

Memo




Metro

600 NE Grand Ave.
Portland, OR 97232-2736

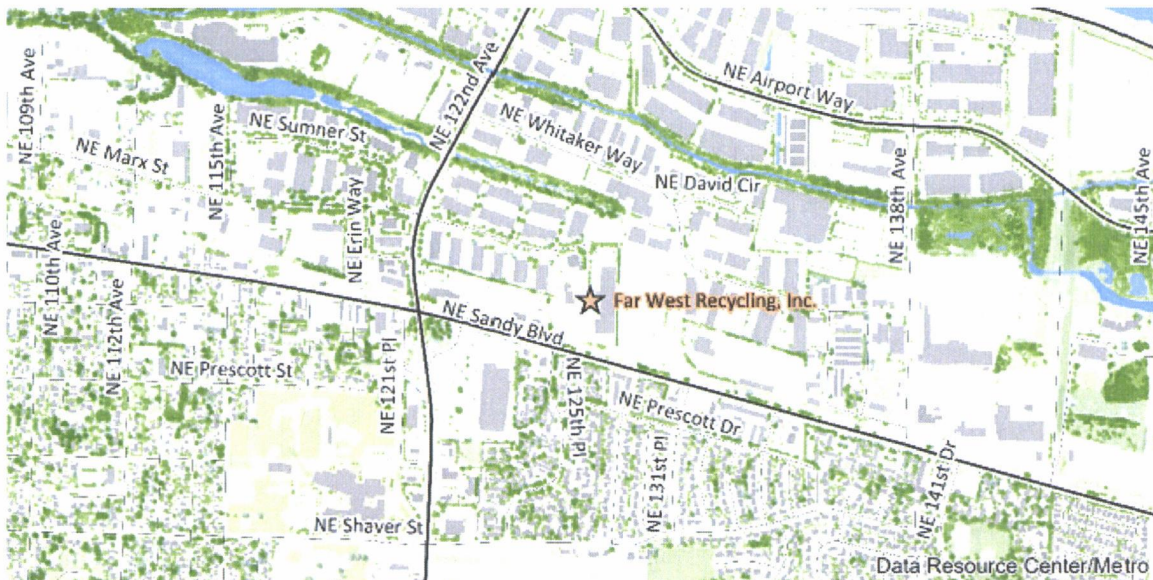
DATE: December 31, 2018

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

FROM: Will Ennis, Senior Solid Waste Planner 

RE: Issuance of new Solid Waste Facility License No. L-051-19 for Far West Recycling – NE Portland

Attached for your signature is new Solid Waste Facility License No. L-051-19 authorizing Far West Recycling – NE Portland (Far West Recycling) to receive and process source-separated recyclable materials at their facility located at 12820 NE Marx Street in Portland (Metro District 5). This memo provides background information on the applicant's request and recommends that Metro issue a new license to Far West Recycling to accept and process source-separated recyclable materials.



Far West Recycling is located at 12820 NE Marx Street in Portland

BACKGROUND

Metro is tasked with planning, management, and oversight of the region's solid waste system, and has an obligation to the public to ensure the waste intended for reuse, recycling and other purposes is handled properly and sent to appropriate markets, and that all other waste is safely managed and disposed.

Historically, Metro Code exempted from licensing certain material recovery facilities that exclusively receive non-putrescible source-separated recyclable materials that are collected through a curbside residential or commercial collection program. However, it was determined that collection methods, material composition, and market conditions for source-separated recyclable materials changed significantly since Metro initially established that regulatory exemption. These significant changes

over the years have resulted in greater potential for material degradation at recovery facilities and adverse impacts on neighboring communities.

In December 2015, Metro's Solid Waste Alternatives Advisory Committee (SWAAC) commissioned a subcommittee to consider whether material recovery facilities that receive source-separated recyclable materials should be subject to Metro's licensing and inspection requirements similar to that of other solid waste facilities. SWAAC was also charged with identifying which licensing requirements were appropriate for such material recovery facilities.

The 15-member subcommittee, comprised of industry, local government, nonprofit, and general public representatives, held a series of meetings throughout 2016-17 and recommended that Metro establish regulatory requirements for material recovery facilities that receive and process source-separated recyclable materials. The subcommittee's recommendation was subsequently endorsed by SWAAC.

In November 2017, Metro Council adopted Ordinance No. 17-1411 which amended Metro Code Chapter 5.01 (Solid Waste Facility Regulation) to establish licensing requirements for certain facilities that receive and process source-separated recyclable materials, and exempt certain conversion technology and specific material recycler facilities from licensing. Far West Recycling is one of six recycling facilities in the Metro region that are subject to the licensing requirements and must obtain Metro authority to operate by January 1, 2019.

THE APPLICANT



Far West Recycling is located at 12820 NE Marx Street in Portland

The applicant, Far West Recycling, is a locally owned and operated recycling facility located at 12820 NE Marx Street in Portland. The facility has operated in that location since 1993. The facility's parent company, Far West Fibers, also owns and operates a similar facility in Hillsboro that is subject to the same authorization and operating requirements. Both facilities receive source-separated residential and commercial recyclables, including corrugated cardboard, plastics, metals, and electronics, for classification and baling for both domestic and international markets.

On August 23, 2018, Far West Recycling submitted a complete application to Metro requesting a new Solid Waste Facility License accompanied by a payment of \$300. The property on which the facility is located is zoned IG2 (general industrial) by the city of Portland and the proposed use is allowed by right in this zone according to the Land Use Compatibility Statement (LUCS) signed by a representative of the City.

Under Metro Code Section 5.01.080, the proposed license is to be approved or denied by the Chief Operating Officer (COO). On October 9, 2017, the COO delegated authority to the Solid Waste Information Compliance and Cleanup (SWICC) Director to determine whether to approve or deny these types of applications. As such, the SWICC Director is authorized to grant this license.

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

On September 17, 2018, Metro issued public notice of the license application and provided an opportunity for the public to submit comments. Public notice was mailed to about 1200 property owners, businesses and residents located within approximately one quarter of a mile from Far West Recycling's facility. Notice was also posted on the Metro website and emailed to a list of Metro-area stakeholders that have a general interest in solid waste issues. The public comment period ended on October 17, 2018. Metro received two comments regarding the license application (see attached). Both comments were generally supportive of the facility and its now closed public recycling depot. The applicant declined to respond to the comments.

METRO CODE REQUIREMENTS

Metro Code states that an applicant seeking to obtain a solid waste facility license must participate in a pre-application conference with Metro before submitting an application. Far West Recycling participated in a pre-application conference with Metro on July 10, 2018. Far West Recycling subsequently submitted to Metro a complete license application and the appropriate application fee of \$300. The application was deemed complete on August 28, 2018.

5.01.070 Applications for Licenses

A license application must also include the following information:

- 1) *Proof that the applicant can obtain the types of insurance specified by the Chief Operating Officer during the license term;*

Far West Recycling has provided documentation demonstrating that it has met Metro's insurance requirements.

- 2) *A copy of all applications for necessary DEQ permits, any other information required by or submitted to DEQ, and a copy of any DEQ permits;*

Far West Recycling has provided copies of all necessary information and permits required by DEQ.¹

¹ DEQ NPDES Stormwater Discharge Permit (1200-COLS)

- 3) *A copy of any closure plan that DEQ requires, including documents demonstrating financial assurance for the costs of closure. If DEQ does not require a closure plan, the applicant must provide a closure document describing closure protocol for the solid waste facility at any point in its active life;*

Far West Recycling has provided the necessary closure plan.

- 4) *Signed consent by the property owner(s) agreeing to the proposed property use. The consent must also disclose the applicant's property interest and the duration of that interest. The consent must include a statement that the property owner(s) have read and agree to be bound by the provisions of Section 5.01.320(f) if Metro revokes the license or refuses any license renewal;*

The applicant is the sole owner of the property on which the facility is located.

- 5) *Proof that the applicant has received proper land use approval; or, if the applicant has not obtained land use approval, then a written recommendation of the planning director of the local governmental unit having land use jurisdiction regarding new or existing disposal sites, or alterations, expansions, improvements or changes in the method or type of disposal at new or existing disposal sites. The recommendation may include, but is not limited to, a statement of compatibility of the site, the solid waste disposal facility located thereon and the proposed operation with the acknowledged local comprehensive plan and zoning requirements or with the statewide planning goals of the Land Conservation and development Commission;*

Far West Recycling provided a copy of a LUCS signed by a representative of the city of Portland stating that the proposed use of the site is allowed outright. Far West Recycling has provided the necessary land use approval.

- 6) *Any current permit and a list of anticipated permits that a governmental agency may require. If the applicant has previously applied for a permit, the applicant must provide a copy of that permit application and any permit that any other government agency granted.*

Far West Recycling has provided copies of all necessary permits.

STAFF RECOMMENDATION

Staff recommends issuing new Solid Waste Facility License No. L-051-19 to Far West Recycling authorizing it to accept and process source-separated recyclable materials. The proposed license becomes effective on January 1, 2019, and expires on September 30, 2023. A copy of the proposed license is attached for your signature.

From: Metro Solid Waste Compliance
To:
Subject: RE: Far West Recycling NE Marx
Date: Thursday, September 20, 2018 4:46:00 PM

Hello,

Thank you for this comment, it will be recorded. Metro will formally respond to comments at the close of the comment period in the staff report, which will be available on the [website](#).

Thanks,

*Hila

Hila Ritter

Solid Waste Authorization Coordinator
Property and Environmental Services

My gender pronouns: she, her, hers.

Metro | oregonmetro.gov
600 NE Grand Ave.
Portland, OR 97232-2736
503-797-1862

From: **Sent:** Thursday, September 20, 2018 4:43 PM
To: Metro Solid Waste Compliance <SWICC@oregonmetro.gov>
Subject: Far West Recycling NE Marx

In response to the postcard you sent out about licensing Far West Recycling, YES, and as soon as possible. Many people in my community (Riverwood Condos on NE 125th Place) have been wondering when this company would be open again. Many of us are not comfortable with curbside recycling. For me, junk mail with my name and address on it is something I felt safer leaving at Far West. That junk mail is currently going into my garbage can and I feel quite guilty about it. Having to separate out glass for curbside pickup is another annoyance, and at Far West there's a bin waiting for it. Thank you. , NE Portland.

From: Metro Solid Waste Compliance
To:
Subject: RE: License for Far West Recycling
Date: Tuesday, October 02, 2018 12:14:00 PM

Hello,

Thank you for this comment, it will be recorded. Metro will formally respond to comments at the close of the comment period in the staff report, which will be available on the [website](#).

Thanks,

*Hila

Hila Ritter

Solid Waste Authorization Coordinator
Property and Environmental Services

My gender pronouns: she, her, hers.

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From:

Sent: Friday, September 28, 2018 5:55 PM

To: Metro Solid Waste Compliance <SWICC@oregonmetro.gov>

Subject: License for Far West Recycling

As a nearby property owner, at NE Whitaker Way, I received a public notice that Far West Recycling is now required to have a Metro license to operate its facility on NE Marx St. I support the issuance of a license for the facility. Their past operation has not impacted our property at all, other than being a real convenience when they had the community recycling center open. I am sorry that it is not still open, although they still take electronics, which is good.

Hila Ritter

From: Vinod Singh <vsingh@farwestrecycling.com>
Sent: Thursday, November 29, 2018 11:45 AM
To: Hila Ritter
Subject: RE: Public Comments Received Re: Solid Waste License Application (Hillsboro)

Hi Hila, here is our response.

To interested parties,

We are writing in response to the comments made to Metro during the recent public comment period. We appreciate the positive and critical feedback from our neighbors and are conscious of our impacts on the surrounding area.

When we established our recycling facility in 1999 there were no immediate neighbors to the south of the building. However, we are aware that with the addition of homes in such close proximity to our facility there are new considerations when trying to be a good neighbor. We have made changes throughout the years, mechanically and operationally to reduce our impact. For example, we have made mechanical changes such as switching our front loader back up alarms from beepers to white noise generators. Operationally, we have restricted outdoor operations during non-peak hours to limit the sounds of loading and unloading recyclable materials. We do process recyclable materials 24 hours a day and often on the weekend, but try to limit outdoor activity during the non-peak hours.

In response to the recent comments, we have reminded our employees and customers of the restrictions regarding loading or unloading materials overnight or very early in the morning. We have also replaced the damaged panels on the back of our building to improve the cosmetics of the building. It is our intention to be a good neighbor and continue to help recover recyclable materials. Again, we appreciate both the positive and critical comments. We encourage productive dialog for opportunities to improve.

Thank you,

Far West Recycling

Vinod Singh
Far West Recycling
Office# 503-200-5014 ~ Cell# 503-572-2985 ~ Fax# 503-200-5426
www.farwestrecycling.com

This email may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you received this email in error, please delete the message and any attachments from your system.

From: Hila Ritter [mailto:Hila.Ritter@oregonmetro.gov]
Sent: Wednesday, November 28, 2018 4:22 PM

To: Vinod Singh <vsingh@farwestrecycling.com>

Subject: RE: Public Comments Received Re: Solid Waste License Application (Hillsboro)

Hi Vinod,

I did not receive a response to public comments from you by November 9. A response is not required, I just want to confirm that FWR is not submitting a response, correct?

Please let me know if you would like to discuss further.

Thanks,

*Hila

Hila Ritter

Solid Waste Authorization Coordinator
Property and Environmental Services

My gender pronouns: she, her, hers.

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From: Vinod Singh [mailto:vsingh@farwestrecycling.com]

Sent: Wednesday, October 31, 2018 2:31 PM

To: Dan Blue <Dan.Blue@oregonmetro.gov>

Cc: Hila Ritter <Hila.Ritter@oregonmetro.gov>

Subject: RE: Public Comments Received Re: Solid Waste License Application (Hillsboro)

Yes, please send the videos.

Thanks,

Vinod Singh
Far West Recycling
Office# 503-200-5014 ~ Cell# 503-572-2985 ~ Fax# 503-200-5426
www.farwestrecycling.com

This email may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you received this email in error, please delete the message and any attachments from your system.

From: Dan Blue [mailto:Dan.Blue@oregonmetro.gov]

Sent: Wednesday, October 31, 2018 2:21 PM

To: Vinod Singh <vsingh@farwestrecycling.com>

Cc: Hila Ritter <Hila.Ritter@oregonmetro.gov>

Subject: Public Comments Received Re: Solid Waste License Application (Hillsboro)

Hello Vinod,

Attached are the 4 comments Metro received during the public comment period regarding the application Far West Recycling submitted to Metro for your Hillsboro facility. We have redacted names and contact information for these comments.

If you would like to respond to comments, please submit the response to Hila Ritter at your earliest convenience, or by November 9, 2018. Metro will include your response to comments in the staff report.

We also have three videos on file that were submitted along with the comments. If you would like copies of those videos, please let me know. They are focused on noise generated from the operation of your facility, and were filmed by a neighbor to the immediate South of your lot.

Please let me know if you have any questions. I will send a separate email with your Northeast facility comments.

Thanks,

Dan

Dan Blue

Solid Waste Compliance Policy Specialist

Property and Environmental Services

dan.blue@oregonmetro.gov

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