

July 14, 2017

**Code Amendments & Administrative Rules for  
Material Recovery and Conversion Technology  
Facilities**



**Metro MRF/CT Updates**

**Attn: Dan Blue**  
**600 NE Grand Ave.**  
**Portland, Aor. 97232**

**Dear Mr. Blue:**

I am writing this letter in response to Proposed revisions to Metro Code Chapter 5.00 – Draft 05/12/2017; Proposed revisions to Metro Code Chapter 5.01 – Draft 05/12/2017; (The “Proposed Ordinances”) and the proposed changes to SOLID WASTE ADMINISTRATIVE RULES AR – SSR—5.01 Source Separated Recyclables Material Recovery Facility Rules DRAFT. If approved by Metro Council the Proposed Ordinances would Amend Title V of the Metro Code, which relates to the regulations of solid waste. These comments on the Proposed Ordinances are submitted by EFI Recycling, Inc. (EFI), a local, family owned business. EFI operates a source separated recycling facility located on Swan island at 4325 N. Commerce St, Portland, OR. 97217.

EFI has an interest in and would be effected by the Proposed Ordinances because EFI is located within the Metro Region and receives significant volumes of Commercial Commingle Recyclables collected by EFI trucks and licensed refuse haulers from businesses located inside and outside the Metro Region. A majority of the recycling that EFI processes at its facility on Swan Island is source segregated recyclables (ie OCC, Office Paper and other various grades of recyclables separated by the generator by grade). *Competitors that only receive and process source segregated recyclables will not be subject to licensing by Metro and the requirements associated with licensing, placing EFI in a competitive disadvantage with these facilities.*

EFI opposes the Proposed Ordinances because it is a dramatic change in Metro Code that violates a stated policy in the Metro RSWMP and is in violation of Oregon State Statute (ORS 459A.075). Past reports by staff have downplayed the potential negative impacts of the Proposed Ordinances and we have deep concerns that licensing can place facilities, such as EFI, that handle commingled recyclables and that are located within the Metro Region at a strong disadvantage to those outside the Region. The Proposed Ordinances would, through licensing, allow Metro to impose unnecessary requirements on source separated recycling facilities, including design requirements, operating requirements, **performance standards** and reporting of detailed, confidential account information. The Proposed Ordinances are scheduled to be heard by council well before the administrative rules are completed. To this point there has only been discussion related to already existing administrative rules.

We have two specific concerns related to the administrative rules: 1) Are there more administrative rules to come specifically related to source separated commingle facilities? 2) If there are more administrative rules, will there be a committee established to help developed these rules before Metro Council votes on the Proposed Ordinances? Without finalized Administrative Rules, we do not yet know what the full implication of licensing will mean to our business.

EFI may be harmed and the regional refuse / recycling system as a whole may suffer unintended consequences by the Proposed Ordinances for the following reasons:

- 1) Within the City of Portland, recycling facilities in the appropriate zones have outright use. Solid waste facilities are not allowed within some of the zones and need conditional use in the limited number of zones that they are allowed. In the event that EFI became a licensed solid waste facility, we may need conditional use to make any significant changes to our facility. This is particularly troubling if Metro were to require the changes. (see attachment A)
- 2) Currently, most of the commingled recyclables collected in the state of Oregon are received and sorted at facilities within the Metro region. In the event that Metro were to license commingle recycling facilities within the region the following may happen:
  - a. Commingled recyclables collected outside the region that are currently delivered to facilities within the region may travel to facilities currently outside the region. This would raise the cost per ton to receive and sort the material that continues to be delivered to the facilities within the Metro region. Fewer commingle tons also raises the per ton cost to handle source segregated recyclables (separated by type), placing EFI at a competitive disadvantage on our segregated portion of our business.
  - b. Commingled recyclables collected in the region may be delivered, or reloaded and delivered to facilities outside the region. There is a commingled recycling facility located in Salem, OR that may draw commingle material from the south end of the region and there are a number of facilities in the Puget Sound area that are currently running under capacity. The facilities in the Puget Sound market are much closer to the port. A few dollars difference in pricing and more stringent controls on the commingled material may be enough to send the material north to facilities owned by haulers that also provide collection service in the metro area.
  - c. Licensing of commingle recycling facilities in the Metro region may cause recyclers currently in the region to relocate outside the region.

The result of Metro licensing facilities that handle commingled recycling may result in giving Metro and local governments less information about and control over the source separated commingled recyclables collected in the region.

### **Metro's Authority to Regulate Solid Waste**

EFI does not question Metro's authority to regulate solid waste; however, we do not agree that source separated recycling and / or source separated commingled recycling are solid waste, therefore Metro does not have the authority to license source separated recycling facilities. The primary document that gives Metro its authority over disposal and solid waste also exempts source separated recyclables that meet specific, yet broad criteria.

*459A.075 Exemptions. Nothing in ORS 459.005, 459.015, 459.035, 459.250, 459.992, 459.995 and 459A.005 to 459A.665 applies to recyclable material which is: (1) Source separated by the generator; and (2) Purchased from or exchanged by the generator for fair market value for recycling or reuse. [Formerly 459.192].* The source separated recycling described above is exempted from all pertinent sections of 459 and 459A.

### **Why Regulate Commingle Recycling Facilities?**

The answers that we have been given by staff were primarily related to storage of recycling and "house-keeping". Local regulators had concerns that certain recycling facilities were stock-piling large volumes

recyclable materials outside. In a few cases, for extended period. This caused a concern that the facilities were becoming nuisances and that the material would degrade and become unmarketable. There was also a general concern related to the house-keeping at these same facilities. Before the MRF / CT Subcommittee held its last meeting, the electronics recycler in Washington County was cited by DEQ and closed its doors shortly there-after, and a commingle facility that was of concern shuttered its business.

Metro has stated in the 2008 RSWMP: *“Certain facilities, such as those exclusively handling inert wastes or source-separated recyclable materials, are not required to obtain authorization from Metro to operate. However, Metro retains the authority to inspect and audit these operations to periodically confirm compliance with Metro Code.”* Similar language also existed in the 1995 RSWMP. EFI asks the following questions: 1) When and how often has Metro exercised this Authority? 2) What has the response been by facilities that handle commingled recyclables when Metro has informed the facility operators that the facility is out of compliance? 3) Has any facility that handles source separated commingled recyclables turned down a request by Metro to enter the property or to respond in a positive manner when metro staff has recommended / requested a change to improve their operation?

In the 20 plus years that I has been involved in receiving and processing commingled recyclables and the 17 years that Scott Jenkins (EFI – CEO) have been involved, we are not aware of any commingle facility that has not cooperated with DEQ, Metro or local government regulators. EFI and our industry have worked closely with DEQ, Metro, local governments, haulers recycling advocates and residents of the region to help develop one of the most successful recycling programs in the nation. Our industry participated in various pilot programs early on to determine what materials can be mixed together in a compactor truck and still be sorted to a market spec material. We have served on several committees over the years to deal with the challenges of commingling (film plastics, glass...) and quality issues. We have openly allowed Metro, DEQ and the consultants they have hired to sample and observe the incoming and out-going streams of recyclables that are delivered to our facilities to help maintain and improve the over-all quality of the recyclable material system.

Regulation of commingle facilities will have little if any positive impact on the quality of the outgoing product from commingle facilities. Although the focus of the committee was changed to house-keeping, the bigger concern of local governments and recycling advocates is the challenges to quality (marketability) of sorted materials leaving these facilities. Below is a list of what we see as the primary challenges related to commingle facilities and creating a desired end product:

- 1) The make of the commingle material entering the facility
  - a. The challenges of handling the non-program material that should not be in the mix.
  - b. Contamination
  - c. Film plastics that create several issues with the sorting process
  - d. The constant change of the make-up of the commingle stream.
- 2) The difficulty in investing in equipment to handle the constant change. By the time a facility installs the equipment that they had designed and built, the mix has changed further and the equipment does not function as designed.
- 3) Currently available equipment is not designed to handle the mix.

These are national problems for virtually all facilities that handle commingled recyclables. These problems will not be solved by regulation. They will best be handled by cooperation of all parties involved in manufacturing of packaging, promoting, educating, collecting, sorting and marketing the materials.

A generally accepted reality by commingled facility operators across the country:

*The equipment has yet to be designed that will be able to truly sort the commingle stream that we currently have, and when it is designed, it will be antiquated by the time it is installed*

## **Material recovery facility (MRF) and conversion technology (CT) Subcommittee**

EFI has several concerns regarding the process followed in developing the final draft recommendations. A primary concern is that the end product is no different than what was presented at the end of summer, 2015. The committee process did not address the initial concerns of the recycling community and local governments that brought about their initial support for oversight / regulation of these facilities. *Further, I brought forward a motion to recommend Certification of Commingle Recycling Facilities as an alternative to licensing and staff interrupted the motion and later made their own. (Attachment B)* Below is our review of the work of the subcommittee:

### **Development of the Committee:**

#### **Metro staff report on Ordinance Proposing Regulation and Standards:**

In the September 1, 2015 Staff Report, prepared by Warren Johnson, IN CONSIDERATION OF ORDINANCE NO. 15-1362 FOR THE PURPOSE OF AMENDING METRO CODE TITLE V, SOLID WASTE, TO REVISE CHAPTERS 5.00, 5.01, AND 5.05 it states:

The COO recommends that the Council remove the exemption for such operations and require facilities that accept and process multiple types of source-separated recyclable materials (i.e., operations processing residential or commercial curbside recyclables) to obtain a Metro solid waste facility license...

The COO will establish and issue administrative procedures that define the types of MRFs that will be subject to the licensing requirements in Code.3 Upon adoption of these Code changes, the COO plans to initiate a stakeholder process to develop expanded administrative procedures for newly regulated facilities similar to the process that was used in 2007 to develop standards for MRFs that receive and process mixed non-putrescible waste. These administrative procedures will also include performance, design, and operating requirements that meet the general performance goals provided in Code.

A concern of many in the recycling industry and a desire by recycling advocates and local government regulators was that the MRF / CT subcommittee

#### **Metro Council Work session and councilor comments/direction:**

At the October 22 work session staff asked Council the following:

1. Does the Metro Council support continued consideration of substantive Title V code changes as charted out in Attachment B related to:
  - a. Regulation of facilities that process source-separated recyclable material and waste conversion facilities?
  - b. Fee and tax exemptions for solid waste that is disposed in landfills?
2. Does the Metro Council generally support using a more prescribed and rigorous process for adoption of potentially controversial code changes such as that proposed in Attachment B?

In reviewing the tape of the Metro Council Work Session, I heard council members expressed support for "additional attention to issues" and for the sub-committee process. The Metro Council directed staff to establish two SWAAC subcommittees to: (1) consider Metro regulation of facilities that handle commingle recycling and conversion technology facilities; and (2) evaluate existing solid waste fee and tax exemptions.

During the work session, a Councilor asked several questions and specifically asked staff if licensing is necessary and if the committee could look at what could be done to regulate these facilities between what we have today and licensing. Staff affirmed the request.

## **Metro SWAAC**

The language that was presented by to the SWAAC to vote on and the charge to the Committee was:

***“Material recovery facility (MRF) and conversion technology (CT) regulation.***

*Consider whether MRFs that process source-separated recyclable materials and facilities that convert waste to energy or fuel should be subject to licensing and inspection requirements similar to other solid waste facilities. If so, which requirements are appropriate for such facilities?” (emphasis added)*

## **Material recovery facility (MRF) and conversion technology (CT) Committee**

**Purpose of the sub-committee was explained at the first meeting on February 1 (from meeting summary):**

Chair Brower provided background information on the formation of the SWAAC/MRF-CT Subcommittee. He noted that Metro staff initiated a public review process of proposed changes to Metro's solid waste code (Title V) in 2015 and, specifically, to the oversight of MRF-CT facilities. There were several in the industry who did not feel the issues had been properly vetted and the Metro Council agreed. At the direction of the Metro Council, staff is now going through this process with the SWAAC/MRF-CT subcommittee.

At a Metro Council Work Session in October 2015, the Metro Council directed staff to provide a more thorough vetting for code changes.

**At the second meeting on February 24, members identified issues and concerns associated with the current recycling system. Their concerns focused on establishing confidence that delivered materials are properly processed and sent to the appropriate destination. The list, from the meeting summary under the category of "Accountability", included:**

- *There is a lack of knowledge about what goes on within private facilities that are not regulated.*
- *Without regulation, how do local governments (LGs) achieve a level of transparency? Regulation protects everyone.*
- *The public thinks that government knows what is going on in these facilities, but LGs don<sup>1</sup>t.*

- *How do LGs maintain commitment to highest and best use of recyclables across the system?*
- *LGs rely on private sector to deliver the services, LGs regulate hauling, but not the SSR facilities that haulers deliver to, LGs can't control highest and best use of these resources.*
- *LGs would like more information from SSR facility operators about contamination issues on a more routine basis.*
- *How can LGs and industry work together better to deal with issues?*

The underlying concern of most on the committee not mentioned above is: how can we reassure residents that the source separated recyclables collected at the curb are being recycled?

Dust, litter and nuisance were not listed as primary issues; however, these topics could also be addressed along with LGs' concerns. Most members of the committee were confused. Why didn't Metro staff tell members at this second meeting that their list of issues would NOT be addressed in the sub-committee?

**At the third meeting on March 17, Metro/Chair Brower clarified the standards that Metro is interested in establishing if they regulate these facilities (from the meeting summary):**

A facility operator indicated that the proposal for regulation was far reaching, and including operations, including tons per hour, material quality. Mr. Brower clarified that those types of standards were not part of the original intended changes, and are not being proposed for consideration by the Subcommittee. Rather Mr. Brower stated that Metro is interested in housekeeping and operational standards such cleanliness, litter control, vector and odor control and those issues may be addressed at some point in the future. Many on the committee felt that creating recommendations for this topic was one of the primary reasons for creating the committee.

**At the Meeting held on May 20<sup>th</sup> Dave White and I gave presentations from an industry perspective (from the meeting)**

**3. INDUSTRY PERSPECTIVES, JEFF MURRAY AND DAVID WHITE**

*Mr. Murray began his presentation indicating that it had been mentioned many times in the Subcommittee that so called "clean mrf's" and "dirty mrf's" were similar now, and that his presentation was to show that they are still very different. Mr. Murray then showed a series of slides from both types of facilities indicating that dry waste facilities and SSR MRFs were indeed different in terms of the mixes of materials they receive and the composition of materials leaving the facilities (both to markets and to landfill). Mr. Murray showed a short video from a dry waste MRF and clarified that the outgoing residuals from the two different types of facilities were quite different with far more residuals going to landfill from the dry waste facilities that what comes out of the SSR MRF's.*

During the same meeting Jeff made a motion to consider Certification as an option. The motion was interrupted by staff and staff asked if they could first give their presentation. Jeff was not given another opportunity to present his motion.

(From the Subcommittee meeting held on May 20, 2016).

*Mr. Blue presented a set of proposed operating standards for SSR MRFs based on the totality of discussion in previous Subcommittee discussions. ...*

Chair Brower then presented a proposed set of recommendations before the Subcommittee based on the totality of discussion in the previous Subcommittee discussions.

They are as follows:

*Authorization: Material recovery facilities that receive and process commingled residential and commercial source-separated recyclable materials should be subject to Metro licensing and inspection similar to other material recovery facilities currently under a Metro authorization.*

*Operating Standards: This class of facilities should be subject to general operating standards similar to other material recovery facilities.*

*Exemptions: Facilities that receive and process single stream materials with intrinsic value in established markets such as scrap metal, plastics, papers, or other similar commodities, should continue to be exempt from licensing by Metro.*

Chair Brower asked the members of the Subcommittee to individually weigh in on the recommendations above.

Mr. Murray, EFI, said that if he was understanding people correctly, that members of the subcommittee were accepting the idea of licensing. Ms. Patton indicated that yes, they were accepting the idea of a level playing field and oversight. Mr. Murray then commented that (the recommendation) is saying "should be subject to Metro licensing". Ms. Patton replied "(unintelligible) ... licensing or certification, whichever word fits the definition would not be overreaching (then unintelligible). Chair Brower then indicated that Metro was fine with amending the word licensing to "authorization" and that authorization is the broadest term. Mr. Murray clarified that "authorization" in the context of the conversation meant anything from certification to licensing. Chair Brower indicated that that was correct. Mr. Murray then indicated that in general terms the proposed recommendations make sense.

## **MRF/CT Committee Meeting held on June 16, 2016**

The final recommendation given to the committee by staff to vote on:

**1. Authorization required for SSR MRFs.** Material recovery facilities that receive and process commingled residential and commercial source-separated recyclable materials should be authorized and inspected by Metro similar to other classes of material recovery facilities. **2. Establish broad operating standards for SSR MRFs.** SSR MRFs should be subject to general operating standards similar to those for other material recovery facilities and meet the following goals described in Metro Code Chapter 5.01: a. Protect the environment b. Ensure human health and safety c. Avoid nuisances d. Ensure material recovery e. Ensure record-keeping and reporting (the standards were not discussed in detail in the committee meetings. Most committee members had little idea of what impact this would have on the facilities).

**3. Maintain Metro Code exemption for single stream recyclers.** Facilities that exclusively receive and process single stream materials that have intrinsic value and well-established markets (such as scrap metal, plastics, paper/fiber or other similar commodities) should continue to be exempt from obtaining Metro authorization.

## **At the final committee meeting held on June 16, 2016 the staff recommendation was approved by the committee (Recommendation)**

The key recommendations are as follow:

- 1. Authorization required for SSR MRFs. Material recovery facilities that receive and process commingled residential and commercial source-separated recyclable materials should be authorized and inspected by Metro similar to other classes of material recovery facilities.*
- 2. Establish broad operating standards for SSR MRFs. SSR MRFs should be subject to general operating standards similar to those for other material recovery facilities and meet the following goals described in Metro Code*

Chapter 5.01: a. Protect the environment b. Ensure human health and safety c. Avoid nuisances d. Ensure material recovery e. Ensure record-keeping and reporting

3. Maintain Metro Code exemption for single stream recyclers. Facilities that exclusively receive and process single stream materials that have intrinsic value and well-established markets (such as scrap metal, plastics, paper/fiber or other similar commodities) should continue to be exempt from obtaining Metro authorization.

**EFI has an over-arching concern related to the many policy changes, definitional changes that have occurred at Metro during the past several years. This concern is summarized below:**

Metro 1995 RSWMP – Regional Solid Waste Policy 5-5

Objective 4.3. Facilities that handle, process, buy, and sell source-separated recyclables remain in private ownership in order to maintain greater flexibility to rapidly respond to changing market conditions.

Metro staff / council agreed to the above policy during the time Metro Central opened. The company that had been contracted to operate Metro Central had planned to utilize the facility to buy back recyclables from the haulers. The council agreed that there was not a need and it would not be appropriate for Metro to enter the recycling business. This policy was reiterated in the 1995 RSWMP.

The above Objective 4.3 was removed from the RSWMP during the development of the 2008 Metro RSWMP. Initially, the SWAC was told the removal was not intentional and that it would be added back to the document. In the final recommendation sent to Council, it was removed once again without previous discussion in the SWAC. When asked why the Objective was removed in a later meeting, it was stated that it did not make sense for Metro to limit its options.

During the same period that the 2008 RSWMP was being developed a number of significant changes were made to METRO CODE TITLE V, SOLID WASTE, CHAPTER 5.00. Until this period of time, the definitions related to solid waste and recycling in Chapter 5.00 were similar if not identical to the definitions found in ORS 459.005.

There has been considerable conversation during the past 5 years, at the AOR annual conferences and in other venues regarding the potential of Metro entering and / or exercising more authority over the commingled recycling stream. Some have suggested Metro could build a "mega-MRF" to remove remaining recyclables from solid waste and send what is left to the Marion County burner for energy recovery. Some have suggested Metro could add a section to the facility to sort the source separated commingled recycling. There has also been conversation that Metro could flow control the commingled recycling to the facility or that Metro could contract the sorting of the commingled material and flow control the material to specific facilities. There has also been discussion within the recycling community that Metro may be considering bid out the processing of source separated recycling and flow control the material to specific facilities.

Questions:

**Has Metro Council and / or staff discussed the possibility of:**

***1) Building or utilizing an existing facility the purpose of sorting source separated commingled recycling collected within the Metro region?***

2) *Bidding out the processing of source separated commingled recycling collected within the Metro region?*

3) *Flow controlling source separated commingled recycling collected within the Metro region to either a publicly or privately-owned facility?*

**EFI requests that Metro re-instate the policy stated in Objective 4.3 of the Metro 1995 RSWMP in the RSWMP currently under development.**

## **Conclusion**

In summary, EFI appreciates the opportunity to comment on the Proposed Ordinances. We request that Metro staff and Council give serious consideration to the concept of certification of source separated commingled recycling facilities. We continue to ask the question: Why does Metro need to license source separated commingled recycling facilities when they have not fully exercised their “authority to inspect and audit these operations to periodically confirm compliance with Metro Code.”

Respectfully submitted,

Jeff Murray

EFI Recycling

## Attachment “A” Zoning

### City of Portland, Title 33, Planning and Zoning

EFI’s facility located on Swan Island is currently categorized as:

#### Industrial Use Category

**33.920.300 Industrial Service – Recycling Operations**

The property is zoned: -- IG2

#### Industrial Use Categories

##### **33.920.300 Industrial Service**

**A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

**B. Accessory uses.** Accessory uses may include offices, food membership distribution, parking, storage, rail spur or lead lines, and docks.

**C. Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; trade schools where industrial vehicles and equipment, including heavy trucks, are operated; printing, publishing and lithography; exterminators; **recycling operations**; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, dry cleaning, and carpet cleaning plants; and photofinishing laboratories.

equipment, including heavy trucks, are operated; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, dry cleaning, and carpet cleaning plants; and photofinishing laboratories.

#### **D. Exceptions.**

1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.

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If EFI’s facility located on Swan Island becomes a licensed solid waste facility it will be categorized as:

#### Industrial Use Category

**33.920.340 Waste Related – Receives solid waste**

##### **33.920.340 Waste-Related**

**A. Characteristics.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

**B. Accessory Uses.** Accessory uses may include recycling of materials, offices, food

membership distribution, and repackaging and transshipment of by-products.

**C. Examples.** Examples include sanitary landfills, limited use landfills, waste composting, solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

**D. Exceptions.**

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.

2. Infrastructure services that must be located in or near the area where the service is provided in order to function are considered Basic Utilities. Examples include sewer pipes that serve a development or water re-use pipes and tanks, pump stations, and

920-11

Chapter 33.920

Descriptions of the Use Categories

Title 33, Planning and Zoning

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collection stations necessary for the water re-use that serve a development or institution.

3. Small Scale Energy Production is considered a Basic Utility.

4. Utility Scale Energy Production, other than solid waste incinerators that generate energy, is considered a Manufacturing and Production Use.

8. **Waste-Related limitation.** This regulation applies to all parts of Table 140-1 that have a [8]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.

- a. The use must be approved by Metro under their authority as prescribed in ORS 268.317;
- b. Metro's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with Metro, adopted prior to Metro's approval of the use; and
- c. The location of the use must be in conformance with Metro's Regional Solid Waste Management Plan.

**Table 140-1  
Employment and Industrial Zone Primary Uses**

Use Categories	EG1	EG2	EX	IG1	IG2 (EFI)	IH
<b>Residential Categories</b>						
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
<b>Commercial Categories</b>						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	L [3]	L [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]					
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
<b>Industrial Categories</b>						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service (Includes Recycling)	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]
<b>Institutional Categories</b>						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L [9]	L [9]	L [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU [11]	L/CU [11]
<b>Other Categories</b>						
Agriculture	L [16]					
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [14]					
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y