

# Memo

Date: June 12, 2023  
To: Pam Peck, Policy and Compliance Program Director  
From: Will Ennis, Senior Solid Waste Planner  
Subject: Renewed Solid Waste Facility License No. L-065-23 for Best Buy in Town, Inc.

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Attached for your signature is renewed Solid Waste Facility License No. L-065-23 for Best Buy in Town, Inc. (Best Buy), a locally owned and operated yard debris reload facility located at 2200 NE Cornelius Pass Road in Hillsboro (Metro District 4). This memo provides background information on the applicant's request, a description of proposed changes to the license, and staff's recommendation to issue a renewed license to Best Buy.

Under Metro Code Section 5.01.110, the proposed license renewal 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

Best Buy is a Metro-licensed yard debris reload facility that accepts source-separated yard debris and wood waste for reloading to authorized processing facilities for composting or use as hogged fuel.



*Best Buy in Town, Inc. located at 2200 NE Cornelius Pass Road in Hillsboro*

Best Buy is a locally owned company that has operated as a Metro-licensed facility since 1998. The facility currently holds Metro Solid Waste Facility License No. L-065-18A which expires on June 30, 2023. Best Buy also holds Solid Waste Disposal Site – Transfer Station Permit (No. 1666, expires May 31, 2031) issued by the Oregon Department of Environmental Quality (DEQ).

The license was amended by Metro in April 2020 to authorize Best Buy to accept source-separated yard debris generated from within the Oregon Department of Agriculture's (ODA's) designated Japanese

beetle quarantine area located within Washington County, Oregon. Yard debris delivered to Best Buy from within the quarantine area was consolidated and transported to Hillsboro Landfill for disposal DEQ issued Solid Waste Disposal Site Permit No. 1666 to Best Buy for this activity. Best Buy accepted yard debris from the ODA quarantine area between June and October in 2020, 2021 and 2022. Due to a budgetary shortfall, ODA cannot fund the disposal of quarantine area yard debris in 2023. The proposed license retains Best Buy's authority to accept this material for consolidation and transport to disposal should ODA have sufficient funding for the program in coming years.

On February 22, 2023, Best Buy submitted an application to Metro requesting the renewal of its license. Metro received the \$300 application fee on March 10, 2023. The applicant did not propose any changes to its operation or request new authorizations. The application was deemed complete on March 15, 2023.

### **Standard Requirement Updates**

As part of Metro's ongoing efforts to improve clarity and establish more uniform requirements, staff is proposing various updates and additions to the ORRCO license that will better align it with other Metro authorizations. The proposed license also includes various non-substantive housekeeping changes made for clarity and consistency across licenses. Updates to existing standard conditions and new standard conditions that will be included in all new and renewing licenses are as follows:

- **Pile size limitation** (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 include facilities that are authorized to accept yard debris or wood waste.
- **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 6.11): 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.
- **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 to Metro. Licensees must name Metro as an additional insured on the certificate of insurance, and also include the additional insured endorsement from the general liability policy as recommended by Metro's risk manager.
- **Termination** (Section 11.2): Add a new section to address Metro's authority to terminate the license at the request of the licensee or in the event of a long-term closure.
- **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**

On April 13, 2023, Metro issued public notice of the license renewal application and provided an opportunity for the public to submit comments. A description of the proposed facility and the license application was available on Metro's website. Interested parties could submit comments via an online form or leave a voicemail on a multi-language phone line. Postcards with information in six languages about the proposed license and comment period were mailed to 312 businesses, residents and owners of properties located within approximately one-quarter mile of the facility. Notice was also emailed to community-based organizations and neighborhood associations located within one mile of the facility, and emailed to stakeholders with general interest in solid waste issues. The public comment period ended on May 12, 2023. Metro received three comments, and all were in support of the license renewal.

#### **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.*

Best Buy filed a renewal application on February 22, 2023, accompanied by payment of the \$300 application fee. The application was deemed complete on March 15, 2023. 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 expires on June 30, 2023.

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

Best Buy 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 approximately 11 inspections of Best Buy during the term of the current license. This includes the period of March 2020 through March 2021 when in-person inspections by Metro staff were suspended due to COVID-19 restrictions. Metro has not received any complaints regarding the facility and has not taken any enforcement actions during the term of the current license.

City of Hillsboro staff report that there are no compliance issues regarding Best Buy. DEQ reports that there have been no compliance issues during the term of Best Buy's permit.

Staff finds Best Buy plays a positive role in the region's solid waste recovery efforts and it is in the public interest to renew the facility's license.

#### **STAFF RECOMMENDATION**

Staff recommends approving Solid Waste Facility License No. L-065-23 to renew Best Buy's authority to accept yard debris and wood waste for reloading to authorized facilities. If approved, the proposed license would take effect on July 1, 2023, and expire on June 30, 2028. A copy of the proposed license is attached for your signature.