

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

DATE: December 18, 2017

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

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

RE: Renewed Solid Waste Facility License No. L-067-18 for S&H Cornelius

Attached for your signature is renewed Solid Waste Facility License No. L-067-18 for Northwest Environmental & Recycling, Inc. dba S&H Cornelius ("S&H Cornelius"), a yard debris composting facility located at 1045 North 4th Avenue in Cornelius (Metro District 4). This memo provides background information on the applicant's request and recommends that Metro issue a renewed license to S&H Cornelius.

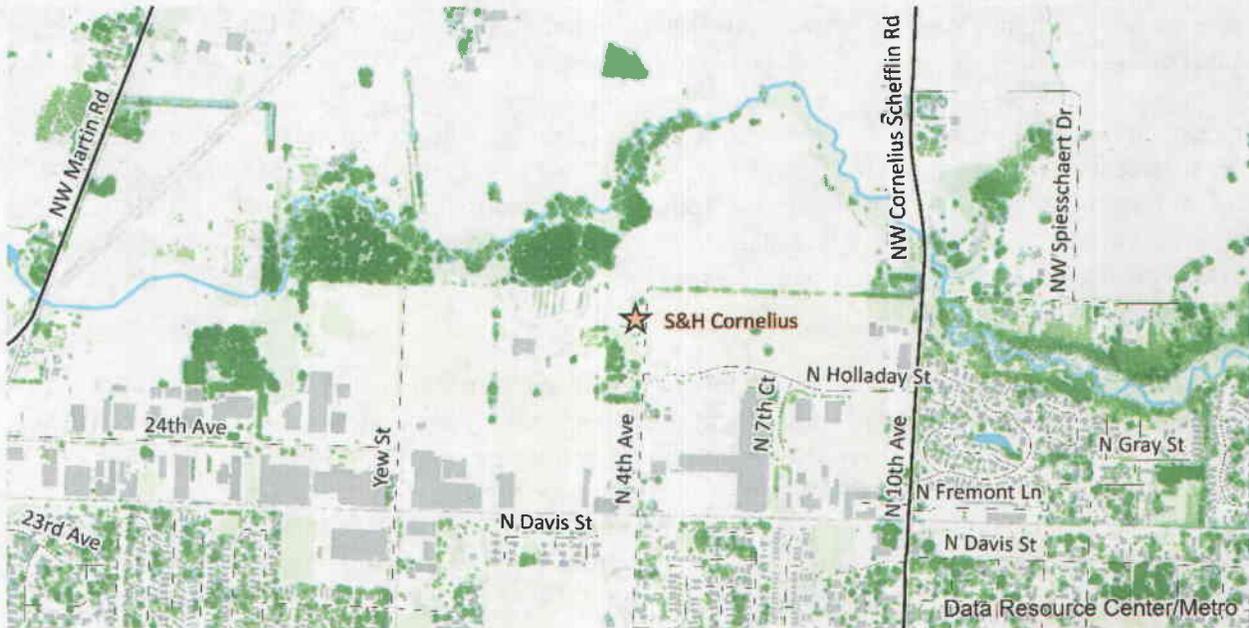


Photo 1: Aerial map of S&H Cornelius facility

OVERVIEW

The applicant (S&H Cornelius) is a Metro-licensed facility that accepts and processes yard debris, leaves, and land clearing debris for composting. The facility also accepts source-separated wood waste for grinding and delivery to facilities with industrial boilers for use as hogged fuel.

In May 2013, S&H Logging Co., Inc. purchased the facility and the property on which it is sited. The facility had previously operated as Northwest Environmental & Recycling, Inc. The facility has held a Metro license since 1988.

S&H Cornelius currently holds a Metro-issued license¹ that will expire on December 31, 2017. On September 15, 2017, the facility submitted a complete application to Metro requesting the renewal of its license. The applicant did not seek any new authorizations in its renewal application and the proposed license carries forward the same conditions from the current license.

Under Metro Code Section 5.01.110, the proposed license renewal is to be approved or denied by the Chief Operating Officer (“COO”). On October 9, 2017, the COO delegated to the Solid Waste Information Compliance and cleanup director (the “Director”) authority to carry out the COO’s responsibilities under Metro Code Title V. As such, the Director is authorized to approve this request for a renewal.

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

On September 29, 2017, 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 October 31, 2017.

Public notice was mailed to about 750 property owners located within approximately a quarter of a mile from 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 one comment regarding the proposed license renewal. The comment was submitted by the local Fire Marshall, Chief David Nemeyer of Forest Grove Fire & Rescue, the contract management service used by the Cornelius Fire Department. Chief Marshall submitted comments about the nine incidents Cornelius Fire Department has responded to at S&H Cornelius since 2013, as well as its fire safety requirements for compost facilities as established in the Oregon Fire Code that S&H Cornelius must comply with.

On November 13, 2017, Chief Nemeyer submitted an email to Metro stating that a recent tour of the site revealed that S&H Cornelius had made sufficient site and operational improvements which satisfied the fire safety requirements. The site improvements include a new fire road constructed on the north side of the site with a bermed infiltration swale to increase infiltration and prevent leachate discharge from the property as previously identified by the Oregon Department of Environmental Quality. The operational improvements include increased compost pile maintenance, including frequent temperature monitoring and recording.

Metro staff will continue to monitor the facility to ensure that it maintains compliance with its license requirements, which includes compliance with all rules, regulations, ordinances, orders, and permits pertaining to this site. With the exception of the above comment that was received during the public notice period, Metro has not received any complaints or been notified of any concerns regarding the facility during the last five years.

METRO CODE RENEWAL CRITERIA

Metro Code Section 5.01.110(d) states that:

The Chief Operating Officer must approve solid waste facility license renewal unless the

¹ Metro Solid Waste Facility License No. L-067-13B

*Chief Operating Officer determines that the proposed renewal is not in the public interest.
The Chief Operating Officer may attach conditions or limitations to any renewed License.*

On September 15, 2017, S&H Cornelius filed a complete application for renewal of its current license accompanied by payment of an application fee of \$300. The license renewal application included a description of the facility's operation and the solid waste it accepts. The proposed license does not include any new authorizations and would replace the current license that is set to expire on December 31, 2017.

COMPLIANCE HISTORY

In regard to compliance history, Metro has conducted 19 inspections of S&H Cornelius during the term of its current license, November 1, 2013 through November 31, 2017. Metro has not taken any enforcement actions at the facility during that time. S&H Cornelius is currently in compliance with its Metro-issued license.

In August 2017, Oregon Department of Environmental Quality (DEQ) issued a Notice of Civil Penalty to S&H Cornelius for \$18,800² for discharging leachate onto an adjacent property, failing to immediately notify DEQ of significant changes to the facility, and for allowing open burning at the facility. S&H Cornelius has reserved its right to contest the penalties and as of the date of this report a hearing has not yet been scheduled. Additionally, DEQ has identified that a full composting permit is appropriate for the facility, and will convert its current registration³ to a full permit in the coming months.

As stated above, S&H Cornelius undertook a variety of site and operational improvements this year to address the requirements of the local Fire Department. S&H Cornelius is currently in compliance with Fire Department requirements.

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 renew this license for S&H Cornelius.

STAFF RECOMMENDATION

Staff recommends the approval and issuance of Solid Waste Facility License No. L-067-18 in order to renew S&H Cornelius's authority to accept and process yard debris for composting and wood waste for hogged fuel production. A copy of the proposed license, which commences on January 1, 2018 and expires on December 31, 2022, is attached for your signature.

HR
Queue

² Case No. LQ/SW-NWR-2017-130

³ DEQ Composting Registration Addendum Permit No. 1440