

 Metro | Memo

DATE: June 28, 2016

TO: Roy W. Brower, Solid Waste Compliance and Cleanup Program Director

FROM: Hila Ritter, Solid Waste Authorization Coordinator  
Juan Garcia, Solid Waste Authorization Coordinator

RE: Issuance of Renewed Solid Waste Facility License No. L-133-16 for Northwest Shingle Recyclers, LLC.

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Attached for your signature is renewed Solid Waste Facility License No. L-133-16 for Northwest Shingle Recyclers, LLC. ("NSR"), a locally owned and operated material recovery facility located at 12700 SW Hall Blvd. in Tigard (Metro District 3). This memo provides background information on the applicant's request and recommends that Metro issue a renewed license to NSR.

**BACKGROUND**



The applicant, NSR, is a Metro-licensed facility that is currently authorized to accept mixed roofing waste consisting of composition asphalt roof shingles and associated roof tear off debris for the purpose of conducting material recovery. Asphalt shingles recovered at the facility are delivered to an asphalt batch plant for use in the production of asphalt pavement. The facility is also authorized to accept built-up roofing for reloading to authorized disposal sites. NSR is affiliated with and shares common ownership with two other Metro-licensed mixed roofing waste material recovery facilities located in Portland.

**HISTORY OF APPLICATION**

On April 4, 2016 Metro received a complete application from NSR requesting the renewal of its existing solid waste facility license (No. L-133-11B). NSR's existing license term began on July 18, 2011, and is set to expire on June 30, 2016. The facility has operated under authority of a Metro license since 2011, as well as an Oregon Department of Environmental Quality ("DEQ") solid waste disposal site permit.

Under Metro Code Section 5.01.055, the proposed license renewal is to be approved or denied by the Chief Operating Officer (“COO”). On July 1, 2015, the COO delegated authority to the Solid Waste Compliance and Cleanup (“SWCC”) Director to carry out Metro Code Title 5.01.055 (renewal of licenses). As such, the SWCC Director is authorized to grant this license renewal.

### **PUBLIC NOTICE AND OPPORTUNITY TO COMMENT**

On March 30, 2016, Metro issued public notice of the license renewal application and provided an opportunity for the public to submit comments. The public comment period ended on April 29, 2016. Public notice was mailed to about 35 property owners located near the facility. Notice was also posted on the Metro web site and emailed to a list of Metro-area stakeholders that have a general interest in solid waste issues. In response to the public notice, Metro received zero comments regarding the proposed license renewal.

### **COMPLIANCE HISTORY OF THE APPLICANT**

Metro has conducted 36 inspections of NSR since the existing license was issued on July 18, 2011. On June 17, 2014, during a routine inspection of the facility, Metro issued a field notice of violation<sup>1</sup> to NSR for violating the terms of its Metro issued license by storing more than 100 tons of roofing debris on-site. The site was subsequently re-inspected and the violation was deemed corrected on November 13, 2014. NSR is currently in compliance with Metro’s requirements.

DEQ has issued the facility two warning letters during their current Metro license term. The first was in August 2012 regarding the acceptance of built-up roofing prior to DEQ approval, and the second was in November 2015 regarding non-compliance with the facility’s operating plan as it relates to NSR’s asbestos screening protocol. NSR has resolved both issues to DEQ’s satisfaction and no further action was warranted.

Staff finds that the facility has generally had a good compliance history and plays an important role in the region’s solid waste recovery efforts. As such, it is in the public interest to renew NSR’s license.

### **METRO CODE RENEWAL CRITERIA**

Metro Code Section 5.01.055 states that:

*The Chief Operating Officer shall renew a Solid Waste Facility License unless the Chief Operating Officer determines that the proposed renewal is not in the public interest, provided that the Licensee files a completed application for renewal accompanied by payment of an application fee of three hundred dollars (\$300) not less than 120 days prior to the expiration of the License term, together with a statement of proposed material changes from its initial*

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<sup>1</sup> FNOV-347-14

*application for the License and any other information required by the Chief Operating Officer. The Chief Operating Officer may attach conditions or limitations to any renewed License.*

On April 7, 2016 NSR filed a complete application for renewal of its existing license accompanied by payment of an application fee of \$300. The license renewal application included all of the required information and was submitted to Metro within the timeframe specified in Code. NSR's application seeks to renew its existing authority with no substantive changes in the proposed license.

### **STAFF RECOMMENDATION**

Staff recommends issuing Solid Waste Facility License No. L-133-16 which renews NSR's authority to accept mixed roofing waste for the purpose of material recovery. The term of the license becomes effective on July 1, 2016 and expires on June 30, 2021. Metro Code stipulates that solid waste license renewals may be issued for up to a five-year period.<sup>2</sup> A copy of the proposed license is attached for your signature.

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<sup>2</sup> Metro Code Section 5.01.053(j)