

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO. 94-546
FRANCHISE NO. 12 FOR PEMCO, INC.)	
TO AUTHORIZE AN ADDITIONAL)	
TEMPORARY LOCATION FOR)	INTRODUCED BY RENA CUSMA
TREATMENT OF PETROLEUM)	EXECUTIVE OFFICER
CONTAMINATED SOIL AND)	
DECLARING AN EMERGENCY)	

WHEREAS, PEMCO, Inc. has a Metro Franchise to operate a facility that may process petroleum contaminated soil (PCS) by a thermal desorption process per the terms of Metro Franchise No. 12 issued in May, 1992; and

WHEREAS, PEMCO, Inc. has applied for an amendment to Section 3.1 of its Franchise to authorize an additional temporary PCS treatment site; and

WHEREAS, Allowing this ordinance to take effect immediately is necessary for the public health, safety and welfare of the Metro area because:

1. The franchisee will be able to commence operation sooner than 90 days and will immediately begin to benefit the regional effort to process rather than landfill petroleum contaminated soils.
2. The franchisee would be unreasonably delayed in its ability to commence operation of its facility; and,

WHEREAS, The Ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the Metro Council authorizes the Executive Officer to enter into the attached Amendment (Exhibit "A") to the Franchise Agreement issued to PEMCO on May 28, 1992, within ten (10) days of the adoption of this Ordinance.
2. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this 28th day of April, 1994.



Judy Wyers, Presiding Officer

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Attest:



Clerk of the Council

EXHIBIT "A"

AMENDMENT

SOLID WASTE FRANCHISE
issued by the
METROPOLITAN SERVICE DISTRICT
2000 S.W. First Avenue
Portland, Oregon 97201-5398
(503) 221-1646

FRANCHISE NUMBER: 12

DATE ISSUED: May 28, 1992

AMENDMENT DATE: _____

EXPIRATION DATE: May 28, 1997

ISSUED TO: PEMCO, INC.

NAME OF FACILITY: PEMCO Mobile Soil Remediation Unit

ADDRESS: PO Box 11569, Portland, OR 97211

LEGAL DESCRIPTION: T1N, R3E, Section 30, NE 181st, 1 mile south of I-84 in
the City of Gresham

CITY, STATE, ZIP: Gresham, Oregon

NAME OF OPERATOR: PEMCO, Inc.

PERSON IN CHARGE: Richard Y. Wayper

ADDRESS: PO Box 11569

CITY, STATE, ZIP: Portland, OR 97211

TELEPHONE NUMBER: (503) 283-2151

This is an amendment to a franchise (herein "Franchise") issued to PEMCO, Inc. on May 28, 1992. This amendment was approved by the Metro Council through passage of Ordinance 94-546, on April __, 1994, and shall be effective on the date on which it has been signed by the Metro Executive Officer and an authorized representative of PEMCO, Inc.

The Franchise is amended by addition of the underlined language shown below. The remainder of the Franchise shall continue in full force and effect.

3. Location of Facility

- 3.1 The franchised Facility is located at T1N, R3E, Section 30, NE 181st, 1 mile south of I-84 in the City of Gresham.

The Franchise shall also have authority to operate the facility at an additional approved treatment location in the City of Forest Grove, more specifically at 1N. 3-32C; Tax Lot 1000, City of Forest Grove, more commonly known as the "Gardiner Substation" property. The approval of this location will terminate on August 1, 1994 or upon completion of remediation of PCS from the City of Forest Grove Aquatic Center, whichever shall be sooner.

- 3.2 The Franchisee intends to move the Facility to another location during the term of this Franchise. Sixty days prior to any such proposed move, Franchisee shall notify Metro, and provide with the notification all information necessary for Metro to evaluate the proposal. If land use approval and/or DEQ approval for the new location have been obtained, Franchisee shall submit copies of such approvals with the notice. If not, the Franchisee shall submit complete copies of the applications to be submitted for land use and DEQ approval. Council approval of the proposed new location shall be required, and additional conditions may be imposed on Franchisee if necessary relative to the new location.

Facility Owner or
Owner's Representative

Rena Cusma, Executive Officer
Metropolitan Service District

Date: _____

Date: _____

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 94-546, FOR THE PURPOSE OF AMENDING FRANCHISE NO.12 FOR PEMCO, INC. TO AUTHORIZE AN ADDITIONAL TEMPORARY LOCATION FOR TREATMENT OF PETROLEUM CONTAMINATED SOIL AND DECLARING AN EMERGENCY

Date: April 21, 1994

Presented by: Councilor Hansen

Committee Recommendation: At the April 19 meeting, the Committee voted unanimously to recommend Council adoption of Ordinance No. 94-546. Voting in favor: Councilors Buchanan, Hansen, McFarland, McLain, Monroe and Wyers.

Committee Issues/Discussion: The Council has previously approved a franchise for PEMCO Inc. under which the company can operate its petroleum contaminated soil (PCS) treatment equipment at temporary sites in the Metro region. Initially, the equipment has operated on a site in Gresham. The terms of the franchise provide that if the equipment is to be moved to another site, the Company must obtain prior approval from Metro.

Roosevelt Carter explained to the committee that PEMCO now wishes to move its equipment to a site in Forest Grove. PCS from the Forest Grove Aquatic Center would be transported to this temporary site for processing. Carter noted that PEMCO has obtained the necessary city and DEQ approval to operate the equipment on the proposed site for a period of about three months, ending on or before August 1, 1994. DEQ will monitor the operation of the site.

Carter noted that the city of Forest Grove and PEMCO indicated that there is some urgency in disposing of the soil from the Aquatic Center site and therefore an emergency clause has been attached to the proposed ordinance.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 94-546 FOR THE PURPOSE OF AMENDING FRANCHISE NO. 12 FOR PEMCO, INC. TO AUTHORIZE AN ADDITIONAL TEMPORARY LOCATION FOR TREATMENT OF PETROLEUM CONTAMINATED SOIL AND DECLARING AN EMERGENCY

April 4, 1994

Presented by: Bob Martin
Roosevelt Carter

FACTUAL BACKGROUND AND ANALYSIS

PEMCO, Inc. has two authorized franchises from Metro for processing petroleum contaminated soil (PCS). The first, Franchise NO. 12 was approved in May, 1992 and expires in May 1997. The second, Franchise NO. 15 was recently approved by the Council on March 24, 1994. Franchise NO. 12 has operated at a Metro approved site one mile south of I-84 in the City of Gresham. The newly approved Franchise NO. 15 will operate on a closed portion of the North Marion County Landfill near Woodburn, Oregon.

The present request before the Council is to amend Franchise NO. 12 to authorize a temporary processing site for PCS. This will require an amendment to Section 3.1 of the franchise as provided in the notice and approval requirements in Section 3.2 of the franchise.

The circumstances of the present request are that PEMCO has been asked to provide PCS treatment services to the City of Forest Grove. The location of the petroleum contaminated soil is on the premises of the Forest Grove Aquatic Center at 2300 Sunset Drive in Forest Grove. The Forest Grove Aquatic Center is located in a residential neighborhood and has relatively restricted space available for operation of the PEMCO thermal desorption equipment. On site treatment of the PCS would not require Metro approval, but the preference by the City and the franchisee is to move the soil (*consisting of approximately 300 cubic yards of PCS*) to another City of Forest Grove owned property located approximately 1-mile away from the Aquatic Center (see map, Attachment No. 1).

The applicant has provided a copy of a DEQ Land Use Compatibility Statement that has been issued by the City of Forest Grove. This indicates that the City of Forest Grove requires that the proposed activity comply with general industrial zone standards and erosion control standards for the City of Forest Grove. In addition, contact with City of Forest Grove staff indicates that the City wishes to give full cooperation with the PEMCO project. The City staff noted that the operation will be limited only to remediation of the soil from the Forest Grove Aquatic Center. At such time as the project is completed, the site authorization will terminate. For this reason

staff recommends that the site approval be for a period of approximately three months, to terminate on August 1, 1994 or sooner, if remediation of the soil is complete prior to that date.

Moving the soil in question is consistent with DEQ standards and policies, provided that the remediation is done according to a DEQ approved Treatment Plan. The DEQ will monitor the remediation activities consistent with DEQ requirements for such projects.

Conclusion

Site approval is the only request from the franchisee with regard to the franchise amendment before the Council. The applicant does not seek any other modifications to its existing franchise. The City of Forest Grove supports the project and the City and the applicant desire to move and remediate the soil at the earliest opportunity. For this reason an emergency clause has been added to the ordinance.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance NO. 94-546.

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ROAD

VERBOORT

FAS A683

STAFF REPORT ATTACHMENT NO.1

NEHALEM

Council

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McGIBSON ROAD

ROAD

25 30
36 31

30 29
31 32

BEAL

ROAD

CONCORD DR.
WILLAMINA LN.
HIGBY WAY

RAYMOND ST.

WILLAMINA AVE.

Creek Van Loo Res.

PORTER ROAD

FOREST GROVE AQUATIC CENTER

TREATMENT SITE



IRVEY LARK SCHOOL

LINCOLN PARK
A.P. 89.46

SUNSET

SUBSTATION

FOREST GROVE Pop. 12,000

