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Appendix A - RFP, Maps & Aerials

A-1 Metro RFP

A-2 ORMAP Parcel Map - <http://www.ormap.net/flexviewer/index.html>

A-3 Material Flow map

A-4 Traffic Flow map



Intermediate Request for Proposals 3419

Assessment of Composting Operations and Recommendations for Practice Improvements and Malodor Mitigation at Grimm's Fuel Company (Tualatin, Oregon)

Notice is hereby given that proposals for RFP 3419 for Best Practice Assessment and Recommendations for Malodor Mitigation at Grimm's Fuel Company (Tualatin, Oregon) shall be received by Metro, 600 NE Grand Avenue, Portland OR 97232 until 2:00 p.m. Pacific Time on November 16, 2017. It is the sole responsibility of the proposer to ensure that Metro receives the Proposal by the specified date and time. All late Proposals shall be rejected. Proposers shall review all instructions and contract terms and conditions.

oregonmetro.gov

Metro
600 NE Grand Ave.
Portland, OR 97232-2736

Intermediate RFP 3419 Assessment of Composting Operations and Recommendations for Practice Improvements and Malodor Mitigation at Grimm's Fuel Company (Tualatin, Oregon)



I. Introduction

Metro is inviting proposals to perform an assessment of composting operations and make recommendations for practice improvements and malodor mitigation at Grimm's Fuel Company located in Tualatin, Oregon. Proposals will be due as indicated on the RFP cover page. Details concerning the project and proposal are contained in this document.

II. Background/History of Project

Metro is the regional government that provides a variety of services for the urbanized portions of Clackamas, Multnomah and Washington counties of Oregon. Solid waste planning and the management and disposal of solid waste generated within its jurisdictional boundary are two of Metro's principal responsibilities. As part of these responsibilities Metro authorizes and regulates solid waste facilities within the region including composting operations.

Metro is responsible for balancing the business and local community needs with the preservation of yard debris composting capacity in or near the region. Yard debris composting is an important part of the Metro region's waste reduction and recovery efforts. Approximately 97% of the residential yard debris generated within the Metro region is sent to compost facilities for processing. Composting operations help ensure the highest and best use of organic material and produce a natural soil supplement and agricultural fertilizer.

Grimm's Fuel Company (Grimm's) is a retail landscape facility that accepts yard debris for composting. Grimm's is regulated by the Oregon Department of Environmental Quality (DEQ) and Metro. The facility has operated under authority of a Metro license since 1997. Metro regulates the management of yard debris and wood waste at the facility. Metro inspectors regularly inspect the facility to verify compliance with the conditions of its Metro-issued license and Metro Code. Grimm's current license was initially set to expire on June 30, 2017 but Metro granted a six-month license extension to ensure that the public has an opportunity to provide input on the proposed license renewal. License renewals are typically considered every five years and Metro Code governs license application requirements and factors to consider for the renewal process. Metro will generally approve a license renewal unless it determines that the renewal is not in the public interest. However, Metro may attach conditions to a license that are necessary to protect public health and the environment, address operational issues, and mitigate nuisance impacts on surrounding local communities. Metro works closely with other government agencies when determining whether to issue a license to facility. In the case of Grimm's, Metro has coordinated closely with the city of Tualatin and DEQ.

There is significant community interest in Grimm's facility, so Metro initiated public outreach with the local government and neighboring community early in the license renewal process to explain Metro's role and to better understand the views and experiences of the people involved. Metro staff met with city of Tualatin staff on March 3, 2017, and a community neighborhood group, "Clean Air Safe Environment (CASE)" on April 8. CASE requested additional time to review the renewal and a higher level of community involvement, including that Metro host a public meeting. In response to these comments, Metro took the following actions:

1. Increased the public notice mailing radius from the standard ¼ mile to one mile;

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2. Extended the public comment period from the standard 30 days to 60 days to allow for additional public participation;
3. Extended Grimm's Fuel Company's license by six months to allow for additional public participation and evaluation of comments; and
4. Hosted a public information event to provide information about Metro's licensing process and authority, and provide a forum for to the public to provide input and comment on the renewal application.

At the public information event, Metro received testimony about malodors, dust, and other negative impacts experienced by neighbors of Grimm's. Additionally, Metro received written and verbal comments from the public requesting a variety of operational changes at the facility to reduce offsite impacts. In response to these comments and the history of odor complaints regarding this site, Metro is seeking a third-party best practice assessment of composting operations and malodor mitigation recommendations to inform the license renewal process and subsequent regulatory conditions.

The selected firm will be expected to work collaboratively with Grimm's staff and minimize interruption to site operations.

III. Proposed Scope of Work/Schedule

Metro is seeking proposals from qualified firms to perform the following:

- Review the existing composting operation and site characteristics at Grimm's including: city zoning allowances, and incoming feedstock type and volume as allowed by Metro authorization on all adjacent property parcels owned by the company.
- Develop an understanding of current and historical operations at Grimm's in cooperation with Grimm's staff.
- Review all relevant regulatory authorizations including DEQ permit, Metro license, stormwater permit, city of Tualatin land use, etc. and interview relevant government officials to confirm and verify the relevant requirements.
- Develop an understanding of Grimm's DEQ permit requirements, Metro license requirements, operating plan and all other applicable regulatory requirements related to the facility such as pile height restrictions, zoning requirements, etc.
- Develop an understanding of the local fire department's requirements including any pile height restrictions and operating conditions, and summarize findings.
- Retrieve, compile, and summarize incident responses from the local fire department at Grimm's for the last five years.
- Develop an understanding of the neighborhood concerns including a structured interview instrument and interview citizens and businesses including, but not limited to, members of the CASE (clean air and safe environment) committee concerning their lived experience as it related to Grimm's.

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- Develop an understanding of incoming feedstock (i.e., types, volume, where geographically it is coming from, and type of customers) and summarize findings.
 - Participate in one public outreach event as described below to 1) review operational research 2) review recommendations and 3) present findings of the final report.
 - Retrieve, compile, and summarize odor complaint logs from Metro, DEQ, city of Tualatin, Washington County, and Grimm's for the last five years.
 - Identify and recommend an objective methodology that Metro may implement to determine unacceptable malodors at the facility.
 - Conduct sufficient odor audits onsite and offsite at the facility to show the odor impacts on the surrounding area. The odor audits must include dispersion modeling.
 - Conduct an analysis for methane and carbon dioxide, greenhouse gas emissions, sulfur based compounds, and total volatile organic compounds and synthesize data in a format that is understandable to the lay person.
 - Develop a report within 90 days of contract execution summarizing findings, alternatives and options that contemplates instituting new or alternative compost methods including but not limited to the following considerations:
 - How to manage existing volume of incoming feedstock
 - Current land use allowances on all available tax lots (in consultation with city of Tualatin).
 - Existing site infrastructure and equipment
 - A tiered options approach with minimal, moderate and significant investment consideration for improvements/changes that could be made considering site zoning, topography, equipment, and feedstock type and volume and what is the rationale; including but not limited to:
 - Mitigating nuisance conditions offsite with a focus on odor and dust
 - Drawings of proposed alternatives
 - Timeline to achieve suggested improvements
 - Cost estimate to achieve suggested improvements
 - Recommendations related to the operations if residential food waste were to be included in feedstocks
 - Public odor complaints/observations
 - Greenhouse gas and other emissions analysis
 - Address how the current operations or proposed alternatives achieve the:
 - Public benefit of:
 1. Protecting people's health
 2. Protecting the environment
 3. Get good value for the people's money
 4. Keep a commitment to the highest and best use of materials
 5. Be adaptive and responsive to changing needs and circumstances
 6. Ensure adequate and reliable services are available to all types of customers.

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- Goal of increasing the region's waste reduction and recycling efforts; and
 - Objective of evaluating site operations and odor assessment.
- Present draft findings to internal staff
- Present final report to internal staff and site owner/operator
- Present final report to the public and other interested parties at a public event hosted by Metro.

Metro intends to award this contract to a single firm to provide the services required in an amount not to exceed \$50,000. The term of the contract is anticipated to be January 2018 through December 2018.

IV. Qualifications/Experience

Proposers shall have the following:

- a minimum five years of experience in analyzing compost facility operations
- knowledge of solid waste regulation or similar utility-type public/private relationships.

V. Proposal Instructions

A. Submission of Proposals

Metro recommends proposal submission be emailed to submitdocuments@oregonmetro.gov. However, a written copy of the proposal can be mailed or hand-delivered to Metro, addressed to:

Metro Procurement Services
 Attention: Chad Hilmes RFP 3419
 600 NE Grand Avenue
 Portland, OR 97232-2736

B. Deadline

Proposals will not be considered if received after the date and time indicated on the RFP cover page.

C. RFP as Basis for Proposals:

This Request for Proposals represents the most definitive statement Metro will make concerning the information upon which Proposals are to be based. Any verbal information which is not addressed in this RFP will not be considered by Metro in evaluating the Proposal. All questions relating to this RFP should be addressed to submitdocuments@oregonmetro.gov, referencing the RFP number. Any questions, which in the opinion of Metro, warrant a written reply or RFP addendum will be furnished to all parties receiving this RFP. Metro may not respond to questions received after 2:00 p.m. [PT] on November 7, 2017.

D. Information Release

All Proposers are hereby advised that Metro may solicit and secure background information based upon the information, including references, provided in response to this RFP. By submission of a proposal all Proposers agree to such activity and release Metro from all claims arising from such activity. In Accordance with Oregon Public Records Law (ORS 192), proposals submitted will be considered part of the public record, except to the extent they are exempted from disclosure.

VI. Proposal Contents

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The proposal should contain no more than 20 pages of written material (excluding biographies, resumes and brochures, which may be included in an appendix), describing the ability of the consultant to perform the work requested, as outlined below. The proposal should be submitted on recyclable, double-sided recycled paper (post-consumer content). No waxed page dividers or non-recyclable materials should be included in the proposal.

A proposal template is available at <http://www.oregonmetro.gov/how-metro-works/contract-opportunities/current-requests-bids-and-proposals>. The proposal template is optional to use and proposers will not receive any preference or penalty for using the provided template. The template is not customized to each RFP. It is the proposer's responsibility to ensure that proposals include all information requested and follow the instructions listed in this RFP document.

- A. Transmittal Letter: Indicate who will be assigned to the project, who will be project manager, and that the proposal will be valid for ninety (90) days.
- B. Approach/Project Work Plan: Describe how the work will be done within the given timeframe and budget. Include a proposed work plan and schedule.
- C. Staffing/Project Manager Designation: Identify specific personnel assigned to major project tasks, their roles in relation to the work required, percent of their time on the project, and special qualifications they may bring to the project. Include resumes of individuals proposed for this contract.
- D. Experience: Indicate how your firm meets the experience requirements listed in section IV of this RFP. List projects conducted over the past five years which involved services similar to the services required here. For each of these other projects, include the name of the customer contact person, his/her title, role on the project, and telephone number. Identify persons on the proposed project team who worked on each of the other projects listed, and their respective roles.
- E. Cost/Budget: Present the proposed cost of the project and the proposed method of compensation. List hourly rates for personnel assigned to the project, total personnel expenditures, support services, and subconsultant fees (if any). Requested expenses should also be listed. Indicate formula for annual rate increases, if appropriate. This formula shall include factors such as CPI adjustments or other adjustments based on common indices. The formula shall not include additional profit.
- F. Diversity in Employment and Contracting:
Metro defines diversity as the variance or difference amongst people such as race, ethnicity, gender, age, religion, nationality, language preference, socioeconomic status, disability, sexual orientation, gender identity and others. Metro's Equity in Contracting Program encourages the use of minority-owned businesses, woman-owned businesses, businesses that service disabled veterans own and emerging small businesses, as defined under State law in ORS Chapter 200 and as certified by the Certification Office of Business Inclusion and Diversity (referred to here as COBID Certified Businesses) to the maximum extent practical.

Indicate whether your proposal includes subcontractors. If your proposal does not include subcontractors, complete Section 1 only. If your proposal does include subcontractors, complete both Section 1 and Section 2.

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Section 1: *To be completed by all proposers*

- **Certification:** Is your firm a COBID Certified Business? If yes, indicate the state of certification, all certification types and your firm's certification number.
- **Demographics:** Describe the diversity in demographics of the proposal team (yourself, your firm and/or any proposed subcontractors). Include race, gender, veteran status and disability. You may also include other measures of diversity, as defined in Section F above. Identify the diverse nature of the people that will perform work in substantive roles and percentage of work on this project.
- **Support:** Describe specific examples of how you and/or your firm support workforce diversity within your firm and/or your local community.
- **Firm Activity:** Identify an activity promoting workforce diversity within your firm that you and/or your firm will commit to undertake if awarded this project. Explain how these results will be reported to Metro.
- **Community Activity:** Identify an activity promoting workforce diversity within your local community that you and/or your firm will commit to undertake if awarded this project. Explain how these results will be reported to Metro.

Section 2: *To be completed by proposers utilizing subcontractors for this project*

- **Subcontractor Information:** Provide the following information for each subcontractor included in this project team:
 - Firm's name
 - Is the subcontractor a COBID Certified Business? If yes, indicate the state of certification, all certification types and subcontractor's certification number.
 - Method of choosing identified subcontractor
 - Specific scope of work tasks
 - Percentage of project dollars
- **Projects:** Identify up to three projects worked on during the last 24 months in which COBID Certified Businesses participated. Provide the following information for each project:
 - Project name
 - Project contact's name, phone number and email address
 - Contract award date, amount and completion date
 - COBID Certified Business goal percentage, if applicable, and COBID Certified Business achievement percentage
 - COBID Certified Business award and expenditure amount

- G. Exceptions to Standard Agreement and RFP: Carefully review the Standard Agreement attached hereto as Exhibit A and incorporated herein. This is the standard agreement that successful respondents to this RFP will be required to execute. RFP respondents wishing to propose any exceptions or alternative clauses to the agreement or to any specified criteria within this RFP must propose those exceptions or alternative clauses in their Proposal; Metro shall not be required to consider contract revisions proposed during contract negotiation and award. Proposed exceptions or alternative clauses should be accompanied by explanatory comments that are succinct, thorough and clear.

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VII. General Proposal/Contract Conditions

- A. Limitation and Award: This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. Billing Procedures: Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. Contractor's invoices shall include the Metro contract number, an itemized statement of the work done during the billing period. Payment shall be made by Metro on a Net 30 day basis upon approval of Contractor invoice. Invoices shall be delivered to metroaccountspayable@oregonmetro.gov.
- C. Validity Period and Authority: The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.
- D. Conflict of Interest. A Proposer filing a proposal thereby certifies that no officer, agent, or employee of Metro or Metro has a pecuniary interest in this proposal or has participated in contract negotiations on behalf of Metro; that the proposal is made in good faith without fraud, collusion, or connection of any kind with any other Proposer for the same call for proposals; the Proposer is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm.
- E. Equal Employment and Nondiscrimination Clause Metro and its contractors will not discriminate against any person(s), employee or applicant for employment based on race, color, religion, sex, national origin, age, marital status, familial status, gender identity, sexual orientation, disability for which a reasonable accommodation can be made, or any other status protected by law. Metro fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, see www.oregonmetro.gov.

VIII. Evaluation of Proposals

A. Evaluation Procedure:

Proposals received that conform to the proposal instructions will be evaluated. The initial evaluation will take place using the evaluation criteria identified in the following section.

Metro may request interviews with the highest ranked proposers prior to final selection of firm(s). Interviews are intended to allow selected proposers to clarify or expand on their proposal and will be worth 25 points. If Metro requests interviews, it will develop the evaluation criteria before the interview and share it with each proposer interviewee before the interviews take place. Metro will add the points awarded during the interview process to the written response scores for those proposers that are interviewed.

Award will be made to the highest ranked Proposer according to the evaluation criteria and interview score, if interviews are conducted. If contract negotiations are unsuccessful with the highest ranked firm, Metro reserves the right to enter into negotiations with the next highest ranked Proposer.

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B. Evaluation Criteria: This section describes the criteria that Metro will use to evaluate the proposals.

Evaluation Criteria	Score Breakdown		Percentage of Total Score
Project Work Plan/Approach			25
Demonstration of understanding of the project objectives	15		
Performance methodology	10		
Project Staffing Experience			30
Project consultant/staff experience	15		
Similar project experience	15		
Budget/Cost Proposal			25
Projected cost/benefit of proposed work plan/approach	25		
Diversity in Employment and Contracting	Utilizing subcontractor	Not utilizing subcontractor	20
Section 1:			
• Certification	5	5	
• Demographics	3	5	
• Support	3	5	
• Firm Activity	2	2	
• Community Activity	3	3	
Section 2:			
• Subcontractor Information	2	0	
• Projects	2	0	
TOTAL			100%

IX. Notice to All Proposers – Standard Agreement

The attached agreement included herein reflects preliminary, draft contract language and selected, proposed contract terms for this procurement. Proposers should be aware that such language terms and provisions are for illustrative purposes only and that Metro reserves the right, following submission and ranking of all proposals submitted in response to this procurement, to amend, modify or negotiate over any and all such contract language, terms and provisions regarding the agreement arising from this procurement. By submitting a proposal in response to this procurement, proposers acknowledge that they are aware of and do not object to any later, potential amendment and modification of such preliminary, draft language and terms. In addition, by responding to this procurement, proposers acknowledge that they are aware of their ability to offer alternatives to any of the preliminary, draft contract language and proposed contract terms set forth herein.

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Attachment - Personal Services Agreement - SAMPLE

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 N.E. Grand Avenue, Portland, OR 97232-2736, and **Company Name**, referred to herein as "Contractor," located at **address, City, State Zip**.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. **Duration.** This personal services agreement shall be effective **Month XX, 201X** and shall remain in effect until and including **Month XX, 201X**, unless terminated or extended as provided in this Agreement. **IF CONTRACT IS SUBJECT TO RENEWAL OR EXTENSION, INCLUDE SUCH LANGUAGE i.e. This agreement may be renewed or extended for XX additional one-year periods at Metro's sole discretion.**
2. **Scope of Work.** Contractor shall provide all services and materials specified in the attached "Attachment A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. **Payment.** Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed **XXXXXXXXXXXXXXXXXX** AND **XX/100THS DOLLARS (\$XXXXXX.XX)**. Payment shall be made by Metro on a Net 30 day basis upon receipt of Contractor invoice.
4. **Insurance.** Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
 - (a) The most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than \$1,000,000 per occurrence and \$1,000,000 aggregate. The policy will include coverage for bodily injury, property damage, personal injury, contractual liability, premises and products/completed operations. Contractor's coverage will be primary as respects Metro;
 - (b) Automobile insurance with coverage for bodily injury and property damage and with limits not less than minimum of \$1,000,000 per occurrence;
 - (c) Workers' Compensation insurance meeting Oregon statutory requirements including Employer's Liability with limits not less than \$500,000 per accident or disease; and
 - (d) Professional Liability Insurance, with limits of not less than \$1,000,000 per occurrence, covering personal injury and property damage arising from errors, omissions or malpractice. **PROFESSIONAL LIABILITY REQUIRED FOR ARCHITECTURAL & ENGINEERING SERVICES - DELETE PROFESSIONAL LIABILITY INSURANCE LANGUAGE IF NOT REQUIRED**

Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS on Commercial General Liability and Automobile policies.

Contractor shall provide to Metro 30 days notice of any material change or policy cancellation.

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Contractor shall provide Metro with a Certificate of Insurance complying with this article upon return of the Contractor signed agreement to Metro. Contractor shall email Certificate of Insurance to submitdocuments@oregonmetro.gov. Certificate of Insurance shall identify the Metro contract number.

5. Indemnification. Contractor shall indemnify, defend and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for six years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapters 279A, 279B and 279C and the recycling provisions of ORS 279B.025 to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply

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with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the State of Oregon and shall be conducted in the Circuit Court of the state of Oregon for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party without Metro's written consent.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor seven (7) days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties. Metro may approve changes and modifications to the original contract, including deletions of work, order of additional materials, and additional services reasonably related to the original work scope. Contractor may propose changes in the work that Contractor believes are necessary, will result in higher quality work, improve safety, decrease the amount of the contract, or otherwise result in a better or more efficient work product. If such changes are approved by Metro, they shall be executed by written contract amendment signed by both parties. Such changes shall not relieve Contractor of any obligation or warranty under the contract. No oral statements by either party shall modify or affect the terms of the contract.

17. Severability. The parties agree that any provision of this Contract that is held to be illegal, invalid, or unenforceable under present or future laws shall be fully severable. The parties further agree that this Contract shall be construed and enforced as if the illegal, invalid, or unenforceable provision had never been a part of them and the remaining provisions of the Contract shall remain in full force and effect and shall not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Contract. Furthermore, a provision as similar to the illegal, invalid, or unenforceable provision as is possible and legal, valid and enforceable shall be automatically added to this Contract in lieu of the illegal, invalid, or unenforceable provision. Any failure by METRO to enforce a provision of the Contract is not to be construed as a waiver by METRO of this right to do so.

18. Counterparts. This Contract may be executed in counterparts or multiples, any one of which will have the full force of an original.

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19. Delivery of Notices. Any notice, request, demand, instruction, or any other communications to be given to any party hereunder shall be in writing, sent by registered or certified mail or fax as follows:

To Contractor: **Contractor Contact**
Firm Name
Address
City State Zip
XXX-XXX-XXXX fax

To Metro: Metro Procurement Services
 600 NE Grand Ave
 Portland, Oregon 97232
 503-797-1791 fax

With Copy to: **Project Manager**
Address
City State Zip
503.XXX-XXXX fax

20. Intergovernmental Cooperative Agreement: Pursuant to ORS 279A and the Metro contract code, Metro participates in an Intergovernmental Cooperative Purchasing program by which other public agencies shall have the ability to purchase the goods and services under the terms and conditions of this awarded contract. Any such purchases shall be between the Contractor and the participating public agency and shall not impact the Contractor’s obligation to Metro under this agreement. Any estimated purchase volumes listed herein do not include volumes for other public agencies, and Metro makes no guarantee as to their participation in any purchase. Any Contractor may decline to extend the prices and terms of this solicitation to any or all other public agencies upon execution of this contract. Unless the Contractor specifically declines to participate in the program by marking the box below, the Contractor agrees to participate in the Intergovernmental Cooperative Purchasing program. **Contractor declines to participate in the Intergovernmental Cooperative Purchasing program as indicated by the following initials _____.** **REMOVE THIS SECTION IF THIS CONTRACT WAS NOT SOLICITED FORMALLY, OR IF IT DOES NOT APPLY TO THIS CONTRACT**

CONTRACTOR

By _____

Print Name _____

Date _____

METRO

By _____

Print Name _____

Date _____

Intermediate RFP 3419 Assessment of Composting Operations and Recommendations for Practice Improvements and Malodor Mitigation at Grimm's Fuel Company (Tualatin, Oregon)



1. Purpose and Goal of Work

2. Description of the Scope of Work

3. Deliverables/Outcomes

4. Payment and Billing

A-1 METRO RFP

Contractor shall perform the above work for a maximum price not to exceed XXXXXXXX AND XX/100TH DOLLARS (\$XXXXXX.XX).

INCLUDE HOURLY RATES OR TASK BASED PAYMENTS IF APPLICABLE

The maximum price includes all fees, costs and expenses of whatever nature. Each of Metro's payments to Contractor shall equal the percentage of the work Contractor accomplished during the billing period. Contractor's billing invoices shall include the Metro contract number, Contractor name, remittance address, invoice date, invoice number, invoice amount, tax amount (if applicable), and an itemized statement of work performed and expenses incurred during the billing period, and will not be submitted more frequently than once a month. Contractor's billing invoices shall be sent to metroaccountspayable@oregonmetro.gov. The Metro contract number and contractor name shall be referenced in the email subject line. Metro requests that contractors submit billing invoices for services within 10 business days of performance. Payment shall be made by Metro on a Net 30 day basis upon approval of Contractor invoice.

Appendix A-3
Compost Material Flow



Receiving area

Pile 3

Pile 2

Pile 1

Pile 4

Active Composting

Curing / Finished compost

Grimm's Fuel Traffic Flow Map

BLUE LINE: Incoming material haulers follow blue line during normal conditions-To scale house; then to Receiving Area – Trucks / trailers unload and then exit.

RED LINE: Large municipal trucks travel to the left of the scale, but otherwise follow normal BLUE or ORANGE route.

GREEN LINE: Customers buying product enter via blue line and then follow the green line to load and then exit.

ORANGE LINE: During high traffic volumes incoming loads may be directed into holding lines before approaching scale house. Then follow BLUE route as per normal.



Appendix A-4
Traffic Flow

Appendix B - Regulatory Documents

- B-1 Grimm's DEQ Operations Plan – July 2017
- B-2 Grimm's Metro Operations Plan – March 2013
- B-3 Grimm's DEQ Solid Waste Handling Permit
- B-4 Grimm's Metro Solid Waste License
- B-5 Grimm's CUPs: 94-11; 97-03; and 11-03.
- B-6 TVFR – Letter of Pile Regulation dated April 23, 2018

OPERATIONS PLAN

For:

GRIMM'S FUEL COMPANY
YARD DEBRIS & WOOD WASTE

RECYCLING CENTER

Located at:

18850 SW Cipole Rd.
Tualatin, Oregon 97062

DEQ Permit #1433

Presented to:

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232

July 2017

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- Figure 3: Processing Steps
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1. Facility Background Information

1.1 Background Information: Grimm’s Fuel Company, (“GFC”), was founded in 1929. In the 1960s, GFC diversified into the distribution of landscape supplies such as barkdust and rotted sawdust. In 1980, GFC began processing organic wastes such as yard debris, wood waste, land-clearing debris, manure, and pre-consumer vegetative food waste into hog fuel and high-quality landscape products, such as garden mulch, blended soil and soil amendments.

1.2 Site Information: The GFC composting facility is located at 18850 SW Cipole Rd. in Tualatin, Oregon (Figure 1). The site lies along the south side of Highway 99W approximately ½ mile south of the Tualatin River within the city limits of Tualatin, Oregon. The facility, covering a total land area of about forty-six acres, is comprised of two separate parcels, referred to herein as the upper and lower lots. The upper lot covers approximately twelve acres and is the site of the composting operation. This parcel also contains company offices, parking, mulch, barkdust, rock, soil, and firewood storage areas, as well as the facility maintenance shop and underground storage tanks. The lower lot is approximately thirty-five acres and is mostly unpaved and unimproved. The southwest portion of the lower lot is used for the storage of barkdust and finished compost.

2. Feedstock Information (OAR 340-096-0090(5)(a))

2.1 Sources: Feedstocks are accepted from a variety of retail and commercial sources, including homeowners, landscape contractors and commercial haulers.

2.2 Volumes and Type: Annual volumes for feedstock vary but are, approximately, as follows:

Yard Debris	200,000 cubic yards
Land-Clearing Debris	included above
Wood Waste	20,000 cubic yards
Manure	4,000 cubic yards
Pre-Consumer Vegetative Food Waste	1,000 cubic yards
Sawdust and Chips	6,000 cubic yards
Food Waste from Curbside Pickup	0 cubic yards

2.3 Compost Method and Process: GFC uses a static pile composting method (the traditional method in Oregon) for all its products. Once yard debris has been placed on the tipping floor, it is processed through our primary production line (A Hog), which consists of a Jeffery Swing Hammer Hog and two 600 hp electric motors. Coarse ground material (12”-minus) is placed in the primary composting pile via a 200’ conveyor belt. The material sits at the end of the conveyor for 1 – 5 days. From here the material is moved to one of the 3 cells which make up the static pile. The material remains in these

active compost cells for 90 to 180 days. The compost is then moved towards the screening operation where it continues composting in cell number 4 for up to 60 days while it awaits screening. As the compost is screened, more material from cell 4 is periodically sliced from the top of cell 4 and pushed towards the entrance of the screen. The coarse ground compost then goes back through the secondary production line (B Hog) and into B trommel screen, where it is screened to a size of 5/8”-minus. Physical contaminants, such as plastics, are removed via a series of vacuum separators. The contaminants obtained from the vacuum systems are removed from the composting process and disposed of. Material too large to pass through the 5/8” screen will then be reground through the C Hog, mixed with the green material, and conveyed back to the composting pile. Fine compost is placed in the finished goods storage area for final curing at the upper lot. The amount of time that the finished compost remains at the upper lot varies greatly depending on the time of year and sales. Finished compost is periodically hauled to the storage piles on the lower lot.

2.4 End Use: Compost from GFC facility is sold to commercial and residential consumers. Organic wastes are generally converted into two products: hog fuel and compost. Pallets and urban wood is ground and then sold as fuel at various co-generation plants. Depending on market conditions, woody yard debris can also be sold as hog fuel but green waste is typically composted and sold as ground cover, a soil amendment or for erosion control. Compost is also blended with other products, such as soil, bark or manure for other applications.

2.5 Feedstock Monitoring: Each load is visually inspected as it enters the facility at the scale house. Scale house personnel utilize cameras placed above the facility entrance to assist in their inspection. Any hazardous material or unauthorized waste is refused and directed to the appropriate facility. Acceptable loads are directed to the concrete tipping floor. The tipping area is monitored by loader and plant operators working in the area. During peak times, a spotter inspects the tipping area for contaminants and helps direct traffic. Customers with incidental quantities of non-compostables, such as plastic bags, are asked to deposit these materials into one of two garbage dumpsters located adjacent to the tipping area. The area’s franchise garbage hauler empties the dumpsters weekly. The spotter and loader and plant operators working in the area monitor the tipping area for contaminants.

3. Protection of Surface Water (OAR 340-096-0090(5)(b))

3.1 Existing Control Measures: Stormwater from the facility is managed in compliance with GFC’s National Pollutant Discharge Elimination System (“NPDES”) Storm Water Permit, General Permit 1200-Z. Pursuant to the NPDES permit, the facility has generated a Storm Water Pollution Control Plan (“SWPCP”). The SWPCP is attached as Appendix C. The SWPCP requires GFC to maintain Best Management Practices (“BMPs”) to minimize stormwater discharges from the facility. These BMPs are summarized below in Section 3.2. The facility has implemented an active stormwater

recycling program to reduce its stormwater discharges. The facility generally recycles all of its stormwater from March through October. GFC also incorporates an ongoing employee awareness program to assist with the proper operation and monitoring of stormwater pollution control measures.

Stormwater control measures in place at the GFC facility include twenty-one catch basins, sixteen of which are on the upper portion of the property (Figure 4: Stormwater Treatment Map). All of the catch basins on the upper lot drain into a baffled settling tank that consists of two halves of a large underground storage tank modified for this purpose. During low flow periods, generally April through October, water is recycled from this tank and applied to the compost pile. This settling tank is equipped with a baffle system that removes oil residue and floating solids from the water before it flows to the bio-filtration area.

After leaving the primary settling tank, all stormwater from the upper lot flows east through a pipe, under two adjacent property lots, and into a secondary stormwater treatment area (Figure 4, Item 2). Here, the water enters a concrete-lined settling pond where it meanders through a series of switchbacks and rock-check dams to remove additional sedimentation. The water is then directed into a serpentine vegetated passage designed to slow flow and remove remaining suspended solids. Stormwater exits this area into a tertiary bio-filtration swale (Figure 4, Item 3) consisting of a wide, shallow ditch heavily vegetated with cattails and other hydrophytic vegetation designed to further filter the water leaving the GFC facility. Finally, the water flows through a culvert under the access road on the southern edge of the property. Here, all water exits the GFC property to the south. The point where the surface water leaves the property is where stormwater discharge samples are collected in accordance with the SWPCP (Figure 4, Item 4).

Stormwater from the lower lot is either captured in the network of five basins and enters the treatment system at the head of the concrete-lined settling pond, or flows over a grassy field and through a series of compost berms before entering the ditch along the south side of the property where it flows west to the property discharge point described in the previous paragraph.

3.2 Summary of Existing BMPs for Stormwater

- Hard surfaces are swept regularly with an onsite street sweeper to remove fine particulates.
- Stormwater from the northern part of the upper lot is diverted away from materials that could adversely impact runoff, including the fueling area and material storage area.

- The upper lot has a catch-basin/sediment-trap system. There are sixteen catch basins on the upper lot and five on the lower lot. These catch basins and their traps are checked and cleaned regularly (Figure 4).
- Each catch basin has a mesh screen which acts as a filter. Catch basins and their filters are cleaned regularly to remove sediments and debris.
- All sixteen catch basins on the upper lot drain into two primary settling tanks that have a combined capacity of approximately 40,000 gallons (Figure 4, Item 1). These tanks allow suspended solids to settle, and floating hydrocarbons to rise to the surface. These two tanks are large underground storage tanks that have been cut in half and modified for this purpose. The baffles keep the floating solids and hydrocarbons in the upper section of the tanks and allow the heavier suspended solids to settle at the bottom of the tank. A gooseneck at the discharge pipe prevents any remaining floating materials from exiting the tank. The tanks are checked regularly for sedimentation buildup and cleaned as needed.
- All stormwater from the upper lot is recycled during low flow months, typically April through October. A high-volume pump draws stormwater from the above-referenced settling tank and distributes it onto the active compost pile.
- During the rainy season, stormwater flows from the primary settling tank through a secondary concrete-lined settling pond in a serpentine path (Figure 4, Item 2). Rock-check dams are placed throughout the concrete pond to reduce water flow velocity, allowing additional sediments to settle out. This secondary settling pond is cleaned out annually, or as needed.
- Stormwater flows from the secondary settling pond into a tertiary bio-filtration channel (Figure 4, Item 3) consisting of a wide, shallow ditch thickly planted with cattails, grasses and other wetland vegetation designed to further filter out suspended solids and other possible contaminants. The water then flows from the bio-filtration system through a culvert under the access road on the southern edge of the property to the point where it joins water flowing off the lower lot. Here, all water exits the GFC property to the south.
- All water on the lower lot is either captured in a network of five catch basins and enters the treatment system at the head of the secondary concrete-lined settling pond, or flows over a grassy field and through a series of compost filter berms before entering the ditch along the south side of the property, where it flows west to the property discharge point described above.
- Unpaved portions of the site not in use are vegetated with a mixture of native grasses and vegetation that can absorb contaminants and trap sediments.

- Vegetated swales with compost filters are used at various locations throughout the lower lot to slow the migration of water and to help capture sediments and contamination.
- All fuels, lubricants, chemicals and similar items are stored within secondary containment and under cover when appropriate.
- Spills are absorbed with available materials and swept up, immediately, to prevent contaminants from entering the stormwater conveyance system.
- Trucks, loaders and other equipment are maintained regularly to prevent fluid leaks. Vehicle and equipment repairs and maintenance are performed inside or under a covered area, whenever possible.
- Compost piles are managed to minimize tracking by loaders and vehicular traffic.

4. Protection of Groundwater (OAR 340-096-0090(5)(b))

4.1 Screening Results: DEQ has screened the GFC facility as a “potential risk to Groundwater” due to insufficient stormwater/leachate data available.

4.2 Summary of Existing BMPs for Groundwater

- Ground green waste is placed in large, semi-static piles for composting. These large piles routinely reach temperatures between 120-160 Fahrenheit. Rainfall contacting these piles is absorbed by the pile and dissipated as steam. No water from the active composting pile penetrates through the pile to affect the underlying groundwater.
- Stormwater from the receiving area is diverted away from the other stormwater and is recycled, whenever possible.
- All parking, loading and drive areas are impervious, thus preventing stormwater in these areas from infiltrating.
- The BMPs in Section 3.2 aid in the protection of groundwater.

5. Odor Controls and Minimization Plan (OAR 340-096-0090(5)(d); OAR 340-096-0150(5); Permit Section 4.5)

5.1 Feedstock Acceptance: Feedstock acceptance occurs according to the procedures generally described in Section 2, above and Section 8, below. Generally, the feedstock public drop-off area will be marked with clearly defined traffic flow patterns. All feedstock will be dumped in a designated area before being ground. Operators visually examine the feedstock to determine the source and type of material as it is being

brought into the facility. The load inspection procedures assist operators in removing items that are potentially hazardous, prohibited, may harm equipment, or may hamper the composting process. Contaminants are disposed of or processed, as required.

5.2 Incoming/Preliminary Feedstock Management: GFC will employ the following procedures to manage incoming feedstock and odors:

(a) *Initial Inspection*: Operators will examine/inspect incoming feedstock and seek to identify malodorous material. Identifiable malodorous materials or loads will be mixed with other materials (*i.e.*, sawdust or other carbon-rich material) to minimize odors and promote early aerobic activity. The facility may reject incoming loads of feedstock that have high odor or high odor potential. Feedstocks will be processed as they are received or as quickly as possible, generally within 3 days of receipt, in order to get the materials into the active composting pile thus, avoiding potentially malodorous conditions at the tipping area. Incorporating new feedstocks into composting piles soon after receipt minimizes odor from new feedstocks.

(b) *Initial Treatment*: To promote air space and aerobic conditions, feedstock (green waste) will be aerated and ground into a very coarse consistency (12"-minus) as soon as possible. Grinding the feedstocks into large particular size helps increase the air space within the compost pile and allows oxygen to move more freely through the compost pile. Smaller particles, on the other hand, have a tendency to take up air space and hinder air movement. Yard debris will be processed through a Jeffery hammer hog. A portable Smoracy 3680 Beast recycler, or similar grinder, will be available as a reserve/backup grinder/aerator.

(c) *Mixed Feedstock Transfer to Preliminary Compost Pile*: Following initial treatment, incoming feedstock (green waste) will be transferred via the 200' discharge conveyor to a preliminary composting pile along with a sufficient amount of finished compost necessary to inoculate new material with beneficial bacteria. Mixing finished compost and green waste in this manner helps reduce odors by speeding up the composting process. The oxygenated material will remain undisturbed at the end of the discharge conveyor, as long as possible (1 – 7 days), to accelerate the composting process.

5.3 Primary Composting Pile/s Management: GFC will employ the following procedures to manage in-process composting piles for odor control:

(a) *Transfer to Primary Composting Pile: Transfer to Primary Composting Pile*: Material from preliminary composting piles will be transferred to a primary composting pile using a D-9 Caterpillar. The D-9 minimizes compaction of the compost pile, thereby reducing anaerobic conditions while introducing oxygen for additional aeration. Materials remain in the primary compost pile (cells # 1 – 3) for 90 – 180 days. The compost is then turned and transferred to cell #4 where it is staged prior to

screening. It remains in cell #4 for 1 – 60 days. The top layer of compost in this cell is periodically turned and transferred towards the screening operation as needed. Handling and turning compost in this manner minimizes odors by allowing turning when atmospheric conditions are most favorable and by only turning/screening the most aerated compost while leaving the underlying compost time to breath and aerate prior to the next turning.

(b) *Aeration of Composting Pile:* Subject to the limitations on aeration noted herein, the primary composting pile will be aerated, as necessary, with the D-9 to promote aerobic composting.

(c) *Moisture Controls:* During summer months or hot conditions, water may be added to composting piles manually, or with a sprinkler system, to control dust, increase the moisture percentage, and optimize composting conditions. Moisture may also be manually added to dry sections of composting piles, as needed. The static pile composting method is the preferred method for composting in the Pacific Northwest where high rainfall amounts have a tendency to saturate the outside layer of the compost piles thus potentially producing odorous conditions. The static pile method minimizes this issue by having less surface area than other composting methods to become saturated.

(d) *Feedstock Balance:* Depending on the feedstock mixture, grass clippings and other malodorous feedstock may be mixed with existing woody debris or finished compost and processed, as soon as possible, to reduce odors. Also, feedstock will be mixed and blended to create favorable carbon-to-nitrogen ratios and composting conditions.

(e) *Composting Schedule:* In-process compost will be managed throughout the facility, as necessary, to accommodate input and output volumes and needs. Compost is produced twelve months per year but will be managed to produce finished compost within 180 to 270 days of receiving incoming feedstock. Compost maturity will be tested, monthly, in accordance with the US Composting Council's Seal of Testing Assurance ("STA") program guidelines.

(f) *Wind/Climate Monitoring:* Based on experience, wind direction is the most important consideration in minimizing offsite odor impacts. Wind speed and direction will be monitored and tracked using onsite wind flags/monitors to assess micro-climate conditions. The facility also uses a Davis Vantage Pro 2 weather station to log wind conditions. Pile management will be reduced/adjusted to account for wind conditions on a real-time basis, as necessary. When wind conditions are favorable, aeration/movement of compost piles will be increased. When wind conditions are unfavorable, aeration/movement of compost piles will be avoided or minimized. Operators will use best efforts to turn or perform other operationally necessary activities when the inversion layer is at its thinnest.

As a backup/reserve to the Davis Vantage Pro 2 system, operators may gather weather information (humidity, wind speed) from local weather stations and use the information to adjust operational procedures as set forth above. To the extent available, information from local weather stations will be used to determine when to expect high wind conditions or wind gusts and operators will reduce operations accordingly.

The facility also subscribes to Oregon DEQ's email notification system for notices of local air stagnation advisories. If such a notice is received by DEQ, the information will be communicated to the compost operators, and operations will be adjusted accordingly.

(g) *Onsite/Offsite Inspections and Monitoring:* Operators will conduct inspections, as warranted, downwind of the property boundary to assess the conditions and note any malodorous odors. Three times a year, when Cell Number 1 is emptied and turned, the facility will monitor wind and odor conditions, continually, until the Cell is empty. When possible, on days with especially high winds, operators will conduct a drive-by of the nearest downwind receptor location and take note of any odor. If a malodorous odor is detected offsite, operators will determine if the odor source is related to facility operations. If the odor is related to the facility, necessary adjustments to storage, process control, and operations will be made to minimize odors to the maximum extent practicable.

5.4 Avoiding Anaerobic Conditions: In addition to other BMPs described herein, operators will use best efforts to avoid anaerobic conditions during the composting process by implementing the following processes and procedures:

(a) *Pile Size and Shape:* The facility will monitor the amount of material in the active composting piles to ensure that feedstock in active piles will not remain longer than six months.

(b) *Pile Augmentation:* Depending on need and conditions, operations may add finished compost to existing piles to serve as a biofilter and provide material to aerate micro-areas where odors may be released.

(c) *Aeration Management:* The static pile composting method allows for turning large compost piles less frequently and turning when the wind is blowing away from residential areas and minimizes odor events. Processing and work on composting piles will be reduced or increased accordingly, to account for wind, time of day, climate, material maturity, moisture, and odor potential. Operators will use best efforts not to disturb potentially anaerobic portions of active piles.

(d) *Minimizing Off-Site Odor Issues:* Most off-site odors are generated during the turning process. Thus, compost turning will be minimized to the greatest

extent possible whenever the wind is blowing towards the most sensitive receptors located towards the north and northeast. To further lessen the potential impacts on these sensitive receptors, compost turning will be minimized during weekends, holidays and other times when sensitive receptors are likely to be outdoors. Winds blowing towards the west are most advantageous for turning purposes, as there are no nearby receptors in that direction. Thus, when the wind is blowing towards the west, compost turning will be maximized to the greatest extent possible in order to lessen the need for turning when conditions are less favorable.

(e) *Site Drainage and Sanitation:* Soggy organic material and standing water can both be sources of unwanted odors. The site is terraced and basically slopes from north to south. Standing water is generally avoided via site grading and the stormwater collection system, which utilizes a series of catch basins and piping to control water flow and avoid puddles. All critical drive isles and parking areas are paved or hard surfaced which helps to discourage standing water. Paved areas are routinely swept using an Elgin street sweeper in order to minimize the accumulation of soggy organic materials in the winter and dust in the summer.

5.5 Odor Complaints: The facility will use the following protocols for odor complaints:

(a) *Documentation of Complaints:* If available, operators will document pertinent information from complainants, including the following: name, contact information, date, time, climate conditions, location of complaint; date and time individual was affected by the odor; and comments by site personnel about odor.

(b) *Investigation and Prompt Remedial Actions:* Operators will promptly investigate the source and cause of the odor and, to the extent feasible, will manage and control the cause of the odor giving rise to the complaint, if it is determined the source is from the facility. Operators will also evaluate other actions that may reduce odors from the same or similar causes in the future. Any steps identified to reduce the odor will be noted on the Complaint Documentation Form and registered in the facility complaint log.

(c) *Follow-Up with Complainant:* The facility will notify the complainant of the results of the investigation into the cause of the odor and any operational action taken, or planned, to address the odor.

(d) *Reporting:* Within twenty-four hours of receiving a complaint, operators will forward a copy of the Complaint Documentation Form to DEQ and Metro. A copy of the Complaint Documentation Form is attached as Appendix A.

(e) *Record Retention*: The Facility will maintain records regarding odor complaints for no less than five years, and will make such records available to DEQ, upon request.

6. Process Controls (Permit Section 4.4)

6.1 Parameter Monitoring: GFC will monitor and record the following:

(a) *Parameters*: Oxygen, Temperature and Moisture Content.

(b) *Frequency*: Sampling will occur at the locations identified in Section 6.1(c) once per week for the first six months of the permit (“Initial Sampling Period”). If consistency is met for all parameters during the Initial Sampling Period, thereafter, sampling will occur at the locations identified in Section 6.1(c) once per month. If consistency is not met for one or more parameters during the Initial Sampling Period, sampling will continue on a weekly basis until substantial consistency is achieved for eight weeks, and monthly thereafter. If any parameter sampled during a monthly event that falls outside the parameters set forth in Section 6.1(d) then GFC will address the issue and will resample sample no less frequently than every fourteen days, until consistency within the Parameter Range set forth in Section 6.1(d) is met.

(c) *Location*: The compost pile is divided into four cells (or regions): three active composting cells and one cell that acts as a staging area for the screening operation. GFC will take at least nine samples per sampling event at the following locations: each active cell shall be sampled at three separate locations along the eastern edge of the piles, or along the southern side of Cell #1 and the northern side Cell #3, if access allows. Operators will use best efforts to sample in locations most representative of active composting conditions.

(d) *Parameter Ranges*

Parameter	Range
Oxygen	.5% to 20%
Temperature	120° F to 180° F
Moisture Content	Between 40% and 65%

6.2 Retention Time: Active feedstock will be composted between 90 and 180 days. Curing pile compost retention time is between 30 to 90 days. Cured compost is generally moved to the finish pile where seasonal market conditions dictate holding times and product removal. See also Section 5.3(e) Composting Schedule.

7. Odor Minimization Plan Maintenance

7.1 Effectiveness: The facility will assess the effectiveness of the Odor Minimization Plan at least once a year (or upon DEQ request) to determine what additional procedures could be implemented to improve odor control.

7.2 Food Waste: The facility currently does not anticipate accepting food waste as feedstock. This Odor Minimization Plan will be updated in the event food wastes are introduced into facility operations.

8. Pathogen Reduction (OAR 340-096-0090(5)(e))

8.1 Initial Grinding: Yard debris is generally processed as it is received through the Jeffery hammer hog (Figure 3, Item 3). Ground material is placed in the primary composting pile via a 200' conveyor belt. As the green waste material travels up this conveyor, it is mixed with previously composted materials that have come off the end of the trommel screen. This helps to inoculate the green waste with beneficial bacteria and jumpstarts the composting process (Figure 3, Items 4 & 8). The mixed materials heat very quickly and reach temperatures in excess of 120 Fahrenheit in a matter of hours. The ground debris remains in a loose pile under the discharge conveyor for up to five days.

8.2 Managing Stock Piles: After initial heating under the discharge conveyor, compost is moved to the primary composting pile using a D-9 Caterpillar. The primary composting pile is a large semi-static pile, which is divided into several cells, with the oldest cell always being turned toward the grinder for final processing (Figure 3, Item 5). The compost stays in these cells for up to 180 days, depending on sales and time of year. The piles are monitored using a six-foot probe as set forth in Section 6. The pile is periodically turned using a D-9 Caterpillar to cool the pile and to mix the pile so that the material on the outside of the pile is subjected to thermophilic temperatures. If necessary, hot/dry spots are dug out using Hitachi track hoes and water is applied using GFC's fire truck.

8.3 Final Screening and Curing: The final cell of the semi-static compost pile is a staging area where coarse ground compost is stored prior to screening. Using a Hitachi trackhoe, the material is then placed into the secondary production line (B Hog) and onto "B trommel" which screens the compost to a 5/8"-minus size (Figure 3, Item 7). Compost too large to pass through the screen is re-ground through "C Hog" and then conveyed back to the 200' belt conveyor where it is mixed with the green waste and returned to the primary compost pile. Compost passing through the screen is moved to the curing pile using a large front-end loader. The cured compost is periodically hauled to the lower lot for storage.

8.4 Pathogen Reduction and Testing: Harmful pathogens are destroyed through the thermophilic composting process. Time and temperature are the keys to destroying pathogens. Turning of compost piles, as described above, ensures that all materials are subjected to temperatures sufficient to kill both weed seeds and harmful pathogens. Temperatures in the active compost pile are maintained at 131 Fahrenheit or greater for a minimum of 90 days. During this time, the active compost pile is turned a minimum of three times. Finished compost is tested monthly for fecal coliform and salmonella in accordance with the STA program guidelines. These guidelines specify sampling protocols and techniques that ensure that randomly selected, representative samples are sent to the approved lab for testing. GFC compost has always passed the rigorous STA standards and is, thus, certified by the U.S. Composting Council. This testing program will ensure that GFC compost complies with OAR 340-096-0140: Pathogen Reduction.

8.5 Materials Not Meeting PFRP Standards: In the unlikely event that some material does not meet the above-described PFRP standards, then the problem material will be mixed with green waste and reintroduced into the above-described system.

9. Vector “Attraction”/Prevention (OAR 340-096-0090(5)(f))

9.1 Vector Control; General: Vector control has never been an issue at the facility. Piles of both active and finished compost have virtually no potential to attract disease-carrying animals because they are too hot and are not attractive to pests.

9.2 Vector Management Practices

- Yard waste is generally processed as it is received, thus eliminating the potential for rats and other pests that may be attracted.
- Inoculating the green waste with finished compost causes the material to quickly heat up to 120-140 Fahrenheit, thus discouraging vectors.
- The facility will keep all roads and operating areas free of debris and garbage to discourage vectors.

10. Dust Prevention

10.1 Dust Control; General: Hard-surfacing is the key to dust control. Currently, over four and one-half acres of the facility are hard-surfaced, including all driving, parking, receiving, and processing areas. Hard surfaces are swept regularly. See Section 3.2 above.

10.2 Dust Control Management Practices:

- Water trucks are used for wetting drive areas. All impervious surfaces are swept on an as-needed basis. Drive isles are wetted down using a water truck prior to sweeping to minimize dust potential during the sweeping process.
- If necessary, water is added at the in-feed conveyor to minimize dust during grinding.
- Filter masks and eye protection are provided to equipment and plant operators to minimize their exposure to dust.
- Processing is halted when it becomes so windy that dust has the potential of blowing off of the premises.
- See also Section 5.3 Primary Composting Pile/s Management.

10.3 Dust Complaints: Dust complaints are recorded on the Complaint Documentation Form. Reporting will conform to Section 9.14 of the Permit.

11. Fire Prevention and Control

11.1 Fire Prevention and Control; General: In case of a fire, employees shall immediately call for help using their radio or Nextel phone. Under no circumstances shall an employee attempt to fight a fire without assistance. Every employee who receives the call for assistance shall immediately grab a fire extinguisher and proceed to the scene of the fire. All equipment shall be furnished with an operable fire extinguisher. Some machines are equipped with an automatic on-board fire suppression system. The manual override should be engaged in the fire gets out of control.

The acting supervisor shall dispatch the company fire truck to the scene of the fire and begin fire-fighting efforts. Never add water to an electrical fire. The fire truck shall be placed on standby to prevent the spread of the fire. If the fire cannot be contained and extinguished by company personnel then the acting supervisor shall immediately call 911 for assistance. An employee shall meet the fire department at the entrance to the facility and direct them to the scene of the fire. During fire season, the facility is patrolled at night by one of three watchmen who live on the premises. The processing area is equipped with a sprinkler system. Fire hydrants are located along Cipole Rd. and Hwy 99W.

11.2 Fire Prevention and Control; Compost pile: Semi-static compost piles are susceptible to spontaneous combustion pile fires. Spontaneous combustion fires occurring in ground yard debris are easily extinguished by breaking up the heat mass using a D-9 Caterpillar or track hoe and applying water as necessary with the fire truck.

12. Closure (OAR 340-096-0090(5)(g))

12.1 Notice and Cessation of Activities: In the event of a long-term cessation of operations, GFC shall give DEQ no less than 90 days written notice prior to discontinuing the acceptance of waste materials. Composting activities shall end within twelve months thereafter. Remaining compost inventory shall be sold as the market allows.

12.2 Removal of Equipment and Materials: Equipment and materials used to operate the facility may be sold or auctioned to the highest bidder at the cessation of operations.

12.3 Product Disposal: Waste materials are processed as received and become salable products: hog fuel, compost, etc. After closure, compost will be sold as the market allows. Contaminated or unmarketable compost will not be produced at the facility, thus the disposal of said contaminated compost is not applicable.

12.4 Treatment Facilities: Treatment facilities shall be cleaned of residue and left in place for use by future activities occurring on the site.

13. Post Closure (OAR 340-096-0090(5)(h))

If appropriate, the facility's NPDES permit shall be transferred to successor occupants of the facility. Additional evaluation of surface water and/or groundwater will be conducted, if there is a likelihood of adverse impacts to either surface water or groundwater based on annual NPDES sampling results.

14. Recordkeeping (OAR 340-096-0090(5)(i))

14.1 Format and Duration: Facility records shall be maintained in either electronic or "hard" format, and retained for not less than three years.

14.2 Incoming Feedstock: The weight and/or volume of all incoming feedstocks shall be documented as the materials enter the facility. These volumes shall be reported to DEQ, annually.

14.3 Pathogen Testing: Pathogen testing results as described in Section 8 shall be maintained at the facility.

14.4 Complaints: The Complaint Documentation Forms discussed in Section 5.5 shall be maintained at the facility.

14.5 Upsets/Violations: Any material upsets or violations of the Operations Plan shall be logged and maintained at the facility.

OPERATING PLAN YARD DEBRIS COMPOSTING FACILITY

For:

**GRIMM'S FUEL COMPANY
YARD DEBRIS & WOOD WASTE
RECYCLING CENTER**

Located at:

**18850 SW Cipole Rd.
Tualatin, Oregon 97062**

Metro License # L-043-12

Presented to:

**Metro
600 NE Grand Ave.
Portland, Oregon 97232**

Revised: March 1, 2013

6.1 Purpose:

The purpose of this plan is to outline procedures and provide a general framework for the operation of Grimm's Fuel Company's Tualatin composting facility.

6.2 Plan Compliance:

Grimm's Fuel Company (GFC) shall, at all times, operate the facility in accordance with their Metro approved operating plan. Deviation from the plan shall be reported as soon as reasonably possible.

6.3 Plan Maintenance:

This operating plan shall be periodically updated to reflect changes in the operations of the facility. This facility has been in operation since 1982 and the operating procedures have proven to be effective over time. No changes in policy are anticipated at this time except for those associated with Metro's ever changing requirements. Any substantive revisions in the operating procedures shall be submitted to Metro prior to implementation.

6.4 Access to operating plan:

One copy of the plan shall be submitted to Metro for their approval. Another copy shall be maintained at the facility and shall be available to Metro personnel upon giving reasonable notice.

6.5 Procedures for inspecting loads:

- a) Each load is visually inspected as it enters the facility at the scale house. Scale house personnel utilize cameras placed above the facility entrance to assist in their inspection. Any hazardous material or unauthorized waste is refused and directed to the appropriate facility. The tipping area is monitored for contamination by loader and plant operators working in the area. During peak times, a spotter inspects the tipping area for contaminants. The spotter also assists the loader and plant operators in the receiving area and helps direct traffic.
- b) Per section 3.0 of the facility license, no unauthorized wastes are accepted at the facility. Only the following materials are permitted:
 1. Yard Debris
 2. Land clearing debris
 3. Wood waste
 4. Pre-consumer vegetative food waste, as approved by Metro
 5. Inert materials such as dirt, concrete, asphalt and rock
 6. Manure

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 1. Yard Debris
 2. Land clearing debris
 3. Wood waste
 4. Pre-consumer vegetative food waste, as approved by Metro
 5. Inert materials such as dirt, concrete, asphalt and rock

6.6 Procedures for processing and storage of loads:

- a) Processing authorized solid waste:
Once yard debris has been placed on the tipping floor, it is processed through our primary production line (A Hog) which consists of a Jeffery Swing Hammer Hog and two 600 hp electric motors. Ground material is placed in the primary composting pile via a 200' conveyor belt where it will remain for 30 to 90 days. During this time period, the pile is turned and mixed two or three times. The material then goes back through the secondary production line (B Hog) and into B trommel screen, where it is screened to a size of 5/8" minus. Material too large to pass through the 5/8" screen will then be reground through the C Hog and conveyed back to the composting pile. Fine compost is hauled to finished goods storage area for final curing. The compost is turned 2 or 3 times prior to sale.
- b) Transfer of authorized solid waste:
Solid waste is moved from the tipping area to the processing plant using front-end loaders. The material is then placed into the grinder using a track hoe. Once ground, the material is transferred to the compost pile via conveyor belt.
- c) Managing stock piles:
Compost piles are turned regularly using two D-9 Caterpillars. If necessary, hot/dry spots are dug out using Hitachi track hoes and water is applied using our fire truck. The semi-static pile is organized into several cells with the oldest cells being turned towards the grinder for final processing.
- d) Storing authorized solid waste:
All waste is stored at the tipping area prior to processing. Waste is processed on a regular basis to avoid the accumulation of large amounts of materials at the tipping area. Ground yard debris is conveyed to the compost pile for curing. Ground wood waste is screened and placed in the finished goods stockpile prior to being transported.

6.7 Procedures for managing prohibited wastes:

- a) Each load is visually inspected as it enters the facility at the scale house. Any hazardous loads are refused and directed to the appropriate facility. Customers with incidental quantities of non-compostables such as plastic bags, are asked to deposit these materials into one of two garbage dumpsters located adjacent to the tipping area. The dumpsters are emptied weekly by the area's franchise garbage hauler. The tipping area is monitored for contaminants by loader and plant operators working in the area.

- b) Signs at the entrance to the facility and on drop boxes notify generators which wastes are acceptable and which wastes are unacceptable.

6.8 Odor minimization plan:

- a) Odors are minimized through certain materials handling techniques which maximize oxygen in the pile:
 1. Yard debris is aerated as it is received and is processed daily, thus avoiding malodorous materials at the receiving area..
 2. Yard debris is initially ground into a very coarse consistency (1 foot minus). This promotes air space in the pile, thus avoiding anaerobic conditions.
 3. Coarse ground yard debris is conveyed directly to the preliminary compost pile where it remains undisturbed for several days. This is the most critical time during the composting process and oxygen in the pile is critical to avoiding odors.
 4. After initial composting the coarse ground material is aerated and moved to the primary composting pile using a D-9 Caterpillar. The D-9 minimizes compacting of the compost pile.
 5. The primary composting pile is regularly aerated using the D-9 to promote aerobic composting.
 6. Grass clippings are aerated and mixed with woody debris. The mix is processed as soon as possible. Once aerated and processed, the odor from grass clippings and other malodorous loads quickly dissipates.
- b) Due to certain operational changes at the facility, there has been only one documented odor complaint since 1993. (Including DEQ files.) The odor from that complaint actually originated from a neighboring landscape contractor who had accumulated a large pile of unprocessed waste. If a complaint is received, we document as much information as possible, including who, what, when and where. Wind speed and direction is noted before thoroughly investigating the cause of the odor. Odors can generally be traced to either an unusual circumstance at the facility (i.e. spontaneous combustion fire, receipt of mushroom mulch compost, etc.) or a neighbor (i.e. dairy farmer spreading manure, rendering plant, abandoned sewage treatment pond on hot days, plastics manufacturer, etc.) Once the cause has been identified, all possible measures are taken to rectify the problem. Action is then noted on the complaint information form and registered in the daily facility logbook. The individual registering the complaint is then notified of

the results of the investigation and any action taken. (See attached Complaint Documentation Form.)

- c) Avoidance of anaerobic conditions, feed stock mixing and pile construction are addressed in the above sections.
- d) Woody debris provides a readily available source of bulking agent for malodorous loads. Sawdust and shavings are also available on site if needed.
- e) Yard debris is generally processed as it is received through our Jeffery hammer hog. The back-up grinder is a portable Smoracy 3680 Beast recycler. In the unlikely event that both the primary and the back-up grinder break down at the same time, we will rent another portable grinder capable of keeping up with incoming materials. The only weather condition which adversely affects our ability to process are prolonged cold spells with temperatures below 20 degrees f. Typically during these cold spells, very little yard debris is received.
- f) Methods for taking into consideration the following factors prior to compost turning:
 1. Time of day. Time of day has very little impact on odor potential. For safety reasons, piles are aerated only during daylight hours. Time of day is determined by using a watch or clock.
 2. Wind direction. Wind direction is the most important consideration in minimizing odors during aeration. Winds blowing south or east are ideal for aerating compost at our facility and during these conditions we often use two D-9s to move compost. Wind blowing north is the least desirable and aeration is avoided or minimized during these conditions.
 3. Percentage of moisture. During Summer months water is often added as material is processed to control dust and increase moisture percentage to optimize composting conditions. Moisture is added to dry sections of the pile as needed using our fire/water truck.
 4. Estimated odor potential – see section 6.8.f.2.
 5. Degree of maturity. Compost is produced 12 months per year yet most compost sales occur during the 3 month period between April and June. Thus, all compost sold is a minimum of 6 to 9 months old. Maturity is periodically measured using the Solvita Respiration Test System.

6.9 Dust Prevention:

- a) Hard surfacing is the key to dust control. Currently over 4.5 acres of the facility are hard surfaces including all driving, parking, receiving, and processing areas. Other dust control measures include using water trucks for wetting drive areas and a street sweeper. If necessary, water is added at the in-feed conveyor to minimize dust during grinding. We stop processing when it becomes so windy that dust has the potential of blowing off of the premises.
- b) Any dust complaints are recorded on the Complaint Documentation Form (see attached.)

6.10 Procedures for emergencies:

In case of a fire, employees shall immediately call for help using their radio or Nextel phone. Under no circumstances shall an employee attempt to fight a fire without assistance. Every employee who receives the call for assistance shall immediately grab a fire extinguisher and proceed to the scene of the fire. All equipment shall be furnished with an operable fire extinguisher. Some machines are equipped with an automatic on-board fire suppression system. The manual override should be engaged in the fire gets out of control.

The acting supervisor shall dispatch the company fire truck to the scene of the fire and begin fire fighting efforts. Never add water to an electrical fire. The fire truck shall be placed on standby to prevent the spread of the fire. If the fire cannot be contained and extinguished by company personnel then the acting supervisor shall immediately call 911 for assistance. An employee shall meet the fire department at the entrance to the facility and direct them to the scene of the fire.

Spontaneous combustion fires occurring in ground yard debris are easily extinguished by breaking up the heat mass using a D-9 Caterpillar or track hoe and applying water as necessary with the fire truck. During fire season, the facility is patrolled at night by one of three watchmen who live on the premises. The processing area is equipped with a sprinkler system. Fire hydrants are located along Cipole Rd. and Hwy 99W. Other fire prevention measures include fire breaks between piles, pile spacing, and rounding of the compost piles to avoid steep slopes thus minimizing spontaneous combustion fires.

6.11 Procedures for nuisance complaints:

See sections 6.8.b and 6.9.b. All complaints are recorded on the Complaint Documentation Form. This form documents all pertinent information including the nature of the complaint, date, weather conditions and the name, address and

phone number of the complainant. The form also includes findings from the investigation of the complaint and actions taken. Completed forms shall be filed in the "Metro License" file located at the company's office for a period of not less than one year.

6.12 Procedures for managing stock piles:

Compost piles are turned regularly using two D-9 Caterpillars. If necessary, hot/dry spots are dug out using one of two Hitachi track hoes and water is applied using our fire truck. The semi-static pile is organized into several cells with the oldest cells being turned towards the grinder for final processing.

6.13 Closure protocol:

In the event of a long-term cessation of operations, GFC shall give Metro no less than 90 days written notice prior to discontinuing the acceptance of waste materials. Composting activities shall end within 12 months thereafter. Remaining compost inventory shall be sold as the markets allow.

6.14 Financial assurance:

Waste materials are processed as received and become saleable products – hog fuel, compost, etc. Thus, closing the facility would actually produce revenue. Under no circumstances would it cost more than \$10,000 to close the facility.



State of Oregon
Department of
Environmental
Quality

**SOLID WASTE DISPOSAL SITE PERMIT:
COMPOSTING FACILITY**

Oregon Department of Environmental Quality
700 NE Multnomah St, Suite 600
Portland, OR 97232
Telephone (Information): (503) 229-5263

Issued in accordance with the provisions of Oregon Revised Statutes (ORS) Chapter 459, Oregon Administrative Rules (OAR) 340 Divisions 93, 95, 96 and 97 and ORS Chapter 468B and subject to the land use compatibility statement referenced below.

ISSUED TO:	FACILITY NAME AND LOCATION:
Grimm's Fuel Company 18850 SW Cipole Road Tualatin, OR 97062	Grimm's Fuel Company Composting Facility 18850 SW Cipole Road Tualatin, OR 97062 T2S, R1W, S21; Tax Lots 1800-2100 Latitude: 45.3832; Longitude: -122.8145
PROPERTY OWNER:	OPERATOR:
Grimm Brothers, LLC 18850 SW Cipole Road Tualatin, OR 97062	Jeff Grimm Phone: 503-636-3623 Fax: 503-692-2015

ISSUED IN RESPONSE TO:

- A solid waste disposal site composting permit application and associated documents, received on March 3, 2010.
- A Land Use Compatibility Statement from the City of Tualatin dated February 12, 2010 and May 8, 2012.

The determination to issue this permit is based on findings and technical information included in the solid waste permit application and in the permit record.

ISSUED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY



Audrey O'Brien
Solid Waste Manager, Northwest Region



Date

Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is authorized to establish, operate, and maintain a solid waste disposal site for composting activities and to construct, install, modify or operate stormwater and process water treatment and/or control facilities in conformance with the requirements, limitations, and conditions set forth in this document, including all attachments.

Unless specifically authorized by this permit, by another National Pollutant Discharge Elimination System (NPDES) or Water Pollution Control Facilities (WPCF) permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited.

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Introduction. This document is a solid waste permit issued by the Oregon Department of Environmental Quality in accordance with Oregon Revised Statutes (ORS) 459, ORS 468B.050 and Oregon Administrative Rules (OAR), Chapter 340. This individual permit is issued to owners and operators of composting facilities handling greater than 100 tons per year of Types 1, or 2 feedstocks or greater than 20 tons of Type 3 feedstocks, or greater than 40 tons of Type 3 feedstocks when composting in containers designed to prohibit vector attraction and prevent nuisance and odor generation.

Rules relating specifically to composting facilities may be found in OAR Chapter 340, Divisions 93, 95, 96 and 97.

In this document. This document contains the following sections:

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Operations and Design	
3.0 Operating Conditions	6
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5.0 Recordkeeping and Reporting	9
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Compliance Schedule	
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ALLOWABLE ACTIVITIES

1.0 AUTHORIZATIONS

1.1 **In this section.** This section describes the activities the permittee is authorized to conduct, including:

- Types of feedstocks authorized to be received;
- Criteria for residential food waste authorization;
- Residential food waste demonstration project;
- Authorization to receive other feedstocks or amendments;
- Authorization of other activities; and
- Water quality activities.

1.2 **Authorization to receive feedstocks.** This permit authorizes the facility to accept the following feedstocks in conformance with the terms and conditions of this permit (Note: a detailed list of authorized feedstocks is listed in the DEQ-approved Operations Plan for this site.):

- A. Types 1 and 2 feedstocks.
- B. Type 3 feedstock that are curbside collected residential food waste mixed with yard debris after completing the requirements of section 1.3 through 1.4 below. No other Type 3 Feedstocks can be accepted unless Grimm's receives prior written approval from DEQ.

Reference: Permit sections 1.3, 1.4 and 2.2

1.3 **Criteria for residential food waste authorization.** The permittee must complete the following prior to receiving DEQ written approval to accept any residential food waste under section 1.2.B above.

- A. Obtain DEQ concurrence that facility compost operations are in compliance with the permit conditions and applicable compost regulations;
- B. Submit an updated operations plan for DEQ review and approval. The updated plan must address the demonstration project requirements in permit section 1.4 and the following:
 - i. Accepting, managing and processing residential food waste;
 - ii. Incorporating incoming residential food waste in a timely manner into compost piles to control and minimize odors and prevent vectors;
 - iii. Implementing additional odor control measures to control and minimize odors from the acceptance and management of residential food waste;
 - iv. Monitoring compost piles for oxygen, temperature, moisture content, and other necessary composting parameters;
 - v. Formation of compost piles to prevent anaerobic conditions;
 - vi. Leachate management including preventing formation of leachate puddles, reducing leachate generation, leachate collection and odor controls for leachate collection and spray system;
 - vii. Monitoring pile and weather conditions prior to turning piles to control and minimize odors and dust; and
 - viii. Recordkeeping to track and monitor incoming residential food waste tonnage.
- C. Submit facility complaint and response records for the last six months to DEQ for review; and
- D. Submit documentation to DEQ indicating the permittee has written approval from Metro to accept residential food waste.

Reference: Permit sections 1.2, 1.4 and 4.3

- 1.4 Residential food waste demonstration project.** The permittee must demonstrate an effective and efficient compost operation for residential food wastes that complies with the conditions of this permit and applicable DEQ regulations by conducting a demonstration project with DEQ approval.
- A. Prior to initiating the demonstration project of the residential curbside collected composting program, the permittee must prepare an updated Operations Plan explaining how residential food waste mixed with yard debris will be accepted, incorporated into the composting process, and how the composting process will be conducted and evaluated to ensure compliance with the Performance Standards under OAR 340-096-0070.
 - B. The permittee may accept up to **200 tons per month** of residential food waste at the facility during the demonstration project unless DEQ otherwise approves or restricts the quantity to be accepted in writing.
 - C. Prior to increasing the amount of residential food waste that may be accepted, the permittee must submit to DEQ for review and approval a written report evaluating the demonstration project. The permittee may submit the written report after accepting and composting residential food waste for at least 90 days.
 - D. The written evaluation report must include, at a minimum:
 - i. A summary of the residential food waste compost operations;
 - ii. A summary of the wastes accepted for the compost operations;
 - iii. A summary of how the incoming wastes are incorporated in a timely manner to control and minimize odors;
 - iv. An evaluation of the effectiveness of the composting method for properly managing residential food wastes including but not limited to odors, anaerobic conditions, leachate prevention and management, dust control and vectors;
 - v. A description of any problems encountered and measures taken to address and resolve the problems;
 - vi. Verification that acceptance, sorting, grinding, storage and transport to and from the site are conducted in a manner to prevent offsite dust, odors or runoff problems. Verification may include submittals of daily logs verifying that the site has been swept and watered, all complaints addressed, and photo documentation of operations;
 - vii. Recommended changes to the Operations Plan or composting method to address operations problems encountered; and
 - viii. A detailed request documenting effective and sufficient operations to allow for an increase in residential food waste tonnage.
 - E. DEQ will evaluate the written report and facility operations to determine if operations are conducted in a manner to successfully demonstrate compliance with DEQ rules and permit requirements including meeting the Performance Standards, dust control, odors, runoff or other water pollution concerns. If DEQ determines compliance with the Performance Standards, DEQ may authorize, in writing, an increase in the amount of residential food waste allowed for acceptance. DEQ may require that the demonstration project continue with this increased amount of residential food waste and require a new written evaluation per 1.4.D. above.
 - F. The demonstration project timeframe is a minimum of 180 days unless DEQ requires a continued demonstration project phase, determines that residential food waste cannot be accepted, or approves acceptance of food waste on an ongoing basis.
 - G. The permittee may not expand the residential food waste operations beyond the demonstration project without written DEQ approval.

Reference: Permit sections 1.2, 1.3, 2.2 and 3.2

- 1.5 Authorization to receive other feedstocks or amendments.** Feedstocks or amendments excluded from the above authorization may not be accepted unless DEQ has approved in writing an updated site Operations Plan which describes the new feedstocks or amendments. DEQ may require a demonstration project similar to that identified in sections 1.3 and 1.4 above prior to allowing acceptance of additional feedstocks.
- 1.6 Authorization of other activities.** All facility activities must be conducted in accordance with the provisions of this permit. All reports and plans required by this permit become part of the permit by reference once approved by DEQ. Any conditions of report and plan approvals are also incorporated into this permit unless contested by the permittee within 30 days of the receipt of a conditional approval.
- 1.7 Water quality activities.** The permittee is allowed to construct, install, modify, operate and maintain a compost leachate and/or stormwater collection and/or treatment system provided these activities are done in accordance with plans and specifications approved in writing by DEQ. No activities are to be conducted that could adversely impact groundwater quality. If adverse impacts to groundwater are suspected from a facility covered by this permit, DEQ may require the permittee to perform a groundwater investigation.

2.0 PROHIBITIONS

- 2.1 In this section.** This section describes specific feedstocks or wastes the permittee is prohibited from accepting and specific activities the permittee is required to carry out if these prohibited feedstocks or wastes are discovered. These include:
- Prohibited feedstocks or wastes;
 - Discovery of prohibited wastes;
 - Open burning; and
 - Sewage sludge (biosolids).
- 2.2 Prohibited feedstocks or wastes.** The permittee is prohibited from accepting materials for composting that are not specifically authorized by section 1.2 of this permit, unless the materials have been approved in accordance with the requirements of section 1.5 of this permit.

The permittee must not accept dead animals as a composting feedstock.

The permittee must not accept any wood that does not meet the definition of wood waste in OAR 340-093-0030. The permittee may accept only clean untreated and unpainted wood.

The permittee must not accept unsorted, mixed domestic solid waste as a feedstock or for disposal at the composting facility.

The permittee must not accept any materials that are listed in OAR 340-093-0040, as prohibited from disposal at solid waste disposal sites, including but not limited to hazardous waste as defined in ORS 466.005 and OAR 340, Division 101.

- 2.3 Discovery of prohibited wastes.** In the event that the permittee discovers prohibited feedstocks or wastes at the composting facility, the permittee must, within 24 hours of discovery, notify DEQ and initiate procedures to isolate or remove the prohibited feedstocks or waste.

The permittee must transport non-putrescible, non-hazardous, prohibited waste to a disposal or recycling facility authorized to accept such waste **within 90 days** of discovery, unless otherwise approved or restricted in writing by DEQ.

The permittee must remove putrescible, non-hazardous, prohibited wastes within 48 hours of discovery, unless otherwise approved or restricted in writing by DEQ.

In the event the permittee discovers wastes that are hazardous or suspected to be hazardous, the permittee must, within 48 hours of discovery, notify DEQ.

Hazardous wastes must be removed **within 90 days** of discovery, unless otherwise approved or restricted in writing by DEQ. Temporary storage and transportation must be carried out in accordance with DEQ rules.

- 2.4 Open burning.** The permittee must not conduct any open burning at this site.
- 2.5 Sewage sludge (biosolids).** The permittee must not accept any sewage sludge for composting at this facility. If the permittee wishes to accept sewage sludge, then the permittee must request a permit modification of this solid waste permit and obtain the applicable water quality permit, as required under ORS 468B and OAR 340-050.

OPERATIONS AND DESIGN

3.0 OPERATING CONDITIONS

- 3.1 In this section.** This section describes specific operating conditions to which the facility must conform, including:
- Performance standards; and
 - Pathogen reduction.
- 3.2 Performance Standards.** The permittee must operate the compost facility in conformance with the performance standards identified in OAR 340-096-0070:
1. All composting facilities must be designed, constructed, and operated in a manner that does not cause a discharge of leachate, liquid digestate, or stormwater from the facility to surface water, except when such discharge is in compliance with a discharge permit issued by DEQ.
 2. All composting facilities that collect and dispose of leachate, liquid digestate, or stormwater in engineered structures must comply with the applicable requirements of OAR 340-096-0130: Special Rules Pertaining to Composting: Biogas, Liquid Digestate and Leachate Collection Design and Management Requirements.
 3. All composting facilities must be designed, constructed, and operated in a manner that does not cause a likely adverse impact to groundwater under OAR 340 Division 40. All composting facilities proposing to use infiltration in soil as a method for managing leachate, liquid digestate, or stormwater must comply with OAR 340-096-0120: Groundwater Protection.
 4. All composting facilities must be designed, constructed, and operated in a manner that, to the greatest extent practicable, consistent with proper facility design and operation, controls and minimizes odors that are likely to cause adverse impacts outside the boundaries of the facility.
 5. All composting facilities must be designed, constructed, and operated in a manner that achieves human pathogen reduction as required by OAR 340-096-0140: Pathogen Reduction.
 6. All composting facilities must be designed, constructed, and operated in a manner that controls or prevents propagation, harborage, or attraction of vectors, including but not limited to rats, birds, and flies.
 7. All composting facilities that produce, collect or store biogas must be designed, constructed, and operated to meet state and local fire regulations to address the potential for fire and explosions.

8. All composting facilities that collect, store and manage liquid digestate must demonstrate adequate capacity to store or remove the digestate. For facilities that land-apply, storage must be provided for periods when the production of liquid digestate exceeds the capacity of the soil to use the digestate at agronomic rates including during wet winter months.
9. All composting facilities must comply with all other applicable laws and regulations.

3.3 Pathogen reduction. The permittee must operate the compost facility in conformance with OAR 340-096-0140, **Special Rules Pertaining to Composting: Pathogen Reduction**, including the following:

1. Analytical limits for composted material:

- a) Routine analysis must be performed for fecal coliform if Type 2 feedstocks are greater than 50% of incoming feedstocks. Analysis must be performed for either fecal coliform or salmonella if the incoming feedstocks contain less than 50% Type 2 feedstocks:

Parameter	Limitations
Fecal Coliform	Less than 1,000 Most Probable Number (MPN) per gram of total solids (dry weight).
Salmonella	Less than 3 Most Probable Number per 4 grams of total solids (dry weight).

- b) The permittee must maintain analysis results and must make the analysis results available to DEQ upon request.

2. Testing frequency for composted material to determine pathogen reduction success:

Amount and Type of Compost Produced Annually	Minimum Frequency	Type of Sample
Greater than 2,500 tons of composted material from Type 1 and 2 feedstock are produced per year.	Testing must be conducted every 5,000 tons of feedstock used or a maximum of once every three months.	Composite from finished compost
Greater than 2,500 tons of composted material from Type 3 feedstock are produced per year.	Testing must be conducted every 5,000 tons of feedstock used, or at least monthly.	Composite from finished compost

4.0 OPERATIONS PLAN

4.1 In this section. This section describes the requirements associated with the composting facility Operations Plan, including:

- Plan compliance;
- Updated Operations Plan;
- Process Controls;
- Odor Minimization Plan;
- Odor Minimization Plan implementation;
- Updated Odor Minimization Plan;
- Plan maintenance; and
- Submittal address.

4.2 Plan compliance. The permittee must conduct all operations at the facility in accordance with the approved Operations Plan dated March 1, 2013, including any amendments. The DEQ approved Operations Plan is incorporated into the permit by reference. Failure to implement any of the control measures, performance standards, or practices described in the Operations Plan is a violation of this permit.

Note: The operations plan must include the basic elements of an operations plan outlined in OAR 340-096-0090(5).

4.3 Updated Operations Plan. Within 60 days of permit issuance, the permittee must update the Operations Plan to include processing parameter monitoring procedures that specifically identify all process controls in section 4.4 as well as frequency and location of monitoring, and a revised Odor Minimization Plan. The permittee must submit the updated plans for DEQ review and approval.

Reference: Permit section 4.5

4.4 Process Controls. Monitor and record the following processing parameters referenced in OAR 340-096-0090(6) at the frequency and locations to be specified in the operations plan. Maintain parameters within ranges specified in the operations plan.

- Oxygen level: Monitor at locations and frequency representative of active pile composting using a minimum 72" probe.
- Temperature: Monitor at locations and frequency representative of active pile composting using minimum 72" probe (maintain a minimum temperature of 55°C for 3 days throughout active piles to achieve adequate human pathogen reduction).
- Moisture content: Monitor at locations and frequency representative of active pile composting using a probe, squeeze estimation, or lab oven.
- Retention time: Report active composting time, curing time, and storage time separately.

4.5 Odor Minimization Plan. As part of the updated Operations Plan required in section 4.3, the permittee must prepare a revised Odor Minimization Plan that identifies how the permittee will modify operations to control and minimize adverse impacts of odors outside the boundaries of the facility. The Odor Minimization Plan must include:

- A. A management plan for how malodorous feedstocks will be accepted, ground and incorporated into the composting piles as soon as practicable within the same day received;
- B. Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and promptly remedying any odor at the facility resulting from failure to meet performance standards under OAR 340-096-0070(4);
- C. Procedures to avoid anaerobic conditions in the composting process.
- D. Blending and mixing feedstocks for favorable carbon to nitrogen ratio and composting conditions;
- E. Forming windrows or other composting piles into a size and shape favorable to minimizing odors;
- F. Specification of a readily available supply of bulking agents, additives or odor control agents;
- G. Quickly processing and managing feedstocks during weather conditions such as inversions that increase the likelihood of offsite odor impacts;
- H. Methods for taking into consideration the following factors prior to turning or moving composting material:
 - i. Time of day;

- ii. Wind direction;
- iii. Percent moisture;
- iv. Estimated odor potential; and
- v. Degree of maturity.

Reference: OAR 340-096-0150(5), Permit section 5.5

- 4.6 Odor Minimization Plan implementation.** The permittee must implement the Odor Minimization Plan upon DEQ approval.
- 4.7 Updated Odor Minimization Plan.** The permittee must review and update the Odor Minimization Plan as needed to reflect changing conditions, or upon DEQ request. The updated plan must be submitted to DEQ for review and approval.
- 4.8 Plan maintenance.** The permittee must revise the Operations Plan as necessary to keep it up to date and reflective of current facility conditions and procedures.

The permittee must submit revisions of the Operations Plan to DEQ for review and written approval prior to commencing any change in operations.

- 4.9 Submittal address.** All submittals to the DEQ under this section must be sent to:

**Oregon Department of Environmental Quality
Manager, Materials Management and Solid Waste Program
700 NE Multnomah St, Suite 600
Portland, OR 97232**

Or email to: DEQNWR.SolidWastePermitCoordinator@deq.state.or.us

Phone: (503) 229-5353

5.0 RECORDKEEPING AND REPORTING

- 5.1 In this section.** This section describes recordkeeping of operational information for the composting facility, including:
- Non-compliance;
 - Leachate releases;
 - Access to records;
 - Recordkeeping procedures; and
 - Submittal address.
- 5.2 Non-compliance reporting.** In the event that any condition of this permit or DEQ rules are violated, the permittee must immediately take action to correct the violation and notify DEQ **within 24 hours** at: DEQ's Northwest Region Solid Waste Program Office at (503) 229-5263.
- Response: In response to a notification, DEQ may conduct an investigation to evaluate the nature and extent of the problem, and may require additional corrective actions, as necessary.
- 5.3 Leachate releases.** Within 24 hours of discovery, the permittee must report to DEQ, all unauthorized leachate releases to waters of the state.
- 5.4 Access to records.** Upon request, the permittee must make all records and reports related to the permitted facility available to DEQ.
- 5.5 Record-keeping procedures.** The permittee must keep records and submit reports according to OAR

340-096-0090(5)(i) and the following table:

Step	Action
1	Establish a location for document retention at the facility, or at another location mutually agreed to with DEQ.
2	<p>Collect information during facility operations on the amount of each type of feedstock received, recording "0" if none is received.</p> <ul style="list-style-type: none"> • At a minimum, the following types of feedstocks must be: 1) separately identified; and 2) categorized as originating from either in or out-of-state: • Type 1, 2 and 3 feedstocks or amendments; <ul style="list-style-type: none"> ○ Leaves ○ Yard debris – compacted and uncompact ○ Vegetative food waste and non-vegetative food waste ○ Agricultural crop residue ○ Wood chips – dry ○ Wood chips – green ○ Clean wood waste ○ Sawdust, wet ○ Sawdust, dry ○ Manure ○ Bedding • Other authorized feedstocks or amendments. <p>Submit the information on the Composting Facility Report form provided by DEQ. <u>Date Due:</u> January 31 of each year for the previous calendar year.</p> <p>Pay the Annual Permit Compliance Fee required by OAR 340-097. Invoice will be sent out by DEQ. <u>Date Due:</u> July 31 of each year.</p>
3	<p>Permittees accepting non-agricultural, post-consumer recyclable materials generated in Oregon must complete a Material Recovery Survey on a form provided by DEQ.</p> <p>Information necessary to complete this survey includes: amounts and types of recyclable materials; county of origin of the material; and, names of companies providing the material(s). The survey also asks for information about what was done with the recyclable material, such as: made compost; shipped wood waste for hogged fuel; etc. The permittee must submit this survey to the local Wasteshed Representative. The survey is then forwarded by that person to DEQ. <u>Date Due:</u> January 31 of each year for the previous calendar year.</p>
4	Keep a log of processing parameter data required in Permit Section 4.4.
5	Permittee must submit to DEQ Northwest region solid waste staff a copy of their 1200-Z NPDES stormwater permit sampling results by July 31 of each year. DEQ will review this information to determine if the facility's best management practices are effective for the protection of groundwater and surface water.
6	Retain copies of all records and reports for five years from the date created.
7	Update all records such that they reflect current conditions at the composting facility.

- 5.6 Submittal address.** Submittals for step 2 (Composting Facility Report and the Annual Permit Compliance Fee) above must be sent to DEQ at:

**Oregon Department of Environmental Quality
Materials Management Section
Environmental Solutions Division
811 SW Sixth Ave.
Portland, OR 97204**

Phone: (503) 229-5913

After November 2016, please submit to:

**Oregon Department of Environmental Quality
Materials Management Section
Environmental Solutions Division
700 NE Multnomah Street, Suite 600
Portland, OR 97232**

Submittals for step 3 (Material Recovery Survey) must be sent to the local Wasteshed Representative.

Submittals for step 5 (Stormwater sampling results) must be sent to:

**Oregon Department of Environmental Quality
Manager, Materials Management and Solid Waste Program
700 NE Multnomah St, Suite 600
Portland, OR 97232**

Or email to: DEQNWR.SolidWastePermitCoordinator@deq.state.or.us

Phone: (503) 229-5353

6.0 ENGINEERED STRUCTURE DESIGN AND MANAGEMENT

- 6.1 In this section.** This section describes site design and construction requirements for engineered structures designed to collect leachate or stormwater, including:

- Facility Design and Construction Plan;
- Construction requirements;
- Construction documents;
- Construction report submittal;
- Approval to use; and
- Submittal address.

- 6.2 Facility Design and Construction Plan.** Composting facilities that collect leachate or stormwater in engineered structures must comply with the requirements of OAR 340-096-0130 *Special Rules Pertaining to Composting: Leachate Collection Design and Management Requirements*. Structures subject to this Rule include, but are not limited to:

- Leachate collection and storage facilities;
- Stormwater collection and storage facilities;
- Constructed surfaces designed to protect groundwater

The permittee must contact DEQ prior to any site modification affecting these structures. DEQ may require the permittee to prepare and submit a modified Facility Design and Construction Plan, stamped by a

registered professional engineer. The permittee must receive written approval of the modified Facility Design and Construction Plan from DEQ **prior to commencing construction**.

- 6.3 Construction requirements.** The permittee must perform all construction in accordance with the approved plans and specifications, including all conditions of approval. Any amendments to those plans and specifications must be approved in writing by DEQ.
- 6.4 Construction documents.** Prior to initiating construction, the permittee must submit and receive written DEQ approval of complete construction documents for the project to be constructed. The construction documents submitted must:
- Define the construction project team;
 - Include construction contract documents specifying material and workmanship, and requirements to guide how the constructor is to furnish products and execute work; and
 - Include a Construction Quality Assurance (CQA) plan describing the measures that will be taken to monitor and ensure that the quality of materials and the work performed by the constructor complies with project specifications and contract requirements.
- 6.5 Construction report submittal.** **Within 90 days** of completing construction, the permittee must submit to DEQ a Construction Certification Report, prepared by a qualified independent party, to document and certify that all required components and structures have been constructed in compliance with the permit requirements and DEQ approved design specifications. This submittal must include "as constructed" facility plans which note any changes from the original approved plans.
- 6.6 Approval to use.** The permittee must not accept feedstocks for storage, processing or composting in newly constructed facilities or areas until DEQ has accepted the Construction Certification Report. If DEQ does not respond in writing to the Construction Certification Report within 30 days of its receipt, the permittee may accept feedstock at the facility in the newly constructed facilities or areas.
- 6.7 Submittal address.** All submittals to DEQ under this section must be sent to:
- Oregon Department of Environmental Quality
Manager, Materials Management and Solid Waste Program
700 NE Multnomah St, Suite 600
Portland, OR 97232**
- Or email to: DEQNWR.SolidWastePermitCoordinator@deq.state.or.us**
- Phone: (503) 229-5353**

COMPOSTING FACILITY GENERAL CONDITIONS

7.0 ADMINISTRATION

- 7.1 Definitions.** Unless otherwise specified, all terms are as defined in OAR 340-093-0030.
- 7.2 Property rights.** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.
- 7.3 DEQ liability.** DEQ, its officers, agents, or employees do not sustain any liability on account of the issuance of this permit or on account of the construction, maintenance, or operation of facilities pursuant to this permit.
- 7.4 Documents superseded.** This document is the primary composting permit for the facility, superseding all other solid waste permits issued for this facility by DEQ.

- 7.5 Permittee responsibility and liability.** Conditions of this permit are binding upon the permittee. The permittee must conduct all facility activities in compliance with the provisions of this permit. The permittee is liable for all acts and omissions of the permittee's contractors and agents in carrying out the operations and other responsibilities pursuant to this permit.
- 7.6 Access to disposal site.** The permittee must allow representatives of DEQ access to the facility at all reasonable times for the purpose of performing inspections, surveys, collecting samples, obtaining data and carrying out other necessary functions related to this permit.
- 7.7 Other compliance.** Issuance of this permit does not relieve the permittee from the responsibility to comply with any applicable federal, state, or local laws or regulations.
- 7.8 Penalties.** Violation of any condition of this permit or any incorporated plan may subject the permittee to civil penalties up to \$25,000 for each day of each violation (ORS 468.140).
- 8.0 PERMIT MODIFICATION**
- 8.1 Mid-term review.** At the mid-point of the life of the permit, DEQ may review the permit and determine whether or not the permit should be amended. While not an exclusive list, the following factors will be used in making that determination:
- Compliance history of the facility;
 - Changes in volume and/or composition of feedstock(s);
 - Changes in operations at the facility;
 - Changes in state or federal rules which should be incorporated into the permit;
 - Release of leachate to the environment from the facility; or
 - Significant changes to the DEQ-approved Design Plan or Operations Plan.
- 8.2 Modification.** At any time in the life of the permit, DEQ or the permittee may propose changes to the permit.
- 8.3 Modification and revocation by DEQ.** The director of DEQ may, at any time before the expiration date, modify, suspend, or revoke this permit in whole or in part in accordance with Oregon Revised Statute 459.255 for reasons including, but not limited to, the following:
- Violation of any terms or conditions of this permit or any applicable statute, rule, standard or order of the Environmental Quality Commission;
 - Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - A significant change in the quantity or character of feedstocks received;
 - Non-compliant operation of the composting site; or
 - A significant change in the composting process.
- 8.4 Modification by permittee.** The permittee must apply for a modification to this permit if a significant change in facility operations is planned or there is a deviation from activities described in this document. The permittee must not implement any change in operations that requires a permit modification prior to receiving approval from DEQ.
- 8.5 Public participation.** Significant changes to the permit will be made public by the issuance of a public notice as required by DEQ rules.
- 8.6 Changes in ownership or address.** The permittee must report to DEQ in writing any changes in either ownership of the composting site property or of the name and address of the permittee or operator within ten (10) days of the change.

9.0 SITE OPERATIONS

- 9.1 Containers.** The permittee must clean all containers on-site, as needed to maintain a sanitary operating environment, and to prevent malodors, unsightliness, and attraction of vectors including insects.
- 9.2 Vehicles.** All composting vehicles and devices operated by the permittee, and using public roads, must be constructed, maintained, and operated so as to prevent leaking, shifting, or spilling of feedstocks and finished compost while in transit.
- 9.3 Litter control.** Litter that results from the composting facility operation must be controlled such that the entire composting facility and adjacent lands are maintained virtually free of litter at all times. Any debris from the facility must be retrieved and properly disposed of as soon as possible during the same operational day.
- 9.4 Air quality.** Dust and malodors must be controlled in accordance with the DEQ rules on air pollution.

According to OAR 340-208-0450 no person may cause or permit the emission of particulate matter larger than 250 microns in size at sufficient duration or quantity as to create an observable deposition upon the real property of another person when notified by DEQ that the deposition exists and must be controlled.

- 9.5 Drainage.** The permittee must divert surface drainage around or away from feedstock handling and grinding areas and active composting areas. The permittee must maintain surface water diversion ditches or structures in a serviceable condition and free of obstructions and debris at all times. Any significant damage must be reported to DEQ and repairs made as soon as possible.
- 9.6 Leachate prevention/ management.** The permittee must operate the facility in a manner that deters leachate production to the maximum extent practicable. Leachate must be collected, removed and managed in a manner approved by DEQ.
- 9.7 Oil & Hazardous Material Spill Response.** Any spill of oil or hazardous material must be cleaned up immediately as described in the facility Operations Plan. In addition to notifying the appropriate DEQ office, if the spill is of a reportable quantity the permittee must immediately report the spill to the Oregon Emergency Response System (OERS), at 1-800-452-0311.

Reportable quantities include:

- Any amount of oil spilled to waters of the state;
 - Oil spills on land in excess of 42 gallons;
 - 200 pounds (25 gallons) of pesticide residue; or
 - Hazardous materials that are equal to, or greater than, the quantity listed in the Code of Federal Regulations, 40 CFR Part 302 (List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002. For a complete list of hazardous materials required to be reported, please refer to OAR 340-142-0050.
- 9.8 Public unloading area.** The area(s) used by the public for unloading of feedstocks must be clearly defined by signs, fences, barriers, or other devices.
- 9.9 Public Access.** Public access to the facility must be controlled, as necessary, to prevent unauthorized entry and dumping.
- 9.10 Legal control of property.** The permittee must maintain legal control of the composting site property, including maintaining a current permit, contract or agreement that allows the operation of the facility if the site is not owned by the permittee.
- 9.11 Fire protection.** Arrangements must be made with the local fire control agency to immediately acquire

their services when needed and adequate on-site fire control protection, as determined through the local fire control agency, must be provided. Fires must be immediately extinguished and reported to DEQ within 24 hours.

- 9.12 Signs.** The permittee must post signs at the facility which are clearly visible and legible, providing the following information: Name of composting facility, emergency telephone number, days and hours of operation, authorized and prohibited wastes, solid waste permit number, and operator's address.
- 9.13 Vector Control.** The permittee must provide rodent and insect control measures, as necessary, to prevent propagation, harborage or attraction of vectors including rodents, insects and birds.
- 9.14 Truck Covers.** The permittee must notify all incoming feedstock haulers that trucks must be covered or suitably cross-tied to prevent any load loss during transport, in conformance with OAR 340-093-0220.
- 9.15 Complaints.** The permittee must attempt to resolve all complaints it receives regarding facility operations by doing the following:
- Contact the complainant within 24 hours to discuss the problem;
 - Keep a record of the complaint, name and phone number of the complainant (when possible), date complaint was received and date and description of facility response; and
 - Immediately initiate procedures at the facility, when possible, to resolve the problem identified by the complainant.

For odor, litter or dust complaints, the permittee must report to DEQ as soon as complaints are received at the facility from five (5) different businesses and/or individuals about a given event or if an odor event lasts longer than 24 hours without resolution or mitigation.

- 9.16 Permit display.** The permittee must display this permit, or a copy thereof, where operating personnel can readily refer to it.

COMPLIANCE SCHEDULE

10.0 SUMMARY OF DUE DATES

10.1 Summary. The following is a summary of event-driven reporting required by this permit. This section does not include routine reporting and submittals required by this permit.

DUE DATE	ACTIVITY	RULE CITATION/ SECTION IN THIS PERMIT
Prior to accepting residential curbside collected food waste.	Submit plans for residential curbside collected food waste composting demonstration project and obtain DEQ written approval.	Permit section 1.2
Prior to accepting any new waste type.	Submit an updated operations plan and obtain DEQ written approval.	Permit section 1.5
60 days after issuance of the permit.	Submit an updated Operations Plan and Odor Minimization Plan	OAR 340-096-0090 Permit section 4.3 and 4.5
Six months prior to initiating any new construction for leachate or stormwater collection systems or groundwater protective surfaces.	Submit design and construction plans and receive written DEQ approval of plans.	OAR 340-096-0130 Permit section 6.2

Prior to initiating construction.	Submit construction documents, including a Construction Quality Assurance Plan and receive written DEQ approval.	OAR 340-096-0130 Permit section 6.4
Within 90 days after completion of any major construction and prior to accepting feedstock in new construction.	Submit Construction Certification Report for acceptance. Receive written DEQ approval of Report.	OAR 340-096-0130 Permit section 6.5
One year prior to closure.	Notify DEQ in writing.	
By July 31 of each year.	Submit 1200-Z NPDES stormwater permit sampling results.	Permit section 5.5

11.0 WHEN TO NOTIFY DEQ STAFF

Note: Contact DEQ staff at phone number listed in section 5.2, "Non-compliance reporting."

TOPIC	NOTIFICATION REQUIREMENTS	SECTION IN THIS PERMIT
Facility not able to meet requirements of this permit.	Contact DEQ for assessment.	All
Prohibited or hazardous waste discovered at facility.	Notify DEQ within 48 hours.	2.3
Conditions of permit violated.	Notify DEQ within 24 hours.	5.2
Leachate released from facility.	Notify DEQ within 24 hours.	5.3
Change in ownership of facility.	Notify DEQ in writing within 10 days.	8.6
Change in name or address of facility, name or address of permittee or name or address of operator.	Notify DEQ in writing within 10 days.	8.6
Odor complaints.	Notify DEQ after 5 complaints are received for same odor event or if odor persists unresolved after 24 hours.	9.15
Litter or dust complaints.	Notify DEQ after 5 complaints are received for an event.	9.15

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
 TEL 503 797 1835 | FAX 503 813 7544



METRO

SOLID WASTE FACILITY LICENSE
No. L-043-12A

LICENSEE:	FACILITY NAME AND LOCATION:
Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015	Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015
OPERATOR:	PROPERTY OWNER:
Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015	Grimm's Brothers, LLC. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015

This license replaces and supercedes the provisions of Metro Solid Waste Facility License No. L-043-12. Metro grants this license to the Licensee named above. The Licensee is authorized to operate and maintain a solid waste facility and to accept the solid waste and perform the activities authorized by and subject to the conditions stated in this license.

ISSUED BY METRO:

Roy W. Brower,
 Solid Waste Compliance & Cleanup Manager

1/15/15
 Date



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1.0	ISSUANCE	
1.1	Licensee	Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015
1.2	Contact	Jeff Grimm Tel: (503) 636-3623 E-mail: jefgfc@teleport.com
1.3	License number	When referring to this license, please cite: Metro Solid Waste Facility License Number L-043-12A.
1.4	Term	The term will commence on December 1, 2012 and shall expire at midnight on June 30, 2017 unless terminated sooner under Section 11.0 of this license.
1.5	Renewal	The Licensee may apply for a license renewal as provided in Metro Code Section 5.01.087.
1.6	Facility name and mailing address	Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062
1.7	Operator	Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015
1.8	Facility legal description	Tax Lot numbers 1800, 1900, 2100, 2190 and 2202 Section 21, Township 25, Range 1W Washington County, State of Oregon
1.9	Property owner	Grimm's Brothers LLC 18850 SW Cipole Road Tualatin, Oregon 97062
1.10	Permission to operate	The property owner is the owner/operator of the facility.



2.0	CONDITIONS AND DISCLAIMERS	
2.1	Guarantees	This license shall not vest any right or privilege in the Licensee to receive specific quantities of solid waste at the direction of Metro during the term of the license.
2.2	Non-exclusive license	This license shall not in any way limit Metro from granting other solid waste licenses within Metro's boundaries.
2.3	Property rights	This license does not convey any property rights in either real or personal property.
2.4	No recourse	The Licensee shall have no recourse whatsoever against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this license or because of the enforcement of the license or in the event Metro determines that the license or any part thereof is invalid.
2.5	Indemnity	The Licensee shall indemnify Metro, the Council, the Chief Operating Officer ("COO"), and any of their employees, or agents and save them harmless from any and all loss, damage, claim, expenses including attorney fees, or liability related to or arising out of the granting of this license or the Licensee's performance of or failure to perform any of the obligations under the license or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors.
2.6	Binding nature	This license is binding on the Licensee. The Licensee is liable for all acts and omissions of the Licensee's contractors and agents.
2.7	Waivers	To be effective, a waiver of any terms or conditions of this license must be in writing and signed by the COO.
2.8	Effect of waiver	Waiver of a term or condition of this license shall not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.9	Choice of law	The license shall be construed, applied, and enforced in accordance with the laws of the State of Oregon.
2.10	Enforceability	If a court of competent jurisdiction determines that any provision of this license is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this license shall not be affected.



2.11	License not a waiver	This license does not relieve any owner, operator, or the Licensee from the obligation to obtain all required permits, licenses, or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.12	License not limiting	This license does not limit the power of a federal, state, or local agency to enforce any provision of law relating to the facility.
2.13	Definitions	Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.01.

3.0	AUTHORIZATIONS	
3.1	Purpose	This section of the license describes the wastes that the Licensee is authorized to accept at the facility, and the waste-related activities the Licensee is authorized to perform at the facility.
3.2	General conditions on solid waste	The Licensee is authorized to accept at the facility only the solid wastes described in Section 3.0 of this license. The Licensee is prohibited from knowingly receiving any solid waste not authorized in this section.
3.3	General conditions on activities	The Licensee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0 of this license.
3.4	Acceptance of yard debris and leaves	The Licensee is authorized to accept source-separated yard debris and leaves that have not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The Licensee may accept yard debris for grinding, composting, the production of mulch, use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO.
3.5	Acceptance of incidental quantities of source-separated pre-consumer vegetative food waste	The Licensee is authorized to accept incidental quantities of source-separated pre-consumer vegetative food waste. The Licensee may accept incidental quantities of source-separated pre-consumer vegetative food waste for processing and production of compost as described in an operating plan and approved in writing by the COO.



3.6	Acceptance of incidental quantities of stable manure	The Licensee is authorized to accept incidental quantities of stable manure. The Licensee may accept incidental quantities of stable manure for processing and production of compost as described in an operating plan and approved in writing by the COO.
3.7	Acceptance of land clearing debris	The Licensee is authorized to accept land-clearing debris (e.g. brush and stumps). The Licensee may accept land clearing debris for grinding, composting, use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO.
3.8	Acceptance of untreated wood	The Licensee is authorized to accept source-separated, untreated and unpainted wood waste (e.g. untreated lumber and wood pallets). The Licensee may accept untreated wood waste for grinding, composting, for use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO.
3.9	Acceptance of painted and treated wood	<ol style="list-style-type: none"> 1. The Licensee is authorized to accept painted and treated wood waste, other than creosote-treated wood waste, for grinding and reloading to authorized facilities for use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO. 2. The Licensee shall not incorporate painted or treated wood into compost feedstocks, mulch, animal bedding, or any other product unless otherwise described in an operating plan and approved in writing by the COO. 3. Painted and treated wood shall be kept separated at all times from yard debris, leaves and untreated wood waste destined for composting or mulch. Signs shall clearly describe the different locations for painted and treated wood waste from other composting feedstock.
3.10	Production of hogged fuel	<ol style="list-style-type: none"> 1. As authorized by Section 3.0 of this license, the Licensee is authorized to accept and grind only yard debris, land clearing debris, untreated wood, painted wood, and treated wood for delivery to facilities with industrial boilers for use as hogged fuel. 2. Licensee is prohibited from mixing any other solid waste with the wood wastes described above in Section 3.10.1 for the production of hogged fuel.
3.11	Acceptance of inert materials	The Licensee is authorized to accept inert materials such as clean concrete, asphalt, rock and dirt for processing and reuse.



4.0 LIMITATIONS AND PROHIBITIONS		
4.1	Purpose	This section of the license describes limitations and prohibitions on the wastes handled at the facility and activities performed at the facility.
4.2	Prohibited waste	The Licensee shall not knowingly receive, process, reload or dispose of any solid waste not authorized in this license. The Licensee shall not knowingly accept or retain any material amounts of the following types of wastes: non-putrescible waste other than that specifically allowed in Section 3.0 of this license, putrescible waste, special wastes as defined in Metro Code Chapter 5.01, creosote-treated wood or timbers, materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; any waste prohibited by the DEQ.
4.3	Source-separated residential yard debris mixed with food waste	The Licensee shall not knowingly accept or retain source-separated residential yard debris mixed with food waste from municipal curbside collection programs.
4.4	No disposal of recyclable materials	The Licensee shall not transfer source-separated recyclable materials to a disposal site.
4.5	Limits not exclusive	This License shall not be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this license document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

5.0 OPERATING CONDITIONS		
5.1	Purpose	This section of the license describes criteria and standards for the operation of the facility.
5.2	Qualified operator	<ol style="list-style-type: none">1. The Licensee shall, during all hours of operation, provide an operating staff employed by the facility, and qualified and competent to carry out the functions required by this license and to otherwise ensure compliance with Metro Code Chapter 5.01.2. Facility personnel, as relevant to their job duties and



		<p>responsibilities, shall be familiar with the relevant provisions of this license and the relevant procedures contained within the facility's operating plan.</p> <p>3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is inadvertently received.</p>
5.3	Fire prevention	<p>The Licensee shall provide fire prevention, protection, and control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the processing and storage areas.</p>
5.4	Adequate vehicle accommodation	<p>The Licensee shall:</p> <ol style="list-style-type: none">1. Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. Access roads shall be maintained to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.2. Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles shall not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances.3. Post signs to inform customers not to queue on public roadways.4. Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site tarping and untarping of loads.
5.5	Managing prohibited wastes	<ol style="list-style-type: none">1. The Licensee shall reject prohibited waste upon discovery and shall properly manage and dispose of prohibited waste when inadvertently received.2. The Licensee shall implement a load-checking program to prevent the acceptance of waste that is prohibited by the license. This program must include at a minimum:<ol style="list-style-type: none">a) Visual inspection. As each load is tipped, a qualified operator shall visibly inspect the load to prevent the acceptance of waste that is prohibited by the license.b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are inadvertently received. Containment areas shall be covered and enclosed to prevent leaking and contamination.



		<p>c) Record maintenance. Records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste shall be maintained in the operating record and be available for review by Metro.</p> <p>3. Upon discovery, the Licensee shall remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the Licensees inadvertently receives shall be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by the DEQ or local government.</p>
5.6	Storage and exterior stockpiles	<p>The Licensee shall:</p> <ol style="list-style-type: none">1. Manage, contain, and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards;2. Maintain storage areas in an orderly manner and keep the areas free of litter;3. Position exterior stockpiles within footprints identified on the facility site plan or operating plan; and4. Not stockpile recovered or source-separated materials for longer than 180 days (6 months).
5.7	Dust, airborne debris and litter	<ol style="list-style-type: none">1. The Licensee shall operate the facility in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and shall prevent its migration beyond property boundaries.2. The Licensee shall:<ol style="list-style-type: none">a) Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit.b) Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.c) Maintain and operate all access roads and receiving, processing (including grinding), storage, and reload areas in such a manner as to minimize dust and debris generated on-site and prevent such dust and



		<p>debris from blowing or settling off-site.</p> <p>d) Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation.</p> <p>e) Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud, gravel or other debris off-site.</p> <p>f) Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, shall be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Section 5.09.040.</p>
5.8	Odor	<ol style="list-style-type: none">1. The Licensee shall operate the facility in a manner that prevents the generation of odors that are detectable off-site.2. The Licensee shall establish and follow procedures in the operating plan for minimizing odor at the facility.
5.9	Vectors (e.g. birds, rodents, insects)	<ol style="list-style-type: none">1. The Licensee shall operate the facility in a manner that is not conducive to the harborage of rodents, birds, insects, or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.2. If vectors are present or detected at the facility, the Licensee shall implement vector control measures.
5.10	Noise	<p>The Licensee shall operate the facility in a manner that prevents the creation of noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.</p>
5.11	Water contaminated by solid waste and solid waste leachate	<p>The Licensee shall operate the facility consistent with an approved DEQ stormwater management plan (or equivalent), and shall:</p> <ol style="list-style-type: none">a) Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation;b) Dispose of or treat water contaminated by solid



		waste generated onsite in a manner complying with local, state, and federal laws and regulations.
5.12	Access control	<ol style="list-style-type: none">1. The Licensee shall control access to the facility as necessary to prevent unauthorized entry and dumping.2. The Licensee shall maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
5.13	Signage	<p>The Licensee shall post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, and legible from off-site during all hours and shall contain at least the following information:</p> <ol style="list-style-type: none">a) Name of the facilityb) Address of the facility;c) Telephone number of facility;d) Emergency telephone number for the facility if different than that listed in subsection (c) above;e) Operating hours during which the facility is open for the receipt of authorized waste;f) Fees and charges;g) Metro's name and telephone number (503) 234-3000;h) A list of authorized and prohibited wastes;i) Vehicle / traffic flow information or diagram;j) Covered load requirements; andk) Directions not to queue on public roadways.
5.14	Nuisance complaints	<ol style="list-style-type: none">1. The Licensee shall respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and shall keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.2. If the facility receives a complaint, the Licensee shall:<ol style="list-style-type: none">a) Immediately investigate the complaint to determine the cause and promptly take corrective action in accordance with the facility's operating plan;b) Notify Metro at (503) 797-1835 within 24 hours of receipt of a complaint;



		<p>c) Attempt to respond to that complainant within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and</p> <p>d) Log all such complaints as provided by the recordkeeping and reporting standards. Each log entry shall be retained for one year and shall be available for inspection by Metro.</p>
5.15	Access to license document	The Licensee shall maintain a copy of this license on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.

6.0	OPERATING PLAN	
6.1	Purpose	This section lists the requirements associated with preparing and implementing a facility operating plan, and lists the procedures that must be included in the required facility operating plan.
6.2	Plan compliance	The Licensee must operate the facility in accordance with an operating plan approved in writing by the COO. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this license. The Licensee may amend or revise the operating plan from time to time, subject to written approval by the COO.
6.3	Plan maintenance	The Licensee shall submit an updated operating plan to the COO by January 1, 2013 as provided in Section 6.0 of this license. The Licensee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The Licensee must submit revisions of the operating plan to the COO for written approval prior to implementation.
6.4	Access to operating plan	The Licensee shall maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
6.5	Procedures for inspecting loads	<p>The operating plan shall establish:</p> <p>a) Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; and</p> <p>b) A set of objective criteria for accepting and rejecting loads.</p>



6.6	Procedures for processing and storage of loads	The operating plan shall establish procedures for: a) Processing authorized solid wastes; b) Reloading and transfer of authorized solid wastes; c) Managing stockpiles to ensure that they remain within the authorized volumes and pile heights; d) Storing authorized solid wastes; and e) Minimizing storage times and avoiding delay in processing of authorized solid wastes.
6.7	Procedures for managing prohibited wastes	The operating plan shall establish procedures for managing, reloading, and transporting to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan shall establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
6.8	Procedures for odor prevention	The operating plan shall establish procedures for preventing all objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include: a) A management plan that will be used to monitor and manage all odors of any derivation including malodorous loads delivered to the facility; and b) Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.
6.9	Procedures for dust prevention	The operating plan shall establish procedures for preventing dust from blowing off the premises of the facility. The plan must include: a) A management plan that will be used to monitor and manage dust of any derivation; and b) Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.
6.10	Procedures for emergencies	The operating plan shall establish procedures to be followed in case of fire or other emergency.



6.11	Procedures for nuisance complaints	<ol style="list-style-type: none"> 1. For every nuisance complaint (e.g. odor, dust, vibrations, litter) received, the Licensee shall record: <ol style="list-style-type: none"> a) The nature of the complaint; b) The date the complaint was received; c) The name, address and telephone number of the person or persons making the complaint; and d) Any actions taken by the operator in response to the complaint (whether successful or unsuccessful). 2. The Licensee shall make records of such information available to Metro upon request. The Licensee shall retain each complaint record for a period of not less than one year.
6.12	Closure protocol	<p>The Licensee shall establish protocol for closure and restoration of the site in the event of a cessation of operations as provided in Metro Code Section 5.01.060 (c)(3). The plan shall establish procedures for:</p> <ol style="list-style-type: none"> a) Short term closure (duration of time that is more than seven consecutive days but less than 30 consecutive days in length); and b) Long term closure (duration of time that is 30 consecutive days or more in length).
6.13	Financial assurance	<p>The Licensee has certified that the cost to implement a closure plan will be less than \$10,000, therefore the financial assurance requirement is waived as provided in Metro Code Section 5.01.060(c)(4).</p>

7.0	FEES AND RATE SETTING	
7.1	Purpose	This section of the license specifies fees payable by the Licensee, and describes rate regulation by Metro.
7.2	Annual fee	The Licensee shall pay an annual license fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the license fee at any time by action of the Metro Council.
7.3	Rates not regulated	The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro.
7.4	Metro fee and tax imposed on disposal	The Licensee is liable for payment of the Metro Regional System Fee, as provided in Metro Code Title V, and the Metro Excise Tax, as provided in Metro Code Title VII, on all solid wastes delivered to a disposal site.



8.0		RECORD KEEPING AND REPORTING
8.1	Purpose	This section of the license describes the record keeping and reporting requirements. The Licensee shall effectively monitor facility operation and maintain accurate records of the information described in this section.
8.2	Record keeping requirements	For all materials the Licensee is authorized to receive under Section 3.0 of this license, the Licensee shall keep and maintain complete and accurate records of the amount and ultimate disposition of all such materials the Licensee receives, reloads, recovers for delivery for reuse or recycling markets, and disposes.
8.3	Reporting requirements	Licensee shall report to Metro the records required under Section 8.2 of this license no later than 15 days following the end of each month in the form and format prescribed by Metro. The report shall be certified as accurate by an authorized representative of the Licensee.
8.4	DEQ submittals	The Licensee shall provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this license within two business days of providing such information to DEQ.
8.5	Copies of enforcement actions provided to Metro	Licensee shall ensure Metro receives copies of any notice of violation or non-compliance, citation, or any other similar enforcement actions issued to the Licensee by any federal, state, or local government other than Metro, and related to the operation of the facility.
8.6	Unusual occurrences	<ol style="list-style-type: none">1. The Licensee shall keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.2. If a breakdown of the Licensee's equipment occurs that will substantially impact the ability of the facility to remain in compliance, or create off-site impacts, the Licensee shall notify Metro within 24 hours.3. Licensee shall report any facility fires, accidents, emergencies, and other significant incidents to Metro at 503-234-3000 within 12 hours of the discovery of their occurrence.



8.7	Changes in ownership	The Licensee may not lease, assign, mortgage, sell or otherwise transfer control of the license unless the Licensee follows the requirements of Metro Code Section 5.01.090.
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9.0	INSURANCE REQUIREMENTS	
9.1	Purpose	This section describes the types of insurance that the Licensee shall purchase and maintain at the Licensee's expense, covering the Licensee, its employees, and agents. Licensee shall provide Metro with certification of all insurance coverage required in Section 9.0.
9.2	General liability	The Licensee shall carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than \$1,000,000 per occurrence and \$1,000,000 aggregate. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. Contractor's coverage will be primary as respects Metro.
9.3	Automobile	The Licensee shall carry automobile bodily injury and property damage liability insurance.
9.4	Coverage	Insurance coverage shall be a minimum of \$1,000,000 per occurrence and \$1,000,000 aggregate.
9.5	Additional insureds	Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED.
9.6	Worker's Compensation Insurance	The Licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. The Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If the Licensee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
9.7	Notification	The Licensee shall give at least 30 days written notice to the COO of any lapse or proposed cancellation of insurance coverage.



10.0 ENFORCEMENT	
10.1	Generally Enforcement of this license shall be as specified in Metro Code Chapter 5.01.
10.2	Authority vested in Metro The power and right to regulate, in the public interest, the exercise of the privileges granted by this license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against Licensee.
10.3	No Enforcement Limitations This license shall not be construed to limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor shall this license be construed or interpreted so as to limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the Licensee's operation of the facility.
10.4	Penalties Each violation of a license condition shall be punishable by penalties as established in Metro Code Chapter 5.01. Each day that a violation continues constitutes a separate violation.

11.0 AMENDMENT, MODIFICATION, SUSPENSION, AND REVOCATION	
11.1	Amendment At any time during the term of the license, either the COO or the Licensee may propose amendments to this license. The COO has the authority to approve or deny any such amendments provided that the activities authorized in the amended license do not require a Metro Solid Waste Facility Franchise under Metro Code Chapter 5.01. When applicable, the Licensee shall comply with Metro Code Section 5.01.095. No amendment pursuant to this section shall be effective unless in writing and executed by the COO.
11.2	Modification, suspension or revocation by Metro The COO may, at any time before the expiration date, modify, suspend, or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to: <ul style="list-style-type: none">a) Violation of the terms or conditions of this license, Metro Code, or any applicable statute, rule, or standard;



		<ul style="list-style-type: none"> b) Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license; c) Failure to disclose fully all relevant facts; d) A significant release into the environment from the facility; e) Significant change in the character of solid waste received or in the operation of the facility; f) Any change in ownership or control, excluding transfers among subsidiaries of the Licensee or Licensee's parent corporation; g) A request from the local government stemming from impacts resulting from facility operations; and h) Compliance history of the Licensee.
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12.0	GENERAL OBLIGATIONS	
12.1	Compliance with law	The Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility shall be deemed part of this license as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the license document, as well as any existing at the time of the issuance of the license but not cited or attached, and permits or conditions issued or modified during the term of the license.
12.2	Deliver waste to appropriate destinations	The Licensee shall ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits;
12.3	Right of inspection and audit	1. Authorized representatives of Metro may take photographs, collect samples of materials, and perform such inspection or audit as the COO deems appropriate, and shall be permitted access to the premises of the facility at all reasonable times during business hours with or without notice or at such other



		<p>times upon giving reasonable advance notice (not less than 24 hours).</p> <ol style="list-style-type: none">2. Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law.3. Subject to the confidentiality provisions in Section 12.4 of this license, Metro's right to inspect shall include the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of Licensee that are directly related to the operation of the Facility.
12.4	Confidential information	<p>The Licensee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the Licensee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The Licensee shall prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro shall treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five (5) days of Metro's receipt of a request for disclosure of information identified by Licensee as confidential, Metro shall provide Licensee written notice of the request. The Licensee shall have three (3) days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. The Licensee shall pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. This Section 12.0 shall not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, such representatives agree to continue to treat such information as confidential and make good faith efforts not to disclose such information.</p>



12.5	Compliance by agents	The Licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this license.
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1994

B-5 GRIMMS CUP 1994

RESOLUTION NO. 3035-94

A RESOLUTION GRANTING A CONDITIONAL USE (CUP-94-11) TO OPERATE A RESOURCE RECOVERY FACILITY IN A GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 18850 SW CIPOLE ROAD (2S1 21A, TAX LOTS 1800 AND 1900)

WHEREAS a public hearing was held before the City Council of the City of Tualatin on November 28, 1994, upon the application of Rodney and Jeff Grimm of Grimm's Fuel Company, for a conditional use permit to allow operation of a resource recovery facility in a General Manufacturing (MG) Planning District at 18850 SW Cipole Road, upon real property described as:

Tax Map: 2S1 21A Tax Lots: 1800 and 1900, Washington County, Oregon.

WHEREAS notice of public hearing was given as required under the provisions of the Tualatin Development Code by mailing a copy of the notice to property owners located within 300 feet of the property, which is evidenced by the attached Affidavit of Mailing marked "Exhibit A," which is incorporated by reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicants, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application with all Councilors voting in favor; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its Findings of Fact the attached City staff report, dated November 28, 1994, marked as "Exhibit B," and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact the Council finds that the applicants have provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use for a resource recovery facility is in the best interests of the residents and inhabitants of the City, the applicants, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Subject to the conditions set forth in Section 2, the applicants, Rodney and Jeff Grimm of Grimm's Fuel Company,

B-5 GRIMMS CUP 1994

are granted a conditional use permit to operate a resource recovery facility in a General Manufacturing (MG) Planning District at 18850 SW Cipole Road (2S1 21A Tax Lots 1800 and 1900).

Section 2. The conditional use granted under Section 1 is subject to the following condition:

1. The applicant shall submit by March 30, 1995, an application for Architectural Review approval of the improvements cited in Finding #3 of the staff report.

2. The conditional use permit shall be for a resource recovery facility located on Tax Lots 1800 and 1900 of Washington County Assessor's Map 2S121A. Any expansion of the resource recovery operation onto the properties known as Tax Lots 2100 and 2202 on Assessor Map 2S121A will require conditional use approval.

3. The applicant shall conduct the resource recovery operation in a manner that minimizes or prevents dust impacts on the residential areas located north of SW Pacific Drive and on properties in the MP District.

4. The applicant shall conduct the resource recovery operation in a manner that minimizes or prevents conditions that produce odor impacts on the residential areas located north of SW Pacific Drive and neighboring properties. These measures shall include procedures for quickly processing yard debris material brought onto the site and managing the size, location, and spacing of compost piles to facilitate mixing and aeration. Fire protection and dust conditions shall also be considered in managing the material piles.

5. The applicant shall submit a landscaping and site plan with the AR required in Condition #1 to provide adequate screening as a visual buffer from public view.

6. The applicant shall submit to the City an application by September 30, 1997, for Council review of compliance with the conditions of approval for the conditional use permit.

INTRODUCED AND ADOPTED this 12th day of December, 1994.

CITY OF TUALATIN, Oregon

By [Signature]
Mayor

ATTEST:

By [Signature]
City Recorder

1998

B-5 GRIMMS CUP 1997

RESOLUTION NO. 3419-98

A RESOLUTION GRANTING THE MODIFICATION OF THE CONDITIONS OF APPROVAL FOR A CONDITIONAL USE (CUP-94-11) THROUGH CUP-97-03 TO ALLOW A RESOURCE RECOVERY FACILITY IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT

WHEREAS, upon the application of Grimm's Fuel Co., a public hearing was open on November 24, 1997, continued to January 12, 1998 and again to March 9, 1998, when the hearing was held to review compliance with the conditions of approval of a Conditional Use Permit (CUP-94-11) to allow a resource recovery facility in the General Manufacturing (MG) Planning District at 18850 SW Cipole Rd (2S1 21A 1800 & 1900). A legal description of this property is attached as "Exhibit A".

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit B," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a unanimous vote, with Councilors Cain, Forrest, Green, Lamb and Weller present; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the City staff report, dated March 9, 1998, marked "Exhibit D," and the Yard Debris Composting Facility License, dated December 23, 1997, marked "Exhibit E; attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit to allow operation of a resource recovery facility in a General Manufacturing (MG) Planning District at 18850 SW Cipole Road is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

COPY

B-5 GRIMMS CUP 1997

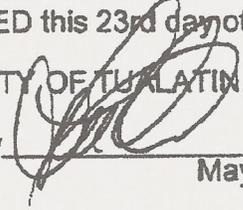
Section 1. The applicant, Grimm's Fuel Co., is hereby granted a conditional use permit to allow a resource recovery facility in the General Manufacturing (MG) planning district at 18850 SW Cipole Rd (2S1 21A 1800 & 1900).

Section 2. The conditional use granted under Section 1 is subject to the following condition:

1. Grimm's Fuel shall construct a permanent water quality facility that meets the SWM requirements and is adequate to serve the Cipole Road site. The facility shall be completed and operational by June 30, 1998.

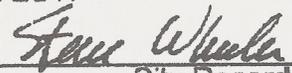
INTRODUCED AND ADOPTED this 23rd day of March, 1997

CITY OF TURLATIN, Oregon

By 

Mayor

ATTEST:

By 

City Recorder

B-5 GRIMMS CUP 2011

RESOLUTION NO. 5072-11

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR GRIMM'S FUEL COMPANY MODIFYING AN EXISTING CONDITIONAL USE PERMIT FOR A RESOURCE RECOVERY OPERATION (CUP-97-03) WITHIN THE GENERAL MANUFACTURING PLANNING DISTRICT AT 18850 CIPOLE ROAD (TAX MAP 2S1 21A, TAX LOTS 1800 & 1900) (CUP 11-03).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on October 10, 2011, upon the application of Grimm's Fuel Company; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 1,00 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 6-0] with Councilor Bubenik absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated October 10, 2011, marked "Exhibit C," attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council agrees with staff recommendations.

Section 2. Grimm's Fuel Company is granted a Conditional Use Permit that would modify an existing conditional use permit for a resource recovery operation (approved in CUP-97-03) to add composting of residential food scrap material collected at curbside with yard debris by municipal franchise haulers at the Grimm's Fuel

B-5 GRIMMS CUP 2011

Company facility located in the General Manufacturing Planning District at 18850 SW Cipole Road (Tax Map 2S1 21A, Tax Lots 1800 & 1900, subject to the following conditions:

1. The Grimm's Fuel Company resource recovery use for composting food scraps shall be limited to receiving material only from authorized residential food waste program sources from municipalities in the Metro region and collected by the municipalities' authorized franchise waste and recycling haulers.

2. Grimm's Fuel Company shall obtain authorization from Metro and from Oregon Department of Environmental Quality prior to accepting food waste for resource recovery composting at the subject property. If Grimm's Fuel Company loses or defaults on a permit authorization, no residential food scrap materials may be accepted or processed as the subject facility.

3. In response to the applicant's request for a limited exception to restrictions on receiving and composting commercial food waste, after a period of 2 years from the issuance of CUP-11-03 and with notice to the City of Tualatin Community Development Department and neighboring property owners, Grimm's Fuel may participate in a Metro-sponsored "Pilot Project to compost food waste from local commercial sources such as a restaurant or grocery. Beyond the completion of a Pilot Project and if Grimm's Fuel Company seeks to add commercial food waste material to the resource recovery operation approved in CUP-11-03, conditional use permit approval shall be obtained.

4. Grimm's Fuel Company or its successors shall remain in compliance with all conditions of approval of conditional use permit CuP-97-03 and Architectural Reviews for the subject property and all requirements of the Tualatin Development Code Chapter 63, Manufacturing Planning Districts – Environmental Regulations.

5. Applicant shall prepare and submit an odor mitigation program that documents existing efforts and identifies how to mitigate future complaints about odor. If there are unresolved odor complaints as verified by City staff, then the City Council may hold a hearing to determine whether the CUP should be allowed to remain as is, be modified with additional conditions, or revoked.

INTRODUCED AND ADOPTED this 24th day of October, 2011.

CITY OF TUALATIN, Oregon

By [Signature]
Mayor

APPROVED AS TO LEGAL FORM

[Signature]
Brenda L. Brader
CITY ATTORNEY

ATTEST:

By [Signature]
City Recorder



April 23, 2018

Audrey O'Brien
Manager, Environmental Partnerships Section
Oregon Department of Environmental Quality
Via Email: Audrey.Obrien@state.or.us

Hila Ritter
Solid Waste Authorization Coordinator
Metro
Via Email: Hila.Ritter@oregonmetro.gov

RE: Applicability of 2014 OFC Section 2808 to Existing Compost Facilities

Ms. O'Brien and Ms. Ritter,

TVF&R was asked by the Department of Environmental Quality (DEQ) and Metro to make a formal determination as to whether 2014 Oregon Fire Code Section 2808 applies to existing outdoor yard waste and recycling (composting) facilities. Among other provisions, OFC 2808 limits the size (height, width and length) of compost piles due to the fire hazard and potential for spontaneous combustion.

Since TVF&R, DEQ and Metro all regulate composting facilities, it is important to have a common understanding of applicable regulations to avoid conflicting requirements being imposed on facility owners. Therefore, TVF&R is providing this formal determination on the applicability of OFC 2808.

DETERMINATION:

2014 OFC Section 2808 applies to all outdoor operations involving storage or processing of wood chips, hogged materials, fines, compost and raw material associated with yard waste and recycling facilities. This section is applicable to all such facilities, whether new or existing, and regardless of the date operations started. This applicability includes Section 2808.3, which limits pile sizes to 25 feet in height.

ANALYSIS:

OFC 2808 does not specify whether it applies retroactively to existing facilities, or if it applies only to facilities constructed after the requirement first went into effect (1991 UFC). This is typical of the model fire code, which does not specify applicability of every individual code section. Instead, it is addressed in the *Scope and Administration* chapter under *Section 102 Applicability*.

OFC Section 102 indicates that code provisions are either: *Construction or design provisions*, which apply to facilities arising after the adoption of the code (new facilities); or “Administrative, operational and maintenance provisions” which applies to “existing conditions and operations”.

Outdoor storage of wood chips, compost and related materials does not involve construction or design of a facility and therefore is not regulated as a *construction or design provision*. This determination is supported in the 2012 IFC Commentary which states that 102.1 applies to “*installation of fire protection systems; drainage and secondary containment facilities for hazardous materials; fire resistive construction and the activities stated in Section 105.7 for which a construction permit is required.*” Outdoor pile storage does not relate to construction and design of a structure, does not fit within the range of examples provided in the commentary, and it is not regulated under Construction Permits in 105.7. Therefore, such storage is not considered a construction and design provision.

By default, if it is not a *construction and design provision*, then it is an *administrative, operational and maintenance provision*. This is further supported by the fact that storage of wood chips and related materials are included in Section 105.6 as an “Operational Permit” as opposed to a “Construction Permit” providing additional clarity that is in fact an *administrative, operational and maintenance provision* under the Oregon Fire Code.

As part of our review process, an informal interpretation was requested from the Office of the State Fire Marshal (OSFM). Their interpretation resulted in the same conclusion as TVF&R – that OFC 2803 is an *administrative, operational and maintenance provision*, which is applicable to both new and existing facilities.

APPLICABILITY:

Based on this determination, TVF&R will apply OFC 2808 to storage and processing of wood chips, hogged materials, fines, compost and raw product associated with yard waste and recycling facilities regardless of when the operation started. This includes limiting pile sizes to 25 feet in height and 250 feet in length and width. Increased pile size could be allowed if additional fire protection is provided, however this is subject to a fact-specific review and approval by TVF&R under OFC 2808.3.

To the extent this determination adversely impacts any existing composting facilities within TVF&R’s jurisdiction, our staff will work with the facility to develop a compliance plan that provides a reasonable amount of time to make changes. The time allotted to achieve compliance will be determined on a case-by-case basis taking into consideration the magnitude of the changes to the impacted facility, potential hazard, incident history and other factors as appropriate.

If you have any questions, please feel free to contact me at (503) 259-1429.

Sincerely,



Stephen A. Forster
Division Chief | Fire Marshal



May 2, 2018

Jeff Grimm
Grimm's Fuel Company
18850 SW Cipole Rd.
Tualatin, OR 97062

Re: FIRE CODE CORRECTION NOTICE
Pile dimensions - Outdoor yard waste and recycling materials

Mr. Grimm,

This letter is a follow-up to our onsite meeting at your facility on April 25, 2018. Per our discussion, Tualatin Valley Fire & Rescue has determined that your facility is in violation of section 2808.3 of the 2014 edition of the Oregon Fire Code as it relates to the maximum pile size of outdoor storage of wood chips, hogged materials, compost and raw product associated with yard waste and recycling materials currently stored on your property.

Therefore, TVF&R is ordering the following correction to the pile sizes of wood chips, hogged materials, compost and raw product materials as follows:

- Reduce piles to a maximum of 40ft in height by Dec 31, 2018. (Phase 1)
- Reduce piles to a maximum of 25ft in height, 250ft in length and 150ft in width by April 30, 2019. (Phase 2/Final)

Piles shall be separated by a minimum of 20 feet to allow for fire apparatus access to piles in accordance with OFC 2808.4.

TVF&R will conduct follow-up inspections to verify compliance based on the above timelines.

If you have questions or need further clarification, please contact me at (503) 649-8577.

Sincerely,

A handwritten signature in blue ink that reads "Ty Darby".

Ty Darby
Deputy Fire Marshal

Cc: Steve Forster, Fire Marshal
Kate Stoller, Asst. Fire Marshal
File