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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. Pioneer 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



Pioneer Recycling is located at 16810 SE 120th Avenue in Clackamas

The applicant, Pioneer Recycling, is owned and operated by Pioneer Recycling Services which is based in Tacoma, WA. Pioneer Recycling is located at 16810 SE 120th Avenue in Clackamas. The facility receives commercially generated recyclables, including corrugated cardboard, plastics, paper and metals, for classification and baling for both domestic and international markets.

On July 10, 2018, Pioneer Recycling submitted an 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 L1 (light industrial) by Clackamas County 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 County.

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 124 property owners, businesses and residents located within approximately one quarter of a mile from Pioneer 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 no comments regarding the license application.

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. Pioneer Recycling participated in a pre-application conference with Metro on March 21, 2018. Pioneer Recycling subsequently submitted to Metro a complete license application and the appropriate application fee of \$300. The application was deemed complete on August 2, 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;*

Pioneer 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;*

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

- 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;*

¹ DEQ NPDES Stormwater Discharge Permit (1200-Z)

Pioneer 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 provided a property use consent form signed by a representative of Wymore Transfer Company, Inc., the property owner.

- 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;*

Pioneer Recycling provided a copy of a LUCS signed by a representative of Clackamas County stating that the proposed use of the site is allowed outright. Pioneer 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.*

Pioneer Recycling has provided copies of all necessary permits.

STAFF RECOMMENDATION

Staff recommends issuing new Solid Waste Facility License No. L-144-19 to Pioneer 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.

ATTACHMENT
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