model of creating workforce and enterprise opportunities for people of color mirrors Verde's approach to solving environmental problems we face: create co-benefits that prioritize improving environmental conditions and increasing wealth among people of color who have been marginalized in the region's economic prosperity. City of Roses' proposal reduces VMT and emissions while increasing workforce and enterprise opportunities for low-income people and people of color while strengthening the region's only people of color owned hauler. An additive benefit: these dollars stay in the region.
- As with many environmental sector spaces, people of color are woefully under-represented in



decision-making, design and operation of environmental investments such as those Metro makes across its portfolio. We applaud Metro's recent efforts to examine equity across its portfolio including solid waste and make investments in increasing capacity in communities of color to understand and exercise increased control in decision-making of these investments. We urge Metro to continue this effort by approving City of Roses' proposal. Please contact me if you have any questions or need more information about Verde.

48. I would like to say that I support City of Roses Disposal and Recycling in becoming a transfer station franchise. This would be a locally owned business, who is a minority and the First African American transfer station in Oregon. Lets make Oregon great by being inclusive to all.

### **COR Transfer Station response to comments:**

In response to comments that were submitted from Kathy Liebowitz, Michael Satern, Rex Johnston, Carolyn Williams, Harley Gilson-Smith, Delores & Jim Livesay, Roger Rossman, Cheryl (Argay Terrace Resident), Susan Raethke, Jean Donohue, Jenny Stewart, Randy & Loretta Burmester, Brenda Scrivens, Patricia Donohue, Nancy Horsfield, Cathy Tennant, Marlene Rooney, Joseph Hooker, Robert Depew, please consider the following information below as our formal response:

1. *Thank you for your comments, as many of your concerns have been addressed through the City of Portland's land use hearing approval in the fall of 2018, we welcome your presence, comments and transparent dialogue at the upcoming public hearing which will be hosted by Metro at Shaver Elementary School on April 9<sup>th</sup> at 6pm.*

*We look forward to seeing you there!*

*Best,*

**Alando Simpson, LEED® GA**

**CEO**

**City of Roses Disposal & Recycling | COR**

In response to all additional comments submitted that were either in support and or neutral through the closure of the public comment period that ended on February 8<sup>th</sup>, please consider the following information below as our formal response:

2.

*We would like to thank all of those who submitted comments, letters of support and advocacy for the COR Transfer Station Station Franchise Application. As many of you know whether it be from our voices, the community's voice or simply our reputation as a 23 year old locally owned business we are humbled that there are so many of you out there who support our goals and aspirations around innovating and modernizing our solid waste industry for the 21<sup>st</sup> century. We are fully aware that we will not be able to be successful*

*without the community that has supported our business in the past as well as all of those who are supporting us going forward. We look forward to working with all stakeholders in the waste and recycling industry in a concerted effort to making the Metro Region a true model for what a triple bottom line closed loop ecosystem looks like. We welcome your presence, comments and transparent dialogue at the upcoming public hearing which will be hosted by Metro at Shaver Elementary School on April 9<sup>th</sup> at 6pm.*

*We look forward to seeing you there!*


*Best,*

**Alando Simpson, LEED® GA**

**CEO**

**City of Roses Disposal & Recycling | COR**

The East Portland Action Plan (EPAP) Economic Development Subcommittee submitted this letter to Metro and DEQ at the public meeting hosted on April 9, 2019:



## East Portland Action Plan

**To:** Lynn Peterson, METRO Council President  
District 1 Commissioner, Shirley Craddick  
District 2 Commissioner, Christine Lewis  
District 3 Commissioner, Craig Dirksen  
District 4 Commissioner, Juan Carlos Gonzalez  
District 5 Commissioner, Sam Chase  
District 6 Commissioner, Bob Stacey

**From:** The East Portland Action Plan (EPAP) Economic Development Subcommittee

**Date:** April 9, 2019

**RE:** Request to approve the City of Roses Transfer Station Application

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**Metro Commission:**

The East Portland Action Plan Economic Development sub-committee urges METRO Council to approve the City of Roses (COR) Transfer Station Application at 4530 NE 138<sup>th</sup> Avenue in Portland, OR.

EPAP strongly supports COR's proposal for a multitude of reasons. COR's business values align with many of EPAP's values. COR commitment to local hiring aligns with EPAP's Strategic Priority to "promote catalyst workforce development projects in East Portland; partner with the Neighborhood Prosperity Initiatives and other urban renewal and economic development efforts to bring living wage jobs to East Portland." COR has demonstrated a long history of providing living wage jobs to Portland's communities of color and second chance population, and is committed to that value.

The EPAP Economic Development Subcommittee finds further reason to support COR as COR is one of Metro's only independently owned and operated Disposal and Recycle companies. Local companies drive local economies and with a transfer station in East Portland, haulers will have the money-saving option to utilize a local company rather than haul Portland's trash the extra miles across the Columbia River.



COR has the distinction of being the United States' only Solid Waste B-Corporation, which underscores COR's commitment to sustainability. COR is dedicated to creating new and innovative ways to deal with urban wood waste, which has led to the development of an on-site cross laminated plywood production facility that processes post-consumer lumber waste.

Thank you for your time and consideration of this request.

Respectfully,

A handwritten signature in blue ink that reads "Lori Boisen".

Lori Boisen  
EPAP Economic Development Sub-committee Co-Chair