

# Memo



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

DATE: December 19, 2017

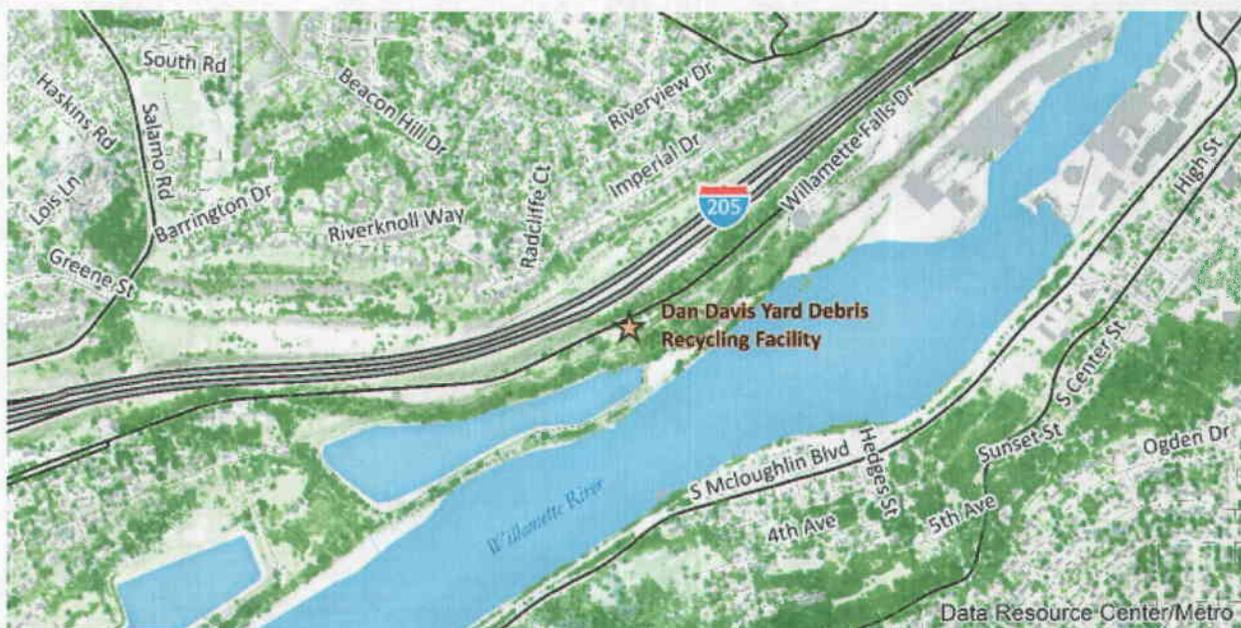
TO: Roy W. Brower, Solid Waste Information Compliance and Cleanup Director

FROM: Hila Ritter, Solid Waste Authorization Coordinator *H*

RE: Solid Waste Facility License No. L-034-18 for City of West Linn – Dan Davis Yard Debris Recycling Center

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Attached for your signature is a new Solid Waste Facility License No. L-034-187 for City of West Linn for the operation of the Dan Davis Yard Debris Recycling Center (Dan Davis), a yard debris reload facility located at 4001 Willamette Falls Drive in West Linn (Metro District 2). West Linn has operated the facility through an Intergovernmental Agreement (IGA) with Metro since 2007. This memo provides background information on the applicant's request and recommends that Metro issue a new license to West Linn that replaces the IGA.



## OVERVIEW

Dan Davis accepts and processes yard debris and wood waste for reload to authorized facilities for composting and for use as hogged fuel in facilities with industrial boilers. The facility also accepts metal for reloading to authorized recycling facilities. Dan Davis is owned by the city of West Linn and operated by Recology Portland. Dan Davis has operated under a former provision of Metro Code which allowed the city of West Linn to enter into an IGA with Metro in lieu of obtaining Metro authorization to operate the facility. Effective in February 2017, the IGA option was removed from Metro Code, and the city applied for a Metro

license to operate the yard debris reload facility. The facility's current IGA with Metro<sup>1</sup> will expire on December 31, 2017. On September 14, 2017, West Linn submitted a complete application to Metro requesting the required license. West Linn did not request any new authorizations. The proposed license carries forward all of the conditions of West Linn's current IGA, and includes a new provision that authorizes Metro to terminate the license should the property owner, Portland General Electric, ever change its consent to West Linn to operate on the site.

Under Metro Code Section 5.01.080, the proposed license is to be approved or denied by the Chief Operating Officer (COO). On October 9, 2017, the COO delegated to the Solid Waste Compliance and Cleanup Director (the Director) authority to carry out the COO's responsibilities under Metro Code Chapter 5.01 for approving or denying a solid waste facility license. As such, the Director is authorized to approve this proposed license.

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

On November 15, 2017, Metro issued public notice of the proposed license renewal and provided an opportunity for the public to submit comments. The public comment period was open for 30 days and ended on December 15, 2017. Public notice was mailed to about 200 property owners and residents located approximately one quarter of a mile from the facility, posted on the Metro web site, and e-mailed to a standard list of stakeholders that have a general interest in solid waste issues.

Metro received one comment regarding the application indicating support of the proposed license.

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

In regard to compliance history, Metro has conducted 22 inspections of Dan Davis during the term of its current IGA, January 1, 2012 through November 31, 2017. Metro has not taken any enforcement actions at the facility during that time. Dan Davis is currently in compliance with its Metro IGA.

Metro staff finds that the facility has generally had a good compliance history and it plays a positive role in the region's solid waste recovery efforts. As such, it is in the public interest to issue this license for Dan Davis.

### **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. City of West Linn and Metro staff held a pre-application conference at the Dan Davis site on March 22, 2017. West Linn then submitted to Metro a complete license application and the appropriate application fee of \$300.

#### **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;

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<sup>1</sup> Metro Contract No. 930896

*West Linn 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;

*The yard debris reload operation does require any DEQ permits.*

- 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;

*West Linn 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;

*West Linn has submitted a Property Use Consent Form signed by the land owner Portland General Electric. A lease agreement between West Linn and Portland General Electric has been proposed and, as of the date of this report, is under evaluation by the parties. The proposed license carries forward the same conditions as the IGA, and an added condition that Metro may terminate the license should Portland General Electric ever change its consent which allows Dan Davis to operate.*

- 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;

*West Linn has provided the necessary Land Use Compatibility Statement.*

- 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.

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

#### **STAFF RECOMMENDATION**

Staff recommends the approval and issuance of Solid Waste Facility License No. L-034-18 to authorize the Dan Davis Recycling Facility to accept yard debris for reloading to authorized compost facilities,

wood waste for the production of hogged fuel, and metal for reloading to authorized recycling facilities. The proposed license carries forward the same authorizations as the previous IGA. The proposed license commences on January 1, 2018, and expires on June 30, 2022. A copy of the license is attached for your signature.

Attachment  
HR  
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