

# Memo

Date: June 24, 2020  
To: Pam Peck, Policy and Compliance Director  
From: Joanna Dyer, Senior Solid Waste Planner  
Subject: Renewed Solid Waste Facility License No. L-102-20 for Recology Portland Inc. – Suttle Road Recovery Facility

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Attached for your signature is renewed Solid Waste Facility License No. L-102-20 for Recology Portland Inc. (RPI) to operate Suttle Road Recovery Facility (SRRF), a material recovery facility and residential food waste reload located at 4044 N Suttle Road in Portland (Metro Council District 5). This memo provides background information on the applicant's request, a description of proposed changes to the license, and staff's recommendation to renew Metro's authorization for SRRF.

Under Metro Code Section 5.01.080, the proposed license is to be approved or denied by the Chief Operating Officer (COO). On March 16, 2020, the COO delegated to the Policy and Compliance Director (the Director) authority to carry out the COO's responsibilities under Metro Code Chapter 5.01 for approving or denying a solid waste facility license. As such, the Director is authorized to approve this proposed license.

## **OVERVIEW**

SRRF is a Metro-licensed facility accepts mixed non-putrescible waste for the purpose of material recovery, and residential food waste for reloading to authorized compost facilities. The facility also accepts source-separated materials including wood waste, metals and electronic waste.



*Aerial view of the Suttle Road Recovery Facility*

Recology, Inc., headquartered at 50 California Street, 24<sup>th</sup> Floor, in San Francisco California, is the parent company that owns RPI and SRRF. Recology also owns and operates three compost facilities in Oregon: Recology Organics North Plains, Recology Organics McMinnville and Recology Organics Aumsville. RPI is the contract operator for both Metro Central and Metro South Transfer Stations.

SRRF has operated as a Metro-licensed facility since 2009 and has been authorized to accept residential food waste for reloading since 2011. The facility holds Metro Solid Waste Facility License No. L-102-15 which expires on June 30, 2020. In addition, SRRF holds Metro Non-System License No. N-102-20 to transport residential food waste to Recology Organics North Plains, Recology Organics Aumsville and Dirt Hugger in Dallesport, WA. The facility also holds a Solid Waste Disposal Site Permit (No. 501) issued by the Department of Environmental Quality (DEQ) that expires on June 30, 2020 and a 1200-Z Stormwater Discharge Permit (No. 120986) that expires July 31, 2022.

On December 30, 2019, RPI submitted an application to Metro requesting the renewal of its license. Metro staff requested that RPI resubmit the application on an updated application form. The resubmitted application was received on February 27, 2020. The applicant did not propose any changes in its operation or request new authorizations. As part of Metro's ongoing efforts to improve clarity and establish more uniform requirements, staff is proposing various updates and additions to the SRRF license that will better align it with other Metro authorizations where appropriate. One addition is facility-specific and other updates and additions are to standard requirements that will be included in all new and renewing licenses. In addition to the updates outlined below, the proposed license includes various non-substantive housekeeping changes for clarity and consistency.

#### **New Facility-Specific License Addition for SRRF**

As explained above, the proposed license includes one facility-specific requirement as follows:

- **Pile size limits** (Section 4.1): Add pile size limits that align with Oregon Fire Code. Metro has already added this requirement to Metro-licensed compost facilities and is now expanding to facilities that are authorized to accept yard debris or wood waste.

#### **Standard Requirement Updates and Additions for SRRF**

Certain license requirements are standard across all licenses and franchises. This proposed license updates language in some existing standard conditions and also adds new standard conditions that will be included in all new and renewing licenses as follows:

- **Employment Standard** (Section 5.16): Add a new section requiring that the licensee be in compliance with Oregon's "ban the box" law (ORS 659A.360). Oregon's "ban the box" law makes it illegal for an employer to inquire about criminal convictions before the interview stage of hiring. This advances progress on the 2030 Regional Waste Plan and the Waste Prevention and Environmental Services Diversity, Racial Equity and Inclusion Work Plan goals. This requirement was added to the franchises in 2020 and will be added to all licenses as they are renewed.
- **Closure protocol** (Section 6.12): Update closure protocol to distinguish between a short-term and long-term closure of the facility and require a licensee to notify Metro within one business day of a short-term or long-term closure. This standardizes the closure protocol across licenses and formalizes the expectation that Metro is notified of any short-term or long-term closure.
- **Reporting requirements** (Subsection 8.2.2): Add a new subsection stating that Metro may require reporting on a weekly or daily basis in the event of a significant disruption to the solid waste system. This was created in response to the COVID-19 pandemic and Metro's need for more real-time data. This subsection will be added to all relevant authorizations.

- **Changes in ownership** (Section 8.9): Update language to require notification to Metro of any change in ownership. This change will be standard across new and renewing licenses and aligns with Metro Code Chapter 5.01.
- **Certificate of insurance** (Section 9.5): Add a new section to formalize the expectation and the long-standing practice that licensees submit a certificate of insurance (CERT) to Metro. Licensees must name Metro as an additional insured on the CERT, and also include the *additional insured endorsement* from the general liability policy as recommended by Metro's risk manager.
- **Right of inspection and audit** (Section 12.3): Update language to require access to the facility by Metro authorized personnel to perform research. This update was made to the franchises in 2020 and will be made to all licenses as they are renewed.
- **Confidential Information** (Section 12.4): Update language to reflect current state public records law which has more restrictive timelines for responding to a requestor. This update was made to the franchises in 2020 and will be made to all licenses as they are renewed.

### **PUBLIC NOTICE AND OPPORTUNITY TO COMMENT**

Metro has a longstanding practice of providing public notice and a 30 day comment period for a license renewal application before deciding whether to approve or deny it. However, due to the COVID-19 pandemic, Metro has postponed the public notice and comment period for a series of licenses that expire June 30, 2020. Metro is committed to soliciting input from the public about these facilities and will open a public comment period later this year when our communities are better able to provide feedback.

SRRF has a good record of compliance and staff is not aware of any issues associated with the facility. Metro will solicit input from the public about this facility later this year. In the interim, staff finds that it is in the public's interest to renew the license with a standard five-year term. Metro may amend the license at a later date based on new information received during the public comment period.

### **METRO CODE LICENSE RENEWAL CRITERIA**

Metro Code Section 5.01.110 states:

*The Chief Operating Officer must approve a solid waste facility license renewal unless the Chief Operating Officer determines that the proposed license renewal is not in the public interest. The Chief Operating Officer may attach conditions to any renewed license.*

RPI filed a renewal application on February 27, 2020. The \$300 application fee payment was received by Metro on December 19, 2019. The application was deemed complete on March 13, 2020. The license renewal application included a description of the facility's operation and the solid waste it accepts. The proposed license does not include any new authorizations and, if approved, will replace the current license that is set to expire on June 30, 2020.

### **COMPLIANCE HISTORY OF THE APPLICANT**

As mentioned above, SRRF has a good record of compliance with respect to Metro's regulations and the facility is currently in compliance with the conditions of its license. Metro conducted 23 inspections of the SRRF between July 2015 and February 2020 and three additional off-site, non-contact inspections in March and April 2020.

During the term of the current license, Metro has not received any complaints regarding the facility and no compliance issues have been reported by city of Portland or DEQ staff. Staff finds the facility plays a

positive role in the region's solid waste recovery efforts and it is in the public interest to renew this license for SRRF.

**STAFF RECOMMENDATION**

Staff recommends approving Solid Waste Facility License No. L-102-20 to renew SRRF's authority to accept mixed non-putrescible waste for the purpose of resource recovery and residential food waste for reloading to authorized composting facilities. If approved, the proposed license will take effect on July 1, 2020 and expire on June 30, 2025. A copy of the proposed license is attached for your signature.