

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING CANBY)	RESOLUTION NO. 20-5103
TRANSFER & RECYCLING, INC. TO THE LIST)	
OF DESIGNATED FACILITIES OF METRO’S)	Introduced by Chief Operating Officer
SOLID WASTE SYSTEM)	Marissa Madrigal in concurrence with
)	Council President Lynn Peterson

WHEREAS, Metro Code Chapter 5.05 states that no person may transport solid waste generated within Metro to a solid waste facility or disposal site unless it is a designated facility or the person has obtained a non-system license; and

WHEREAS, Metro regulates the solid waste generated within the region that is transported outside of its jurisdictional boundary through non-system licenses and designated facility agreements, pursuant to Metro’s statutory and charter authority as set forth in Metro Code Chapter 5.05; and

WHEREAS, Metro Council adopted Resolution No. 18-1426 to establish a framework for allocating the region’s putrescible waste tonnage to privately-owned transfer stations beginning in 2020; and

WHEREAS, in 2020, Metro allocated the region’s putrescible waste tonnage to privately-owned transfer stations in accordance with Metro’s tonnage allocation methodology; and

WHEREAS, Kahut Waste Services, Inc. received a 2020 Metro tonnage allocation to transport up to 16,053 tons of putrescible waste to Canby Transfer & Recycling, Inc. under two non-system licenses held by affiliated entities Hoodview Disposal & Recycling, Inc. and West Linn Refuse & Recycling, Inc.; and

WHEREAS, an out-of-region transfer station must be a designated facility to receive a tonnage allocation; and

WHEREAS, on January 27, 2020, Canby Transfer & Recycling, Inc. submitted a complete application seeking designated facility status from Metro; and

WHEREAS, Metro Code Section 5.05.070 authorizes the Metro Council to designate a solid waste facility located outside Metro’s boundary as part of the system by adding it to the designated facilities list; and

WHEREAS, the Chief Operating Officer may execute an agreement between Metro and a designated facility located outside the region that Council approves pursuant to Metro Code Section 5.05.070; and

WHEREAS, the Chief Operating Officer recommends amending the designated facilities list to add Canby Transfer & Recycling, Inc.; now therefore,

BE IT RESOLVED that the Metro Council:

1. Adds Canby Transfer & Recycling, Inc. to the list of designated facilities of the solid waste system.

2. Adopts the list of designated facilities attached as Exhibit A, effective July 1, 2020 pursuant to Metro Code Section 5.05.060.
3. Authorizes the Chief Operating Officer to execute an agreement between Metro and Canby Transfer & Recycling, Inc. that includes putrescible waste.

ADOPTED by the Metro Council this 11th day of June 2020.



Lynn Peterson, Council President

Approved as to Form:



Carrie MacLaren, Metro Attorney

Exhibit A to Resolution No. 20-5103



Designated Facilities of Metro's Solid Waste System

Effective July 1, 2020

The Metro Council has found that the following disposal sites and solid waste facilities meet the criteria set forth in Metro Code Section 5.05.060 and are designated as part of Metro's solid waste system. In accordance with Metro Resolution No. 20-5103, this list of designated facilities is hereby effective on July 1, 2020.

I. Disposal sites and solid waste facilities owned or operated by Metro.

- | | |
|--|--|
| <p>1) <u>Metro Central Station</u>
6161 NW 61st Avenue
Portland, Oregon 97210</p> | <p>2) <u>Metro South Station</u>
2001 Washington
Oregon City, Oregon 97045</p> |
|--|--|

II. Disposal sites and solid waste facilities located within Metro's boundary.

All disposal sites and solid waste facilities located within the Metro boundary that are subject to Metro regulatory authority under Chapter 5.01. All such designated facilities are required to obtain a Metro-issued license or franchise unless otherwise exempt from such requirement.

III. Disposal sites and solid waste facilities located outside of Metro's boundary.

The out-of-region designated facilities listed below are authorized to accept certain wastes generated from inside the Metro boundary as specified by and subject to an agreement between Metro and the owner of the disposal site or solid waste facility. In addition, Metro may issue non-system licenses to waste generators or persons transporting waste to these or other disposal sites or solid waste facilities.

- | | |
|--|---|
| <p>1) <u>Coffin Butte Landfill</u>
29175 Coffin Butte Road
Corvallis, Oregon 97330</p> | <p>6) <u>Roosevelt Regional Landfill</u>
500 Roosevelt Grade Road
Roosevelt, Washington 99356</p> |
| <p>2) <u>Columbia Ridge Landfill</u>
18177 Cedar Springs Lane
Arlington, Oregon 97812</p> | <p>7) <u>Tualatin Valley Waste Recovery</u>
3205 SE Minter Bridge Road
Hillsboro, Oregon 97123</p> |
| <p>3) <u>Cowlitz County Headquarters Landfill</u>
3434 Silverlake Road
Castle Rock, Washington 98611</p> | <p>8) <u>Wasco County Landfill</u>
2550 Steele Road
The Dalles, Oregon 97058</p> |
| <p>4) <u>Finley Buttes Regional Landfill</u>
73221 Bombing Range Road
Boardman, Oregon 97818</p> | <p>9) <u>Canby Transfer & Recycling, Inc.</u>
1600 SE 4th Avenue
Canby, Oregon 97013</p> |
| <p>5) <u>Hillsboro Landfill</u>
3205 SE Minter Bridge Road
Hillsboro, Oregon 97123</p> | |

IN CONSIDERATION OF RESOLUTION NO. 20-5103, FOR THE PURPOSE OF ADDING CANBY TRANSFER & RECYCLING, INC. TO THE LIST OF DESIGNATED FACILITIES OF METRO'S SOLID WASTE SYSTEM

Date: May 28, 2020
Department: Waste Prevention and Environmental Services (WPES)
Meeting Date: June 11, 2020

Prepared by: Joanna Dyer,
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ISSUE STATEMENT

Canby Transfer & Recycling, Inc., a solid waste transfer station located at 1600 SE 4th Ave. in Canby, Oregon, seeks to be a designated facility of Metro's solid waste system pursuant to Metro Code Chapter 5.05.

ACTION REQUESTED

Approve Resolution No. 20-5103 to add Canby Transfer & Recycling, Inc. (Canby Transfer) to the solid waste designated facilities list, adopt the list with Canby added and authorize the Chief Operating Officer to execute an agreement between Metro and Canby Transfer that includes the acceptance of putrescible waste.

IDENTIFIED POLICY OUTCOMES

Approval of this resolution will add Canby Transfer to the list of solid waste facilities and disposal sites that Council authorizes to accept certain types of waste from the region, and that act as Metro's agent to collect and remit regional system fees and excise taxes. An out-of-region facility becomes designated as part of Metro's solid waste system by Council adoption.

POLICY QUESTIONS

1. Should the Metro Council add Canby Transfer to the list of designated facilities according to the provisions of Metro Code Chapter 5.05 and as described in this resolution?
2. Should the Metro Council adopt the proposed list of designated facilities, attached as Exhibit A, to designate nine solid waste facilities and disposal sites outside of the Metro region as part of Metro's solid waste system?
3. Should the Metro Council authorize the Chief Operating Officer to execute an agreement with Canby Transfer that includes the acceptance of putrescible waste?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve the resolution as proposed to add Canby Transfer to the list of designated facilities and adopt the list.
2. Do not approve Resolution No. 20-5103.

STAFF RECOMMENDATIONS

Staff recommends that Metro Council adopt Resolution No. 20-5103 to add Canby Transfer to the designated facilities list, and approve the list that will be effective July 1, 2020.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Designation of a solid waste facility or disposal site located outside of the Metro region requires Metro Council approval. If the Metro Council designates a facility, the Chief Operating Officer may execute a designated facility agreement (DFA) between Metro and the designated facility that allows the facility to accept Metro region waste and to collect Metro's regional system fees and excise taxes on Metro's behalf. The proposed designated facility list is included as Exhibit A to this staff report. As of the date of this report, eight solid waste facilities outside of the Metro region are designated. If approved, Canby Transfer would be the ninth:

1. Coffin Butte Landfill, Benton County, Oregon – Republic Services
2. Columbia Ridge Landfill, Gilliam County, Oregon – Waste Management
3. Cowlitz County Headquarters Landfill, Cowlitz County, Washington – Cowlitz County
4. Finley Buttes Regional Landfill, Morrow County, Oregon – Waste Connections
5. Hillsboro Landfill, Washington County, Oregon - Waste Management
6. Roosevelt Regional Landfill, Klickitat County, Washington – Republic Services
7. Tualatin Valley Waste Recovery, Washington County, Oregon – Waste Management
8. Wasco County Landfill, Wasco County, Oregon – Waste Connections
9. *Proposed in this resolution:* Canby Transfer & Recycling, Inc. – Kahut Waste Services, Inc.

The Applicant

Canby Transfer is owned by Kahut Waste Services, Inc. (Kahut), a locally owned solid waste company. Canby Transfer only accepts waste from Kahut-affiliated hauling companies including Hoodview Disposal & Recycling, Inc. (Hoodview) and West Linn Refuse & Recycling, Inc. (WLRR), whose service areas are located in the Metro region. Kahut also owns and operates KB Recycling, Inc. a Metro-licensed material recovery facility (No. L-007-17) located at 9602 SE Clackamas Road, in Clackamas (Metro Council District 2).

Canby Transfer has operated as a transfer station since 1996, and operates under the authority of a Solid Waste Disposal Permit issued by the Oregon Department of Environmental Quality (DEQ) (No. 443, expiration March 20, 2030) and a Conditional Use Permit issued by the City of Canby (CUP-94-05/DR 94-14/LLA 94-08). The CUP limits the companies that can transport waste to the site to those owned by Kahut and also limits the number of vehicle trips per day to 15 traditional garbage trucks.

For calendar year 2020, Kahut received a wet waste tonnage allocation from Metro of 16,053 tons. The waste is collected in the Metro region and transferred to Canby Transfer under the authority of two non-system licenses (NSLs) held by Hoodview (No. L-007-17) and WLRR (No. N-119-16D). Wet waste received at Canby Transfer is reloaded to Columbia Ridge Landfill in Arlington, Oregon. An average of five trailers of top loaded wet waste is transported to Columbia Ridge daily. In addition to wet waste, the facility reloads mixed recycling and cardboard and has a recycling depot that is open to the public.

On July 26, 2019, Metro notified Canby Transfer that it must apply to become a designated facility in order to continue to receive a putrescible waste tonnage allocation as stated in Metro Code Section 5.05.195. Canby Transfer submitted a complete designated facility application on January 27, 2020.

Legal Antecedents

The Council considers the factors described in Metro Code Section 5.05.070(b) when it adds a facility to the designated facilities list:

- (1) The degree to which Metro had knowledge of prior facility users and waste types accepted at the facility and the degree to which those wastes pose a future risk of environmental contamination;*

The applicant is a transfer station rather than a landfill and thus does not pose the same potential environmental risk from wastes delivered from prior users. Canby Transfer began operations in 1996 and services only affiliated hauling companies, including Hoodview and WLRR which provide collection service in the Metro region. Staff is not aware of any wastes collected by Hoodview or WLRR and accepted at Canby Transfer that could pose a risk of environmental contamination.

The disposal site used by Canby Transfer (Columbia Ridge) is well known to Metro. Columbia Ridge is owned and operated by Waste Management, a major, nationally-integrated solid waste company. Columbia Ridge is a permitted RCRA Subtitle D landfill since 1992 and is a designated facility of Metro's solid waste system.

- (2) The facility owner's and operator's record of regulatory compliance with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;*

Metro does not currently regulate Canby Transfer as it is located outside of the Metro region, though Metro does regulate companies affiliated with Kahut. Canby Transfer holds a Solid Waste Disposal Site Permit issued by DEQ, and during an unannounced inspection on December 18, 2018, a DEQ inspector observed e-waste stored outside the facility bay doors covered in water, and litter submerged in the bioswale and accumulated around the bay doors, resulting in a warning letter (No. 2019-WL-4161) issued on January 7, 2019. DEQ confirms that these issues were corrected promptly.

Both DEQ and the City of Canby staff have indicated that the facility is in compliance with health, safety and environmental regulations.

- (3) The adequacy of the facility's operational practices and management controls;*

Metro and DEQ consider the operational practices and management controls in place at Canby Transfer to be adequate and consistent with other similar facilities. DEQ renewed Canby Transfer's permit in March 2020. Metro staff reviewed Canby Transfer's Operations Plan and toured the facility as part of the DFA application process.

(4) The expected impact on the region's recycling and waste reduction efforts;

Putrescible waste from the Metro area has been transported to Canby Transfer under NSLs for consolidation and reload since 2006. Metro is changing the regulatory mechanism from NSLs to a DFA which will not have any impact on the region's recycling and waste reduction efforts.

(5) The facility designation's compatibility with Metro's existing contractual arrangements;

The facility's designation will not affect any of Metro's existing contractual arrangements.

(6) The facility's record of compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement; and

Staff's investigation of the applicant revealed a good record of compliance with local agencies responsible for health, safety and environmental regulations. In addition, both Hoodview and WLRR are in compliance with their NSLs.

(7) Other benefits or detriments accruing to regional residents if Council designates the facility.

Out of region facilities like Canby Transfer play an important role in Metro's solid waste system. Entering into a DFA with Canby Transfer will reduce the possibility of flow control violations, and will enhance the collection of fees and taxes due Metro as they will be required by the agreement.

Staff concludes that the applicant has demonstrated that it is fully qualified to operate the facility in a competent and efficient manner and that the environmental risk associated with the use of this transfer station is regulated by the appropriate local and state authorities.

ATTACHMENTS

A. Exhibit A: Designated Facilities of Metro's Solid Waste System