

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A YARD ) ORDINANCE NO. 98-731  
DEBRIS PROCESSING FACILITY LICENSE TO )  
ALLWOOD RECYCLERS, INC. TO OPERATE )  
A YARD DEBRIS PROCESSING FACILITY AND )  
DECLARING AN EMERGENCY ) Introduced by Mike Burton,  
Executive Officer

WHEREAS, Section 5.01.030 of the Metro Code requires an owner or operator of a yard debris processing facility to be licensed by Metro; and

WHEREAS, Section 5.01.040 of the Metro Code requires yard debris processing facilities to comply with the licensing requirements in Chapter 5.01; and

WHEREAS, Metro Code Section 5.01.060(a) requires applications for a license to be filed on forms provided by the Executive Officer, and specifies that licenses are subject to approval by the Council; and

WHEREAS, Allwood Recyclers, Inc. has submitted a yard debris processing facility license application to operate its existing yard debris composting facility in Fairview, Oregon as specified in Metro Code Section 5.01.060(c)(2), and

WHEREAS, the Metro Code Chapter 5.01.230 to 5.01.380 sets forth provisions relating to the licensing of yard debris processing facilities; and

WHEREAS, based on information submitted by Allwood Recyclers, Inc., specified in the Staff Report or otherwise submitted, the Executive Officer has found that the facility is in compliance with applicable provisions and standards in the Metro Code related to the licensing of yard debris processing facilities; and

WHEREAS, the facility is an existing operation providing necessary services to the public and nuisance impacts from yard debris processing facilities such as odor, dust and noise adversely affect the health and welfare of the public; and

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

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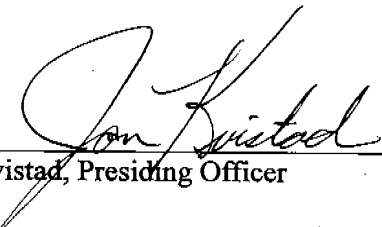
WHEREAS, the Council finds that it is necessary for the welfare of the Metro area that this ordinance take effect immediately, pursuant to Sections 37(2) and 39(1) of the Metro Charter; and

WHEREAS, The Executive Officer recommends that the Council grant the attached license to Allwood Recyclers, Inc.; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

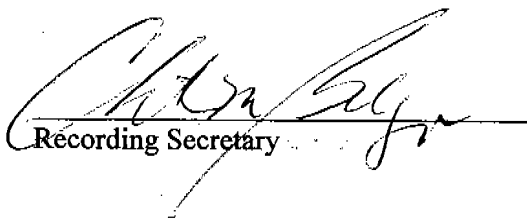
1. The Council authorizes the Executive Officer to enter into the attached licensing agreement for a yard debris processing facility within ten days of the effective date of this ordinance.
2. An emergency having been declared for the reasons stated above, this ordinance shall take effect immediately, pursuant to Sections 37(2) and 39(1) of the Metro Charter.

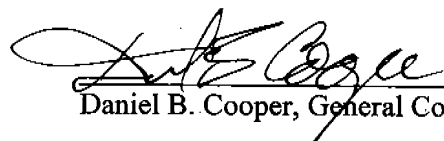
ADOPTED by the Metro Council this 26 day of March 1998.

  
\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

  
\_\_\_\_\_  
Recording Secretary

  
\_\_\_\_\_  
Daniel B. Cooper, General Counsel

**EXHIBIT A**

**YARD DEBRIS COMPOSTING FACILITY LICENSE**

issued by

**METRO**

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

LICENSE NUMBER: \_\_\_\_\_  
DATE ISSUED: \_\_\_\_\_ (see Section 2)  
AMENDMENT DATE: \_\_\_\_\_ N/A  
EXPIRATION DATE: \_\_\_\_\_  
ISSUED TO: \_\_\_\_\_ ALLWOOD RECYCLERS, INC.  
NAME OF FACILITY: \_\_\_\_\_ ALLWOOD RECYCLERS, INC.  
ADDRESS: \_\_\_\_\_ 23001 NE MARINE DRIVE  
CITY, STATE, ZIP: \_\_\_\_\_ FAIRVIEW, OR 97024  
LEGAL DESCRIPTION: \_\_\_\_\_ (see attached application)  
NAME OF OPERATOR: \_\_\_\_\_ ALLWOOD RECYCLERS, INC.  
PERSON IN CHARGE: \_\_\_\_\_ RANDY WUBBEN, PRESIDENT  
ADDRESS: \_\_\_\_\_ PO BOX 115  
CITY, STATE, ZIP: \_\_\_\_\_ FAIRVIEW, OR 97024  
TELEPHONE NUMBER: \_\_\_\_\_ (503) 667-5497

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# LICENSE AGREEMENT

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

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

## 1. DEFINITIONS

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

**"Composting"** means the controlled biological decomposition of organic materials through microbial activity which occurs in the presence of free oxygen. Composting does not include the stockpiling of organic material.

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

**"Hazardous Waste"** has the meaning specified in ORS 466.005.

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

## 2. TERM OF LICENSE

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

## 3. LOCATION OF FACILITY

The licensed Facility is located at 23001 NE Marine Drive, Fairview, Oregon 97024.

## 4. OPERATOR AND OWNER OF FACILITY AND PROPERTY

4.1 The owner of the facility is Randy Wubben.

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

4.3 The operator of the Facility is Allwood Recyclers, Inc.. Licensee may contract with another person or entity to operate the Facility only upon ninety (90) days prior written notice to Metro and the written approval of the Executive Officer.

## 5. AUTHORIZED AND PROHIBITED ACTIVITIES AND WASTES

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

5.1.1 Licensee shall accept only yard debris, landscape waste, clean wood wastes (e.g., untreated lumber, wood pallets). No other wastes shall be accepted at the Facility unless specifically authorized in writing by Metro.

## 5.2 Prohibited Wastes

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

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

## 6. **MONITORING AND REPORTING REQUIREMENTS**

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

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

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

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

- (a) The nature of the complaint;
- (b) The date the complaint was received;
- (c) The name, address, and telephone number of the person or persons making the complaint; and
- (d) Any actions taken by the operator in response to the complaint.

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

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

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

## 7. DESIGN AND OPERATIONAL REQUIREMENTS

7.1 Activities shall be conducted in accordance with the Metro approved facility design plan, operations plan and odor minimization plan submitted as part of the License Application. In addition:

7.1.1 To control odor and dust the Licensee shall:

- (a) Install dust control and odor systems whenever excessive dust and odor occur, or at the direction of Metro. Alternative dust and odor control measures may be established by the Licensee with Metro approval.
- (b) Take specific measures to control odors in order to avoid or prevent any violation of this License, which measures include (but are not limited to) adherence to the contents of the odor minimization plan.

7.1.2 With respect to vector control, the Licensee shall manage the Facility in a manner that is not conducive to infestation of rodents or insects. If rodent or insect activity becomes apparent, Licensee shall initiate and implement additional vector control measures.

7.2 The Licensee shall provide an operating staff which is qualified to perform the functions required by this License and to otherwise ensure compliance with the conditions of this License.

7.3 The licensee shall utilize functionally aerobic composting methods for processing authorized wastes at the facility.

7.4 All facility activities shall be conducted consistent with applicable provisions in Metro Code Chapter 5.01: Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities (Sections 5.01.230 - 5.01.380). Licensee may modify such procedures. All proposed modifications to facility plans and procedures shall be submitted to the Metro Regional Environmental Management Department for review and approval. The Executive Officer shall have 10 business days from receipt of proposed modifications to object to such modifications. If the Executive Officer does not object, such modifications shall be considered approved following the 10-day period. Licensee may implement proposed modifications to Facility plans and procedures on a conditional basis pending Metro review and notice from Metro that such changes are not acceptable.

7.5 Licensee shall remove compost from the Facility as frequently as possible.

## 8. FACILITY CLOSURE

8.1 In the event of closure of the facility, all yard debris, composting material, end-product, and other solid wastes must be removed from the facility within 180 days following the commencement of closure.

8.2 Licensee shall close the facility in a manner which eliminates the release of landscape waste, landscape waste leachate, and composting constituents to the groundwater or

surface waters or to the atmosphere to the extent necessary to prevent threats to human health or the environment.

- 8.3 Within 30 days of completion of closure, Licensee shall file a report with Metro verifying that closure was completed in accordance with this section.

## 9. ANNUAL LICENSE FEE

Licensee shall pay an annual license fee of \$300, as established under Metro Code Section 5.01.320. The fee shall be delivered to Metro within thirty (30) days of the effective date of this License and on the same date for each year thereafter. Metro reserves the right to change its license fees at any time, by action of the Metro Council, to reflect license system oversight and enforcement costs.

## 10. INSURANCE

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

## 11. INDEMNIFICATION

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



## **12. COMPLIANCE WITH LAW**

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

## **13. METRO ACCESS TO FACILITY**

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

## **14. DISPOSAL RATES AND FEES**

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

## **15. GENERAL CONDITIONS**

- 15.1 Licensee shall be responsible for ensuring that its contractors and agents operate in compliance with the terms and conditions of the license.
- 15.2 This License shall not vest any right or privilege in the licensee to receive specific quantities of yard debris during the term of the license.
- 15.3 The power and right to regulate, in the public interest, the exercise of the privileges granted by a license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such legal requirements against licensee.

- 15.4 This License may not be transferred or assigned without the prior written approval of Metro, which will not be unreasonably withheld.
- 15.5 To be effective, a waiver of any term or condition of a license must be in writing, signed by the executive officer. Waiver of a term or condition of a license shall not waive nor prejudice Metro's right otherwise to require performance of the same term or condition or any other term or condition.
- 15.6 This License shall be construed, applied, and enforced in accordance with the laws of the State of Oregon and all pertinent provisions in the Metro Code.
- 15.7 If any provision of a license is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, the validity of the remaining provisions contained in the license shall not be affected.

## 16. REVOCATION

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

## 17. MODIFICATION

- 17.1 At any time during the life of this License, either the Executive Officer or the Licensee may propose amendments or modifications to this License. Except as specified in the Metro Code, no amendment or modification shall be effective unless it is in writing, approved by the Metro Council, and executed by the Licensee and the Executive Officer.
- 17.2 The Executive Officer shall review the License annually, consistent with Section 6 of this License, in order to determine whether the License should be changed and whether a recommendation to that effect needs to be made to the Metro Council. While not exclusive, the following criteria and factors may be used by the Executive Officer in making a determination whether to conduct more than one review in a given year:
  - a) Licensee's compliance history;
  - b) Changes in waste volume, waste composition, or operations at the Facility;
  - c) Changes in local, state, or federal laws or regulations that should be specifically incorporated into this License;
  - d) A significant release into the environment from the Facility;
  - e) A significant change or changes to the approved site development plan and/or conceptual design; or
  - f) Any change in ownership that Metro finds material or significant.
  - g) Community requests for mitigation of impacts to adjacent property resulting from Facility operations.

**18. NOTICES**

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

Randy Wubben, President  
Allwood Recyclers, Inc.  
PO Box 115  
Fairview, OR 97024

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

Bill Metzler, Licensing Program Administrator (Yard Debris Facilities)  
Metro Regional Environmental Management Department  
600 NE Grand Avenue  
Portland, OR 97232-2736

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

ALLWOOD RECYCLERS, INC.

METRO

\_\_\_\_\_  
Facility Owner or  
Owner's Representative

\_\_\_\_\_  
Mike Burton, Executive Officer  
Metro

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

BM:

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## REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 98-731, FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO ALLWOOD RECYCLERS, INC. TO OPERATE A YARD DEBRIS COMPOSTING FACILITY AND DECLARING AN EMERGENCY

Date: March 18, 1998

Presented by: Councilor McFarland

**Committee Recommendation:** At its March 17 meeting, the Committee considered Ordinance No. 98-731 and voted 2-0 to send the ordinance to the Council with a do pass recommendation. Voting in favor: Councilor McFarland and Chair Morissette. Councilor Washington was absent.

### **Background**

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

**Committee Issues/Discussion:** Bruce Warner, Regional Environmental Management Director, presented the staff report. Warner noted that the license applicant, Allwood Recyclers has been in operation for several years. The facility is located in an industrial area on Marine Drive in the City of Fairview near the Troutdale Airport. It currently processes about 12,000 cubic yards of yard debris annually and accepts material from both commercial and general public customers. The facility has all of the necessary operating permits from other governments.

Chair Morissette expressed concern about the inclusion of an emergency clause in the proposed ordinance. He noted that there are a large number of ordinances come to the Council with such clauses when no true emergency exists. He cautioned staff that it should try to minimize the use of the emergency clause. Mr. Warner responded that the staff had prepared a revised ordinance without an emergency clause for possible committee consideration. He noted that the facility licensed in the ordinance is an existing one and that the emergency clause will simply allow the terms and conditions of the license to become operative 90 days earlier than would otherwise be the case.

Councilor McFarland indicated she had driven by the site and noted what appeared to be wetland areas. She expressed concern that a composting facility could have a negative impact on these areas. Warner responded that it was his understanding that the wetlands had been created on the site to assist in the treatment and processing of runoff water. He indicated that he would look into this further and report back to Councilor McFarland prior to Council consideration of the ordinance.

## **EXECUTIVE SUMMARY**

### **ORDINANCE 98-731 GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO ALLWOOD RECYCLERS, INC.**

#### **PROPOSED ACTION**

- Grants a yard debris processing facility license to Allwood Recyclers, Inc. to operate its existing yard debris composting facility located in Fairview, Oregon.

#### **WHY NECESSARY**

- Metro Code Section 5.01.030 requires an owner or operator of a yard debris processing facility to be licensed by Metro.
- The terms of the license will be to protect public health, safety, and welfare. The facility will continue to assist the region in accomplishing the goals and objectives of the Regional Solid Waste Management Plan.
- The declaration of an emergency is pursuant to Sections 37 (2) and 39 (1) of the Metro Charter. It is necessary for the welfare of the Metro region that this Agreement takes effect immediately. The facility is an existing operation providing necessary services to the public and potential nuisance impacts from yard debris processing facilities such as odor, dust and noise adversely affect the health and welfare of the public.

#### **DESCRIPTION**

- The 6-acre site is zoned M-2 (General Industrial) and is used for yard debris composting and wood waste recycling operations.
- The applicant has a conditional use permit from the City of Fairview.
- The facility accepts loads of yard debris and wood wastes from commercial and residential sources. The facility is open to the public.
- The facility accepts approximately 12,000 cubic yards of yard debris per year for processing.
- Allwood Recyclers, Inc. meets all applicable Metro Code requirements for yard debris composting facilities and is eligible for a yard debris processing facility license.

#### **ISSUES/CONCERNS**

- Staff is not aware of any outstanding issues or concerns with this facility.

#### **BUDGET/FINANCIAL IMPACTS**

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

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 98-731 FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO ALLWOOD RECYCLERS INC. TO OPERATE A YARD DEBRIS PROCESSING FACILITY AND DECLARING AN EMERGENCY

Date: February 20, 1998

Presented by: Bruce Warner  
Bill Metzler

#### INTRODUCTION

The purpose of this report is to provide the information necessary for the Metro Council to act on the recommendation that Allwood Recyclers, Inc. be awarded a license to operate a yard debris composting facility located in Fairview, Oregon. The license agreement is attached to Ordinance No. 98-731 as Exhibit A.

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

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

#### Key Findings and Recommendations Include:

- Yard debris processing facilities are licensed by the Metro Council if they submit the required plans and show compliance with applicable provisions in Metro Code Chapter 5.01 Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities and Yard Debris Reload Facilities (Sections 5.01.230 - 5.01.380).
- Staff has reviewed all required submittals and has determined that Allwood Recyclers, Inc. meets the requirements of the Metro Code related to licensing yard debris processing facilities.
- The declaration of an emergency is pursuant to Sections 37 (2) and 39 (1) of the Metro Charter. It is necessary for the welfare of the Metro region that this Agreement be effective immediately. The facility is an existing operation providing necessary services to the public.
- The terms of the license will protect public health and safety, and maintain consistency with the Regional Solid Waste Management Plan. The Metro licensing program includes problem resolution through intergovernmental cooperation, technical assistance and enforcement measures.

## I. FACILITY AND APPLICANT INFORMATION

### Location:

- Facility address: 23001 NE Marine Drive Fairview, OR 97024
- The facility lies in Section 2, Township 1N, Range 3 East, W.M. Multnomah County, Oregon Tax Lot 15 situated in the Southwest ¼ & the Southeast ¼ of Section 22.

### Zoning and Permitting:

- The site is zoned M-2 (General Industrial).
- The facility has a Conditional Use Permit from the City of Fairview.

### General Facility Description:

- The six-acre site is used for a privately owned business that will serve the general public. Vegetation such as grass clippings, leaves, sod, and small diameter limbs, stumps and wood products will be ground and then sold as compost and mulch.
- The facility accepts approximately 12,000 cubic yards of yard debris per year for processing.

### Completeness and Sufficiency of Application

Applicants for yard debris processing facility licenses are required to complete the application form and provide additional information as requested. The license application form and other material required to process the license were submitted and has been determined to be complete and adequate.

### Applicant Qualifications

Allwood Recyclers, Inc. is a locally owned and operated corporation. This facility has been in operation since May, 1995.

## II. LIST OF SUBMITTALS / STAFF REPORT ATTACHMENTS

**Attachment 1 - Site Context and Location Map/Air Photo**

**Attachment 2 - Application for a Yard Debris Processing Facility License, prepared by Randy Wubben, President.**

## III. ANALYSIS OF LICENSE APPLICATION

A license will be granted if the Metro Council finds that the applicant complies with Metro Code Chapter 5.01 - *Solid Waste Facility Regulation* and the specific standards set forth in Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities and Yard Debris Reload Facilities (Sections 5.01.230 - 5.01.380).

Staff have reviewed the license application and other supporting documentation, and have found that the facility meets all applicable Metro Code requirements and is eligible for a yard debris processing facility license. The following table summarizes staff's analysis:

Key Metro Code Licensing Provisions	Acceptable	Unacceptable	See details in analysis below
5.01.260 General Yard Debris Facility Design Requirements & Design Plans	X		1
5.01.270 General Operating Requirements for Yard Debris Facilities	X		2
5.01.280 Yard Debris Processing Operations Plan	X		2
5.01.290 Yard Debris Facility Odor Minimization Plans	X		3

In addition, staff offers the following details regarding the application, which are contained in three main parts:

**1. FACILITY DESIGN** (corresponds to Metro Code Section 5.01.260 - General Yard Debris Facility Design Requirements & Design Plan).

The facility design requirements are intended to ensure that the facility is designed and constructed in a safe and suitable manner that can support the type of processing and the quantity of material that the applicant is proposing to process.

Staff has found that this facility is designed and constructed in a manner suitable for maintenance and processing operations, visual inspection of piling areas, and fire fighting operations. The facility meets the requirements for effective barriers to unauthorized entry, all-weather access roads, and has sufficient processing and storage capacity to handle incoming volumes of yard debris. The design plan addresses the management of storm water through the use of swales, berms, and a pond.

General Description

An all-weather asphalt road provides access to the facility. This facility will process vegetation such as grass clippings, sod, leaves and small-diameter limbs into compost and mulch. Larger diameter limbs, stumps, and wood products such as boards will be ground and sold as fuel, paper pulp, and other useable products. The only entrance to the facility is secured with a locked gate. The facility has signs at the entrance, directing traffic flow and providing other business information.

The facility uses the windrow composting method with dimensions of 120' (length) x 20' (height) x 30' (width) and accepts approximately 12,000 cubic yards of yard debris per year. The processing time from receipt to finished product is approximately 60 days. The estimated capacity in cubic yards of the facility storage area for incoming materials is 2,500 cubic yards. The estimated capacity for finished product storage is 3,500 cubic yards.



Storm water run-off is routed through a series of swales on the east, south, and north property lines and drain into a large pond on the northern property line. The pond is naturally vegetated with large cottonwood trees and underbrush, and is approximately ½ acre in size.

Comments:

- The applicant's completed license application and submittals constitute the Design Plan, and meet all applicable Metro Code requirements for Section 5.01.260 - General Yard Debris Facility Design Requirements & Design Plans.
- The applicant is participating in Metro's Earth-Wise Compost Designation Program to test their finished compost for quality assurance.

2. **OPERATIONAL PLAN** (corresponds to Metro Code Section 5.01.270 - General Operating Requirements for Yard Debris Facilities and Section 5.01.280 - Yard Debris Processing Operations Plan).

The purpose of the operational plan requirements is to ensure that the facility is operated in a manner that minimizes nuisance impacts on surrounding communities and businesses, while protecting public health and safety.

Staff have found that this facility is operated in a manner that meets Metro Code operational requirements and that the operating plan submitted as part of the license application, sufficiently addresses process management and monitoring procedures for yard debris composting facilities.

General Description

Incoming loads are measured and calculated to cubic yards by facility staff. Most loads are tarped; and if not, customers are reminded to do so by staff. All incoming loads are visually inspected for non-compostables, and loads not in compliance are rejected. Any non-compostable material delivered to the facility is identified by laborers and deposited into a Waste Management Inc. container for disposal.

Incoming material is stockpiled in a designated grinding area. Once a week material is processed through a tub-grinder. During the grinding process, material is sorted so as not to get too much wood in the compost pile. Wood debris is also ground for hogged fuel. The compostable material is then placed into large windrow piles for processing into finished compost. To monitor and adjust pile temperature, a thermometer probe is inserted at various locations of the windrow and results are documented. If oxygen or moisture is required, the windrows are turned via a wheel-loader with a bucket. Water may also be added at this time. Finished compost is then screened for retail and wholesale markets.

- Noise: All equipment meets DBA noise requirements. In addition, site topography provides both a visual and sound buffer for noise abatement.
- Vector control: Vectors are controlled by rapidly processing (within 2 days) the incoming materials. Active compost piles and finished product rarely attract or harbor vectors.
- Dust control: All roads are watered down to control dust. In addition, compostable materials are watered down during processing to control dust.

- Litter: The facility grounds are maintained on a regular basis.
- Fire protection: Fire inspections are done on a daily basis. A fire trailer is on standby with all equipment needed to fight a fire. Excavator and bulldozer operators are trained to respond to any potential fire problem. All incoming yard debris is processed on a regular basis to keep the pile size manageable.
- Monitoring pile temperature, oxygen, and moisture levels are performed on a regular basis.

Comments:

- The applicant's completed license application and submittals constitutes the Operations Plan, and meets all applicable Metro Code requirements for Section 5.01.270 - General Operating Requirements for Yard Debris Facilities and Section 5.01.280 - General Yard Debris Facility Design Requirements & Design Plans.

3. **ODOR MINIMIZATION PLAN** (corresponds to Metro Code Section 5.01.290 - Yard Debris Facility Odor Minimization Plan).

The Metro Code Odor Minimization Plan requirement is designed to ensure that the facility is operated in a manner that minimizes and mitigates odor impacts on surrounding communities and businesses.

Staff has found that this facility is operated in a manner that meets the applicable Metro Code requirements and has submitted an odor minimization plan as part of the license application. The odor minimization plan sufficiently addresses all processing, odor management and monitoring procedures.

General Description

Since deliveries of accumulated grass clippings from landscape companies can be a primary source of odor, loads of bad-smelling grass clippings are immediately processed. Grass clippings are blended with drier, woody yard trimmings (carbon source). The yard debris is coarsely ground to promote air space in the pile.

Odor complaints: Complaints are documented and investigated by facility staff. Wind speed and direction are noted. Odor control procedures are implemented to include: material mixing, grinding, and changing the time of day the material is turned.

Comments:

- The applicant's completed license application and submittals constitutes the Odor Minimization Plan, and meets all applicable Metro Code requirements for Section 5.01.290 - Yard Debris Facility Odor Minimization Plans.

#### **IV. CONCLUSIONS**

Staff has reviewed all required submittals, and have determined that Allwood Recyclers, Inc. meets the requirements of the Metro Code related to licensing yard debris processing facilities. In addition, staff conducted a site inspection on January 15, 1998 and verified that the facility is currently operated in compliance with applicable provisions in Metro Code Chapter 5.01.

It is necessary for the welfare of the Metro region that the license agreement take effect immediately. Pursuant to Sections 37 (2) and 39 (1) of the Metro Charter, this action is accomplished through a declaration of an emergency. The facility is an existing operation providing necessary services to the public, and potential nuisance impacts from yard debris processing facilities such as odor, dust and noise can adversely affect the welfare of the public.

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

#### **V. BUDGET IMPACTS**

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

#### **VI. STAFF RECOMMENDATION**

Based upon the preceding analysis, it is the opinion of staff that Allwood Recyclers, Inc. should be granted a yard debris processing facility license in accordance with the provisions of the license agreement attached to Ordinance No. 98-731 as Exhibit A.







#### **VII. EXECUTIVE OFFICER'S RECOMMENDATION**

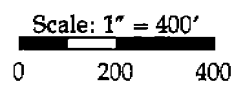
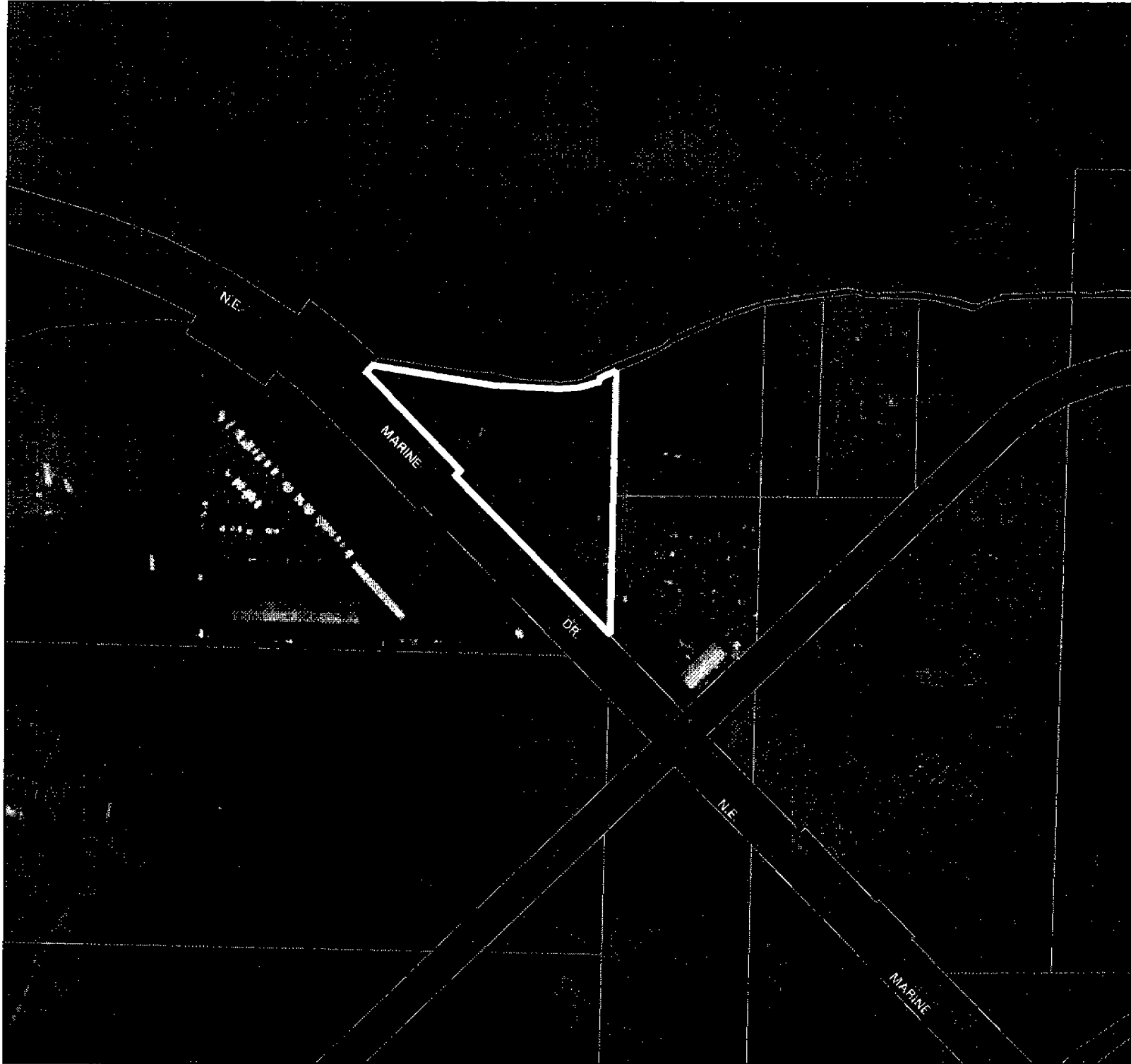
The Executive Officer recommends adoption of Ordinance No. 98-731.

BM:ck  
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# Allwood Inc.

1997 Aerial Photos

-  Metro Boundary
-  Urban Growth Boundary
-  Parks and Open Space
-  Taxlots
-  County Line
-  Subject Property (white boundaries)



METRO

600 NE Grand Ave.  
 Portland, OR 97232-2738  
 Voice 503 797-1742  
 FAX 503 797-1809  
 Email drc@metro.net.or.us

MAIL THIS APPLICATION TO:

DATE RECEIVED BY METRO:

Metro  
Attn.: Bill Metzler  
Regional Environmental Management  
600 N.E. Grand Avenue  
Portland, OR 97232-2736

**RECEIVED**

DEC 16 1997

METRO REGIONAL  
ENVIRONMENTAL MANAGEMENT

**LICENSE APPLICATION FORM  
YARD DEBRIS PROCESSING FACILITY**

Check all that apply:

- Yard Debris Composting  X
- Other (specify) \_\_\_\_\_

Note: This form should not be used for yard debris reload facilities. A separate form for reload facilities is available from Metro.

Date of Application:  November 11, 1997

**PART 1**

1. NAME OF FACILITY:  Allwood Recyclers, Inc.

Facility Address:  23001 NE Marine Drive   
 Fairview, OR 97024

2. PROSPECTIVE LICENSEE

Public Agency: \_\_\_\_\_ Private:  X

Name of Licensee:  Allwood Recyclers, Inc.

Mailing Address:  PO Box 115   
 Fairview, OR 97024

Phone Number:  (503) 667-5497

3. OWNER(S) OF PROPERTY

Name: Randy Wubben

Mailing Address: 6602 NE 104th Ave

Vancouver, WA 98662

Phone Number: (360) 891-8156

4. SUBCONTRACTOR(S)

Name, address and function of any prospective licensee's facility operation subcontractors:

N/A

5. SITE LEGAL DESCRIPTION

(Include tax lot(s) descriptions, Section, Township and Range):

Site size in acres 6.39 Composting facility area size 5 1/2 acres  
Partition Plat 1993-159-Parcel 1, A Portion of tax lot 15.  
Situated in the S.W. 1/4 & the S.E. 1/4 of Section 22, T.  
1 N., R. 3E., W.M. Multnomah Co., Oregon

SECTION 22 TOWNSHIP 1 N RANGE 3 E

6. ZONING

Present Land Use Zone: M-2, General Industrial

Restrictions: limited to recycling of yard debris, woody  
vegetation and wood products only. No treated wood  
to be excepted.

7. Is a conditional use permit necessary for the facility?

Yes \_\_\_\_\_ No  X

If required, has the permit been obtained?

Yes \_\_\_\_\_ No  X

8. PUBLIC HEARING(S)

Date(s) and nature of Public Hearing(s) held or to be held, if any:

N/A

9. PERMITS ISSUED OR APPLIED FOR

List name and number of all permits (i.e., DEQ Solid Waste Disposal Permit, Conditional Use Permit, National Pollution Discharge Elimination System Permit, Etc.), plus name, address, and contact person at the agency responsible for issuing the permit(s).

Permit(s) Applied for:

NONE

Permit(s) Received:

NONE

**10. ESTIMATED QUANTITY OF YARD DEBRIS TO BE ACCEPTED**

Annually: 12,000 cubic yards

Daily: 50-100 cubic yards

Annually: \_\_\_\_\_ tons (optional)

Daily: \_\_\_\_\_ tons (optional)

**11. PUBLIC/COMMERCIAL OPERATIONS**

Will the facility be open to the public?

Yes X No \_\_\_\_\_

Will the facility be open to commercial solid waste collectors?

Yes X No \_\_\_\_\_

**12. OPERATING HOURS AND TRAFFIC VOLUME**

OPERATING HOURS	PUBLIC	COMMERCIAL
Hours Per Day	10	10
Days Per Week <u>7</u>	7	7
Estimated Vehicles Per Day	60	40

13. Does the owner/operator of this facility own, operate, maintain, have a proprietary interest in, or is the owner financially associated with or subcontracting the operation of the facility to any individual, partnership or corporation involved in the business of collecting residential, commercial, industrial or demolition refuse within the boundary of Metro?

Yes \_\_\_\_\_ No X

14. Will the facility be open to solid waste collection companies who collect outside the boundary of Metro ?

Yes X No \_\_\_\_\_



**PART 2**

**GENERAL FACILITY DESIGN PLAN**

1. Describe how stormwater is managed at the facility.

Run off is routed through a series of swales which drain into  
a large pond on northern property line. This pond is naturally  
vegetated with large cotton wood trees and underbrush, and is  
approximately 1/2 acre in size.

a. Is precipitation run-on diverted around the processing area?

Yes X No \_\_\_\_\_

Describe A swale on the east property line, a swale and berm along  
south line, a swale and berm along north property line.

b. Is run-off from the facility controlled?

Yes X No \_\_\_\_\_

Describe Run-off is directed to swales on East & North property  
lines. Swale on North side is approx. 1/2 acre in size.

2. Describe any barriers that the facility has (or will have) to prevent unauthorized entry and dumping (fencing, gates, locks).

Only entrance to facility is secured with a pad locked gate  
there are swales and berms around the remainder of the property  
line.

3. Are there all weather access roads to the site?

Yes X No \_\_\_\_\_

4. Does (or will) the facility have scales?

Yes   x        No       

5. Does the facility have signs (at entrance, directing traffic flow, public information) ?

Yes   x        No       

Please describe the location(s) and type of sign(s):

Entrance: 6'X8' sign with name, hours, partial product list

Office: Flow direction signs, hours

\_\_\_\_\_

6. What is the estimated capacity (cubic yards) of the facility storage area(s) for incoming yard debris waiting to be processed?

approx. 2500 Cubic Yards

7. What is the estimated capacity (cubic yards) for finished product storage?

approx. 3500 Cubic Yards

8. Please describe how you handle, store and remove hazardous or other non-permitted or non-compostable wastes delivered to the facility.

Incoming material is closely monitored for unacceptable material.

Laborers check through newly dumped yard debris on a regular

basis and any metal, plastic, paper, glass or any other non-

combustible material is picked out and put into a waste manage-

ment dumpster. Any treated wood is rejected before it is

dumped, or reloaded if we observe when dumping.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### PART 3

#### GENERAL OPERATING PLAN

1. Describe your methods of measuring and keeping records of incoming yard debris.

Every incoming load is hand measured and calculated to cubic yards. A receipt is made out describing material, quantity and cost.

2. How often are the facility grounds cleaned of litter?

On an hourly basis

3. Describe how you encourage delivery of yard debris in covered loads.

Most people that come into this facility have tarped their loads. Those who don't, we verbally remind them to tarp their load on the next visit.

4. Describe how you control the types of materials you receive, and methods for removing, recovering and disposing of non-compostables.

We have a sign describing the material that is acceptable.

Every load is visually checked before dumping, and any material that is unacceptable is not allowed to be dumped. Any material that slips past visual inspection is picked out by laborers after material is dumped, on an hourly basis.

5. Where do you dispose of non-compostable wastes?

Waste Management has a dumpster at our facility which is removed on a weekly or bi-weekly basis, depending on how fast it is filled.

6. Please give a general description of the steps you take to process yard debris (from delivery to end-product).

Incoming material is stockpiled in grinding area. Once a week or as needed, material is processed through a Tubgrinder.

During the grinding process, material is sorted so as not to get too much wood in compost pile. Wood debris is ground up for hog fuel. Compost material is placed in large piles where it is processed into rough compost which is then screened to half inch minus material for retail and wholesale markets.

7. What is the maximum length of time required to process each day's receipt of:

a. Yard debris ? 2 Hours per day

b. Grass clippings ? 2 Hours per day

8. How long does it typically take to process yard debris at your facility (from receipt to finished product)?

Approx. 60 days

a. How long do you cure the finished product?

0

9. If applicable, what are the dimensions of the windrows or piles that are typically constructed at your facility (length, width, height)?

30' X 120' X 20

10. How do you manage the windrows or piles? What kind of equipment do you use?

Composting windrow's are turned with a large dozer and

EXCAVATOR

11. Describe how you control the following:

a. Noise (from machinery and equipment):

All equipment is properly maintained so that noise levels do  
not exceed allowable levels. Equipment operating hours are  
limited to day time operation.

b. Vectors (insects, birds, rodents):

NONE

c. Dust:

Roads are watered down to limit dust. Dry material is watered  
down during processing.

d. Litter:

All litter is picked up daily and placed in dumpster for  
removal.

12. Describe the fire prevention, protection and control measures used at the facility.

Fire inspections are done on a daily basis. A fire trailer  
is on standby with all equipment needed to fight fire. Exca-  
vator and dozer operators are trained for what to do in case of  
fire. Incoming green yard debris is processed on a regular basis  
to keep pile size down to manageable size.

13. Does (or will) the facility have legible sign(s) at public entrances including:

Name of facility?	Yes <u>X</u>	No <u>    </u>
Name of the operator?	Yes <u>X</u>	No <u>    </u>
Hours of operation?	Yes <u>X</u>	No <u>    </u>
List of materials that will and will not be accepted?	Yes <u>X</u>	No <u>    </u>
Schedule of charges?	Yes <u>    </u>	No <u>X</u>
Phone number in case of emergency?	Yes <u>X</u>	No <u>    </u>

14. Describe your methods for monitoring and adjusting the following (during processing):

a. Temperature:

A probe gauge is used to check temperature. Pile turning and material mixing method is used to maintain proper temperature.

b. Oxygen levels:

Material is turned with Excavator and Dozer on a regular basis, to allow all material in windrow's to get proper oxygen levels.

c. Moisture levels:

Moisture is checked by sight and feel at this time, a gauge is being ordered for more accurate measuring.. Pile turning and material mixing us used to control moisture levels.

15. In general, what are your plans (existing or proposed) for marketing the finished product?

At this time our retail and wholesale marketing is done by advertising in local newspapers, Yellow pages, local vendors, part time sales person, and growing reputation. Our plans for the future include a full time sales person, continued advertising and we are expanding our delivery capabilities for both wholesale and retail customers.

**PART 4**

**ODOR MINIMIZATION PLAN**

1. Generally describe how you handle loads of bad smelling yard debris and grass clippings?

This type of material is immediately mixed with other drier  
material and sometimes wood chips kept in a stockpile for this  
purpose.

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2. Describe your procedures for receiving, recording and remedying odor complaints or odor problems at the facility.

We have not had any odor complaints since we took this facility  
over, in May of 1995. If we did we would document all complaints  
and visit sources of complaints to verify and discuss problem.  
Then we would step up our odor control procedures, such as material  
mixing, grinding and change times of day that we would turn this  
material, monitoring wind direction and continue communication  
with source of complaint.

3. Describe your methods for minimizing and controlling odors at the facility.

Material mixing to control moisture. Monitor wind direction,  
temperature and time of day when turning compost piles. Keep  
material processed in a timely manner.

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4. Describe your procedures for avoiding delay in processing yard debris during all weather conditions.

The grinding process is unaffected by weather other than dry conditions at which time we add water during grinding to control dust and moisture. The turning process is done according to weather conditions and material mixing method is used if moisture is high. Low moisture is usually not a problem in our climate.

The final screening process is done on dry days for efficiency.

5. Prior to turning or moving composted material, describe how the following factors are considered:

- a. Time of day:

We usually try to turn piles in the early part of the day rather than in the hot afternoon, when odor seems to be a little worse.

- b. Wind direction:

We avoid turning compost when wind is blowing in a direction of neighboring businesses.

- c. Percent moisture:

When moisture is high, we mix in dry material. When moisture is low, we would either mix in wet material or add water, low moisture isn't usually a problem.

- d. Estimated odor potential:

Turning is avoided during high wind days and when wind is blowing in a undesirable direction.

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## **LIST OF ATTACHMENTS**

1. ATTACHMENT A - SITE PLAN
2. ATTACHMENT B - INSURANCE
3. ATTACHMENT C - OTHER REQUIRED PERMITS

## 1. ATTACHMENT A: SITE PLAN

The application must contain maps, drawings or diagrams showing the location of the facility at a scale no smaller than one inch equals 100 feet. The following information must be provided:

- a) The boundaries of the facility;
- b) The boundaries of the composting area;
- c) The property boundaries, if different;
- d) The location of all buildings on the property and other pertinent information with respect to the operation of the facility (e.g. water supply, fencing, access roads, paved areas, etc.);
- e) The location and approximate dimensions of receiving, processing, curing, and storage areas for yard debris, end-product, and waste residuals; and
- f) The drainage patterns of the composting facility and surrounding areas. For example, the direction of both on-site and off-site drainage, as well as the location of any ditches, swales, berms, or other structures that exist or will be constructed to control runoff and leachate generated by the facility's operation.
- g) The prevailing seasonal wind directions (Spring, Summer, Fall and Winter).

*(The following additional information is required for all **new and proposed** yard debris processing facilities:)*

- h) Landscape plan showing the location, size and type of plantings, fences, berms, and existing trees to remain and/or to be removed.
- i) Drawings of the site that indicate location of initial and permanent roads; buildings and equipment to be installed; sewer and water lines; and storm water system. The drawings shall show final grade contours (required for only new or relocating facilities).

## 2. ATTACHMENT "B": INSURANCE

The application must contain a letter demonstrating that the applicant can obtain public liability insurance, including automotive coverage, in the amounts of not less than Five Hundred Thousand Dollars (\$500,000) for any number of claims arising out of a single accident or occurrence, Fifty Thousand Dollars (\$50,000) to any claimant for any number of claims for damage to or destruction of property, and One Hundred Thousand Dollars (\$100,000) to any claimant for all other claims arising out of a single accident or occurrence or such other amounts as may be required by State Law for public contracts.

## 3. ATTACHMENT "C": OTHER REQUIRED PERMITS

The application must contain one copy each of any required federal, state, county, city or other permits or licenses and one copy each of all correspondence pertaining to all such permits or licenses.

**LICENSE APPLICANT**

I hereby certify that the information contained in this application is true and correct to the best of my knowledge. I agree to notify Metro within 10 days of any change in the information submitted as a part of this application.

Signature and title of person completing this application:

SIGNATURE \_\_\_\_\_ TITLE President

DATE 11/11/97 PHONE (360) 921-4527

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