

# Memo



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

DATE: June 15, 2017

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

FROM:  Duane Altig, Associate Solid Waste Planner

RE: Solid Waste Facility License No. L-179-17 for Northwest Landscape Services

Attached for your signature is new Solid Waste Facility License No. L-179-17 authorizing Northwest Landscape Services (“NLS”) to accept source-separated yard debris and soil from a nearby Japanese beetle quarantine area for the purpose of consolidation prior to disposal. NLS is a locally-owned and operated commercial landscaping service that seeks to operate the proposed yard debris reload facility at its site located at 1800 NW Cornelius Pass Road in Hillsboro (Metro District 4). This memo provides background information on the applicant’s request and recommends that Metro issue a license to NLS.



This photo shows an aerial view of the proposed facility site. The Northwest Landscape Services “NLS” property is outlined in red. The location of the reload site is identified by the arrow.

## BACKGROUND

The applicant, NLS, is a commercial landscaping service that requested authorization from Metro to accept source-separated yard debris and soil generated exclusively from within a quarantine area that is infested with Japanese beetle (the “quarantine area”). The material received at the facility

will then be reloaded and transferred to the Hillsboro Landfill for deep burial disposal as directed by the Oregon Department of Agriculture (“ODA”). Metro is working closely with Washington County, ODA, Department of Environmental Quality (“DEQ”), local haulers, landscapers, Hillsboro Landfill, and the city of Hillsboro, to collect, isolate and dispose of yard debris and soil that is generated from within the quarantine area. The DEQ issued a Solid Waste Letter of Authorization (“SWLA”) on May 23, 2017 to NLS to operate a solid waste transfer station for the purpose of accepting and managing of yard debris collected from the ODA identified quarantine area. The City of Hillsboro has approved the Land Use Compatibility Statement (“LUCS”) on May 12, 2017; additionally Washington County and Metro have approved the disposal of yard debris and soil generated within the quarantine area. In general, waste haulers collecting residential yard debris in the quarantine area will transport the waste direct to the landfill. However, landscapers and residents in the quarantine area will be allowed to deliver their yard waste to NLS to prevent the spread of the beetle infestation to other yard debris reload and composting operations.

ODA’s containment and monitoring plan for Japanese beetle populations will take place over the next 2 to 3 years and has included collaboration with respective private and public organizations to ensure that yard waste and soil from the quarantine area is properly disposed at Hillsboro landfill. ODA has determined that disposal is necessary to prevent cross-contamination between infested and non-infested material at retail outlets that currently serve as repositories for this type of material. Metro estimated that the eradication zone will generate approximately 1,000 tons of material a year. Residents and landscape businesses that generate yard debris and soil within the quarantine area will be instructed by the ODA of the location and use of the secured NLS reload site. The residents and landscape businesses will gain access to this reload through a gate that is secured with a combination lock to tip yard debris and soils, free of charge.

Material received will be kept separated from all other activities at NLS and within a fenced concrete block tipping area. The yard debris and soils will not be processed in any way; ground, screened, sorted or shredded. At least once every 7 days the yard debris and soils are consolidated into a covered drop box for transfer to the landfill. If required the removal of the wastes will occur more frequently. Metro will conduct periodic site inspections to assure that the reload is in compliance with the requirements of the Metro License.

In the last 30 years, the Japanese beetle has been detected and successfully eradicated in Oregon several times. The ODA has determined that this is the largest Japanese beetle infestation ever detected in Oregon. The beetles detected in Washington County were likely from infested plants that originated from the eastern United States and were imported to Oregon in the last few years. The state policy is to eradicate Japanese beetles before breeding populations can be established.

The term of the proposed license begins on June 15, 2017 and ends on December 31, 2020. The eradication period is to be enforced for 3 growing seasons for the best possible eradication outcome and the term of the License reflects this time period.

Under Metro Code Section 5.01.080, the application for the proposed license is to be approved or

denied by the Chief Operating Officer ("COO"). On July 1, 2015, the COO delegated authority to the Solid Waste Information, Compliance, and Cleanup ("SWICC") Director to carry out the COO's responsibilities with respect to determining whether to issue a license to operate a yard debris reload facility. As such, the SWICC Director is authorized to issue the proposed license.

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

On May 12, 2017, Metro issued public notice of the license application and provided an opportunity for the public to submit comments. The public comment period ended on June 12, 2017. Public notice was mailed to about 427 property owners and residents 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. During the comment period Metro received one comment. The comment addressed concerns with potential dust impacts and indicated that the Operation Plan that NLS initially submitted did not sufficiently address this issue. In response to this comment Metro requested that NLS update the operation plan to better address the management of dust at the site. Updated plan was received and authorized on May 22, 2017.

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

NLS has not had any compliance issues regarding Metro Code. In addition, the Oregon Department of Environmental Quality (DEQ) has reported no compliance issues at the facility. NLS has applied for and obtained a Solid Waste Letter of Authorization ("SWLA") from the DEQ, SWLA permit #1603 on May 23, 2017.

Staff finds that the facility plays an important role in the region's solid waste efforts. As such, it is in the public interest to issue NLS's license as described above.

#### **METRO CODE REQUIREMENTS**

Metro Code states that an applicant seeking to obtain a solid waste facility license participate in a pre-application conference with Metro before submitting an application. NLS and Metro held a pre-application conference at the NLS site on April 18, 2017. Representatives of NLS, Metro, ODA and DEQ were present during that meeting. NLS then submitted to Metro a complete license application and the appropriate application fee of \$300. The applicant provided all of the information required under Metro Code Section 5.01.070 and the application was deemed complete on May 11, 2017.

##### **5.01.070 Applications for Licenses**

A license application must also include the following information:

- 1) Proof that the applicant can obtain the types of insurance specified by the Chief Operating Officer during the license term;

*NLS has provided documentation of the required specified insurances.*

- 2) A copy of all applications for necessary DEQ permits, any other information required by or submitted to DEQ, and a copy of any DEQ permits;

*NLS has provided copies of all necessary information and permits required by the DEQ.*

- 3) A copy of any closure plan that DEQ requires, including documents demonstrating financial assurance for the costs of closure. If DEQ does not require a closure plan, the applicant must provide a closure document describing closure protocol for the solid waste facility at any point in its active life;

*NLS has provided the necessary Closure Plan.*

- 4) Signed consent by the property owner(s) agreeing to the proposed property use. The consent must also disclose the applicant's property interest and the duration of that interest. The consent must include a statement that the property owner(s) have read and agree to be bound by the provisions of Section 5.01.320(f) if Metro revokes the license or refuses any license renewal;

*NLS is the applicant and the sole owner of the property.*

- 5) Proof that the applicant has received proper land use approval; or, if the applicant has not obtained land use approval, then a written recommendation of the planning director of the local governmental unit having land use jurisdiction regarding new or existing disposal sites, or alterations, expansions, improvements or changes in the method or type of disposal at new or existing disposal sites. The recommendation may include, but is not limited to, a statement of compatibility of the site, the solid waste disposal facility located thereon and the proposed operation with the acknowledged local comprehensive plan and zoning requirements or with the statewide planning goals of the Land Conservation and development Commission;

*NLS has provided the necessary Land Use Compatibility Statement from the City of Hillsboro Oregon.*

- 6) Any current permit and a list of anticipated permits that a governmental agency may require. If the applicant has previously applied for a permit, the applicant must provide a copy of that permit application and any permit that any other government agency granted.

*NLS will not require any additional governmental permits for this operation.*

Metro Code states that the COO will determine whether or not to grant a license within 180 days of receiving a complete application. Since the application was deemed complete on May 11, 2017,

then the COO must act on the application by November 11, 2017 (which is the 180<sup>th</sup> day of the review period).

#### **STAFF RECOMMENDATION**

Staff recommends issuing Solid Waste Facility License No L-179-17 which would authorize NLS to accept and reload source-separated yard debris and soil generated exclusively from a quarantine area infested with Japanese beetle. The material received at the facility will then be reloaded and transferred to the Hillsboro Landfill for deep burial disposal. The proposed license includes standard conditions. The term of the proposed license becomes effective on June 15, 2017, and will expire on December 31, 2020. A copy of the proposed license is attached for your signature.

DKA/bjl  
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