

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

DATE: August 17, 2017

TO: Paul Slyman, Property and Environmental Services Director

THROUGH: Roy W. Brower, Solid Waste Information Compliance and Cleanup Director *RWB*

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

RE: New Solid Waste Facility License No. L-183-17 for Tidewater Barge Lines

Attached for your signature is a new six month Solid Waste Facility License No. L-183-17 for Tidewater Barge Lines (Tidewater), a marine vessel recovery facility located at 5605 NE Sundial Rd in Troutdale, Oregon (Metro Council District 1). This memo provides background information on the applicant's request and recommends that Metro issue a new six month license to Tidewater.



Photo 1: Aerial view of Tidewater's proposed Sundial facility

OVERVIEW

Tidewater submitted an application to Metro on July 21, 2017, seeking authority to accept and process marine vessels for material recovery. The application was deemed complete on August 8, 2017. The proposed material recovery facility will accept derelict marine vessels (such as boats and barges) via the Columbia River. The facility will initially screen incoming vessels to identify waste and recyclable materials, before processing. The facility will then process each vessel through deconstruction, to recover recyclable materials and transfer any remaining waste to an authorized disposal site. Tidewater has contracted Global Diving & Salvage, Inc. to perform the recovery operations at the site. The applicant anticipates that the facility will process approximately 1,000 tons of waste each year.

Tidewater had formerly used the proposed site for its marine vessel construction and repair operations for about 40 years. It stopped those activities in 2011 and now seeks to use the site for its proposed vessel recovery operation. There are several structures currently located on site which include a main office, shop building, and a pre-fab construction platform. The site also has a spud barge, the *Irrigon*, which extends into the Columbia River and serves as a working platform and tie-off area for vessels. In addition, there is an area of the site which the applicant references as the “Ways.” The Ways is a vessel launch and receiving point to/from the river which will be used as an upland vessel deconstruction area. The Ways has a gradual downward slope to the Columbia River and is covered by gravel, steel rails, and isolated concrete piers. The site perimeter is completely fenced, with controlled access at a gate and security office located near the center of the facility’s eastern property line. The site is owned by Hickey Family Companies, and Tidewater holds a lease which expires in 2036. The applicant has provided a property use consent form signed by an authorized representative of Hickey Family Companies.



Photo 2: North view shows the Ways (left) and the *Irrigon* (center) extending into the Columbia River

Initially, the proposed Tidewater facility intends to receive derelict vessels from the State of Oregon (Department of State Lands) currently docked near Goble, Oregon. Tidewater was the successful proposer on a state contract seeking to clean-up and dispose derelict vessels at the Goble site. The Goble site has approximately 10 derelict vessels that are in serious states of disrepair and require proper disposal immediately. The vessels are leaking and starting to sink, and must be removed from the river to mitigate further environmental impacts. Tidewater hopes to have the boats removed from the Goble site by November 1 – before winter rains set in. Due to the environmental and navigational risks associated with the vessels located near Goble, staff recommends issuing a short term, six month license. This short term license will allow Metro to respond quickly to this environmentally sensitive situation while providing additional time for Metro to further evaluate appropriate license conditions for this type of solid waste facility. Similarly, the Oregon Department of Environmental Quality (DEQ) has issued a six month Solid Waste Letter Authorization (SWLA)¹ to expedite Tidewater’s ability to begin processing the vessels.

Under Metro Code Section 5.01.110, the proposed license is to be approved or denied by the Chief Operating Officer (COO). On July 1, 2015, the COO delegated to the Property and Environmental Services Director (PES Director) authority to carry out the COO’s responsibilities under Metro Code

¹ DEQ Solid Waste Disposal Site Permit: Letter Authorization No. 1607

Chapter 5.01 for approving or denying a solid waste facility licenses. As such, the PES Director is authorized to approve this proposed license.

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

On August 8, 2017, Metro issued public notice of the proposed license application and provided an opportunity for the public to submit comments. The public comment period will be open for 30 days and will end on September 8, 2017.

Public notice was mailed to about 92 addresses located within approximately a mile from the facility. Notice was also posted on the Metro web site and e-mailed to a standard list of stakeholders that have a general interest in solid waste issues.

As previously explained, staff recommends issuing a six-month license to Tidewater due to the environmental and navigational risks associated with the vessels located near the Goble site. Staff recommends that the proposed license be issued before the public comment period closes to respond quickly to this environmentally sensitive situation. The short-term license will provide flexibility for Metro to later incorporate additional license conditions if necessary to address any feedback it receives from the public and other interested parties during the comment period.

METRO CODE REQUIREMENTS

Metro Code states that an applicant seeking to obtain a solid waste facility license must participate in a pre-application conference with Metro before submitting an application. Tidewater participated in a pre-application conference with DEQ and Metro on June 22, 2017. Tidewater subsequently submitted to Metro a complete license application and the appropriate application fee of \$300. The application was deemed complete on August 8, 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;*

Tidewater has provided documentation demonstrating that it has met Metro's insurance requirements.

- 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;*

Tidewater 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;*

Tidewater has provided the necessary closure plan. DEQ does not require finance assurance for this facility.

- 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;*

Tidewater has provided the necessary signed property use consent form.

- 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;*

Tidewater has provided the necessary Land Use Compatibility Statement from the city of Troutdale, 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.*

Tidewater has provided copies of all necessary permits.²

STAFF RECOMMENDATION

Staff recommends the approval and issuance of Solid Waste Facility License No. L-183-17 to authorize Tidewater to accept and deconstruct marine vessels for transport and proper disposal or recycling. The proposed license is a short term, six month license which commences immediately upon issuance and expires on February 28, 2018. A copy of the license is attached for your signature.

Attachment
HR
Queue

² DEQ Solid Waste Disposal Site Permit: Letter Authorization No. 1607; National Pollutant Discharge Elimination System Waste Discharge permit No. 102890; Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels: 2013 VGP