

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING )  
THE CHIEF OPERATING OFFICER TO )  
ISSUE AN AMENDED NON-SYSTEM )  
LICENSE TO COR DISPOSAL, LLC FOR )  
THE TRANSPORT OF COMMERCIAL )  
FOOD WASTE MIXED WITH )  
COMPOSTABLE SERVICE WARE TO THE )  
ANNEN BROS., INC. COMPOST FACILITY )  
LOCATED IN MARION COUNTY, )  
OREGON )

RESOLUTION NO. 24-5433  
Introduced by Chief Operating Officer  
Marissa Madrigal in concurrence with  
Council President Lynn Peterson

WHEREAS, Metro Code Chapter 5.05 requires a non-system license (NSL) of any person that transports solid waste generated from within the Metro Region to a non-system facility; and

WHEREAS, Metro Council approved issuance of an NSL to COR Disposal, LLC (COR) in December 2022 to transport commercial food waste to Annen Bros., Inc. (Annen) for composting under the provisions of Metro Code Chapter 5.05, “Solid Waste Flow Control”; and

WHEREAS, the current COR NSL does not specifically address the transport of compostable service ware; however, after issuance Metro learned that food waste collected by COR from Moda Center includes compostable cups and other compostable food service ware; and

WHEREAS, although Metro’s Business Food Waste Requirement (Resolution No. 18-1418) sets a “food only” standard and does not allow for compostable service ware, the city of Portland is considering issuing a temporary waiver for this “food only” requirement as it works with Moda Center to determine options for phasing out the use of compostable service ware at that venue; and

WHEREAS, to ensure clarity in the COR NSL, the Chief Operating Officer recommends amending the NSL to authorize COR to transport commercial food waste mixed with compostable service ware generated at Moda Center to Annen, provided that Moda Center obtains a valid policy waiver from the city of Portland; and

WHEREAS, the Chief Operating Officer also recommends amending the COR NSL to extend the term of the NSL to December 31, 2026, to align with an upcoming Oregon Department of Environment (DEQ) compostability study and to authorize COR to transport commercial food waste collected at other businesses provided that it is comprised only of food and Metro approves in writing those businesses; and

WHEREAS, the Chief Operating Officer recommends that Metro include specific conditions in the amended NSL as provided in Exhibit A to this Resolution; now therefore,

BE IT RESOLVED that the Metro Council:

1. Approves amending COR’s NSL subject to the terms, conditions, and limitations contained in Exhibit A to this Resolution, specifically: authorizing transporting compostable service ware generated only from Moda Center, extending the term of the NSL to December 31, 2026, and

authorizing COR to transport food waste that is comprised only of food and collected at businesses other than Moda Center if Metro approves those businesses in writing.

2. Authorizes the Chief Operating Officer to issue to COR an amended NSL substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 21st day of November 2024.



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Lynn Peterson, Council President

Approved as to Form:



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Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 24-5433 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE AN AMENDED NON-SYSTEM LICENSE TO COR DISPOSAL, LLC FOR THE TRANSPORT OF COMMERCIAL FOOD WASTE MIXED WITH COMPOSTABLE SERVICE WARE TO THE ANNEN BROS., INC. COMPOST FACILITY LOCATED IN MARION COUNTY, OREGON

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Date: Nov. 4, 2024  
Department: Waste Prevention &  
Environmental Services  
Meeting Date: Nov. 21, 2024

Prepared by: Will Ennis, 503-490-1005,  
[will.ennis@oregonmetro.gov](mailto:will.ennis@oregonmetro.gov)

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### **ISSUE STATEMENT**

Metro issued Solid Waste Facility Non-System License (NSL) No. N-057-22 to COR Disposal, LLC, (COR) to transport commercial food waste to the Annen Bros., Inc. compost facility (Annen), located in Marion County, for composting. COR collects food waste from Moda Center which uses compostable cups and other compostable food service ware. The current NSL needs to be amended because it does not address compostable service ware.

### **ACTION REQUESTED**

Approve Resolution No. 24-5433 which will authorize the COO to issue an amended NSL to COR with updated conditions that: 1) Clarify that the licensee is authorized to transport commercial food waste mixed with compostable service ware generated only at Moda Center to Annen provided that Moda Center obtains a valid policy waiver from the city of Portland; 2) Extend the term of the NSL to December 31, 2026, to align with an upcoming compostability study to be performed by Oregon Department of Environmental Quality (DEQ), and 3) Authorize COR to transport commercial food waste that is comprised only of food and collected from businesses that have been approved in writing by Metro.

### **IDENTIFIED POLICY OUTCOMES**

Adoption of this resolution will clarify that COR may transport source-separated commercial food waste mixed with compostable service ware generated at Moda Center to Annen for composting. The proposed NSL aligns with a temporary policy waiver being considered by the city and supports an upcoming DEQ study to evaluate the compostability of certain materials including service ware.

### **POLICY QUESTION**

Should Metro Council authorize the COO to amend NSL No. N-057-22 issued to COR as described in Resolution No. 24-5433?

### **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

1. Adopt Resolution No. 24-5433 as proposed to authorize the COO to issue an amended NSL to COR.
2. Amend Resolution No. 24-5433 to issue the amended NSL with different conditions other than those recommended by staff.

3. Do not adopt Resolution No. 24-5433.

### **STAFF RECOMMENDATION**

Staff recommends Metro Council adopt Resolution 24-5433.

### **KNOWN OPPOSITION / SUPPORT / COMMUNITY FEEDBACK**

There is no known opposition to the proposed NSL.

### **LEGAL ANTECEDENTS**

Section 10.2 (d) of NSL No. N-057-22 provides that Metro may amend the license in the event that there has been sufficient change in any circumstances under which it was issued.

### **FINANCIAL IMPLICATIONS**

There are no financial implications resulting from the issuance of the proposed NSL.

### **BACKGROUND**

In July 2018, Metro Council adopted the Business Food Waste Requirement (Resolution No. 18-1418) which requires local jurisdictions that oversee the collection of solid waste to ensure that food waste collection services are available to participating businesses. The program set a food only standard and does not make an allowance for compostable service ware. In December 2022, Metro Council authorized the COO to issue a NSL to COR to transport commercial food waste generated in the Metro Area to Annen (N-057-22). The NSL was initially approved with the understanding that the material transported to Annen would be comprised entirely of food waste. However, Metro learned that COR collects food waste from Moda Center which uses compostable cups and other compostable food service ware that it combines with food waste at customer facing collection stations onsite.

The current NSL does not address compostable service ware and would need to be amended to allow COR to transport that material mixed with commercial food waste to Annen for composting. The proposed amended NSL includes compostable service ware generated at Moda Center (Exhibit A). The proposed NSL allowance is conditioned on the venue obtaining a valid policy waiver from the city of Portland during which time the city intends to work with Moda Center to determine options for phasing out the use of compostable service ware. The city will review this matter again after the term of the waiver.

The proposed NSL and the policy waiver align with, and are supportive of, a legislative requirement that DEQ undertake a study on the compostability of certain materials including service ware, such as that generated at Moda Center. The study is due to the Oregon Legislature by December 2026 and will inform the state's policy direction on compostables going forward. The term of the proposed NSL is extended to align with the completion of the study. Metro will continue to closely coordinate with the city and DEQ to monitor these items.

### **Exhibit A: Proposed amended NSL No. N-057-22A**



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

**METRO SOLID WASTE FACILITY  
NON-SYSTEM LICENSE**

**No. N-057-22A**

<b>LICENSEE:</b>
COR Disposal, LLC 4530 NE 138 <sup>th</sup> Ave. Portland, OR 97230
<b>CONTACT PERSON:</b>
Alando Simpson Phone: 503-285-9940 Email: alando@cordr.com
<b>MAILING ADDRESS:</b>
COR Disposal, LLC PO Box 301427 Portland, OR 97294

**ISSUED BY METRO:**

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Warren Johnson  
Policy and Compliance Program Director

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Date



<b>1</b>	<b>NATURE OF WASTE COVERED BY LICENSE</b>
	<ol style="list-style-type: none"> <li>1. Source-separated commercial food waste mixed with compostable service ware that is generated at Moda Center in accordance with a valid policy waiver issued by city of Portland and collected by COR Disposal, LLC; and</li> <li>2. Source-separated commercial food waste generated in the Metro Area that is comprised only of food and collected by COR Disposal, LLC from an individual business that has been approved in writing by Metro.</li> </ol>

<b>2</b>	<b>CALENDAR YEAR TONNAGE LIMITATION</b>
	The licensee is authorized to transport to the non-system facility listed in Section 3 up to 5,000 tons per calendar year of the waste described in Section 1.

<b>3</b>	<b>NON-SYSTEM FACILITY</b>
	<ol style="list-style-type: none"> <li>1. The licensee is authorized to transport the waste described in Section 1 to the following non-system facility for processing and composting:                     <ul style="list-style-type: none"> <li>Annen Bros., Inc.</li> <li>14358 Dominic Road NE</li> <li>Mt. Angel, OR 97362</li> </ul> </li> <li>2. This license is issued on condition that the non-system facility named in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality, Marion County or other local government agency that this non-system facility is not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 10.</li> </ol>

<b>4</b>	<b>TERM OF LICENSE</b>
	December 8, 2022 to December 31, 2026, unless amended, suspended, revoked or terminated as provided in this license.

<b>5</b>	<b>COVERED LOADS</b>
	The licensee must suitably contain and cover, on all sides, all loads of the waste described in Section 1 that are transported under authority of this license to the non-system facility listed in Section 3 to prevent spillage of waste while in transit.

<b>6</b>	<b>REPORTING OF ACCIDENTS AND CITATIONS</b>
	The licensee must report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this license.



<b>7</b>	<b>MATERIAL MANAGEMENT</b>
	<p>The licensee is authorized to deliver the waste described in Section 1 to the non-system facility listed in Section 3 under the following conditions:</p> <ol style="list-style-type: none"> <li>1. The non-system facility must accept all solid waste that is transported under authority of this license for the sole purpose of processing and composting on-site. The licensee must not dispose of any source-separated recyclable material, except as provided in Section 8; and</li> <li>2. The non-system facility must receive, manage, process, and compost all solid waste that is transported under authority of this license in accordance with all applicable local, state and federal laws, rules, regulations, ordinances, orders, and permits.</li> </ol>
<b>8</b>	<b>REGIONAL SYSTEM FEE AND EXCISE TAX</b>
	<p>The licensee is subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The waste described in Section 1 is exempt from regional system fee and excise tax in accordance with Metro Code Chapters 5.02 and 7.01, provided that it is delivered under authority of this license and is accepted and composted at the non-system facility listed in Section 3 in accordance with all applicable regulations.</li> <li>2. If the licensee transports waste under this license to the non-system facility listed in Section 3, but the material does not meet the facility’s acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system facility fails to process and compost the material as required as a condition of this license, the licensee must pay to Metro an amount equal to the:             <ol style="list-style-type: none"> <li>(a) Regional system fee, as provided in Metro Code Chapter 5.02, for each ton or portion thereof of waste transported to the non-system facility that is ultimately transported to a disposal site.</li> <li>(b) Excise tax, as provided in Metro Code Chapter 7.01, for each ton or portion thereof of waste transported to the non-system facility that is ultimately delivered to a disposal site.</li> </ol> </li> </ol>
<b>9</b>	<b>RECORD KEEPING AND REPORTING</b>
	<ol style="list-style-type: none"> <li>1. The licensee must keep and maintain accurate records of the amount of all waste that the licensee transports to the non-system facility listed in Section 3. These records include the information specified in the Metro document titled, <i>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements</i>.</li> <li>2. The licensee must submit to Metro the records required under Section 9.1 in an electronic format prescribed by Metro no later than fifteen days following the end of each month.</li> <li>3. The licensee must make available to Metro (or Metro’s designated agent) all records from which Section 9.1 is derived for its inspection or copying or both, as long as Metro provides at least three business days written notice of an intent to inspect or copy documents. The licensee must also sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facility named in Section 3.</li> </ol>



	<ol style="list-style-type: none"> <li>4. Metro may require the licensee to report the information required by this section on a weekly or daily basis.</li> <li>5. If the licensee fails to submit the records or payments to Metro by the timeline set forth in Section 9, each day by which the licensee exceeds the due date may constitute a separate violation subject to a penalty of up to \$500 per violation, in accordance with Metro Code Chapter 5.05.</li> </ol>
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<b>10</b>	<b>ADDITIONAL LICENSE CONDITIONS</b>
	<p>This non-system license is subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The transport of solid waste to the non-system facility listed in Section 3 is subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.</li> <li>2. Metro may amend, suspend, revoke, or terminate this license in the event that Metro determines that:                         <ol style="list-style-type: none"> <li>(a) There has been sufficient change in any circumstances under which Metro issued this license;</li> <li>(b) Metro’s solid waste system or the public will benefit from, and will be better served by, transporting the waste described in Section 1 to a facility other than the one listed in Section 3;</li> <li>(c) The non-system facility listed in Section 3 fails to manage the waste subject to this license in accordance with the material management requirements described in Section 7;</li> <li>(d) The non-system facility listed in Section 3 does not control and minimize odors that are detectable off-site; or</li> <li>(e) The Metro Council adopts legislation or other policy which affects food waste management practices in the region.</li> </ol> </li> <li>3. In addition to subsections 10.2(a) through (e), Metro may amend, suspend, revoke, or terminate this license pursuant to Metro Code.</li> <li>4. The licensee cannot transfer or assign any right or interest in this license without Metro’s prior written approval.</li> <li>5. Metro may amend or terminate this license upon the execution of a designated facility agreement with a facility listed in Section 3 that authorizes the facility to accept the waste described in Section 1.</li> <li>6. This license authorizes transport of solid waste only to the facility listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.</li> <li>7. Metro may direct the licensee’s waste flow under this non-system license to Metro Central Transfer Station or Metro South Transfer Station with a minimum of 24 hours written notice. Any redirection of the waste flow by Metro is effective immediately.</li> <li>8. If the licensee exceeds the calendar year authorization set forth in Section 2, each ton or portion thereof by which the licensee exceeds the limitation constitutes a separate violation subject to a penalty of up to \$500, in accordance with Metro Code Chapter 5.05.</li> </ol>





<b>11</b>	<b>COMPLIANCE WITH LAW</b>
	<p>The licensee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative rules adopted pursuant to Metro Code Chapter 5.05 whether or not those provisions have been specifically mentioned or cited in this license. All conditions imposed on the collection and hauling of the licensee’s solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the licensee shall be deemed part of this license as if specifically set forth.</p>
<b>12</b>	<b>INDEMNIFICATION</b>
	<p>The licensee must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses arising out of or related in any way to the issuance or administration of this non-system license. Expenses include, but are not limited to, all attorneys' fees, whether incurred before litigation is commenced, during litigation or on appeal.</p>

WE