

# Memo

Date: December 15, 2023  
To: Warren Johnson, Policy and Compliance Program Director  
From: Chris Papinsick, Associate Solid Waste Planner  
Subject: Issuance of new Facility License No. L-198-24 for Rapid Response Bio Clean, Inc. to operate Synergy Environmental Disposal Facility

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Attached for your signature is new Solid Waste Facility License No. L-198-24 for Rapid Response Bio Clean, Inc. to operate the Synergy Environmental Disposal Facility located at 7600 SE Johnson Creek Blvd. in unincorporated Clackamas County (Metro District 2). The proposed license authorizes Rapid Response Bio Clean Inc. to recover recyclable material and reload solid waste generated from dismantling recreational vehicles (RVs) and boats, accept and manage special waste, and accept and process source-separated recyclable materials. This memo provides background information on the applicant's request and recommends that Metro issue the proposed license to Rapid Response Bio Clean, Inc.



*Synergy Environmental Disposal Facility location*

Under Metro Code Section 5.01.080, the Chief Operating Officer (COO) approves or denies a proposed license. On August 7, 2023, 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.

## **APPLICANT**

The applicant, Rapid Response Bio Clean, Inc. (Rapid Response), is a locally owned company that specializes in biohazard remediation, trash removal, and homeless camp cleanups. Rapid Response operates the Synergy Environmental Disposal Facility (Synergy Environmental) and seeks a Metro license to:

- Recover recyclable material and reload solid waste generated from the dismantling of derelict RVs and boats.
- Accept and temporarily store packaged medical waste prior to delivery to a medical waste management company for processing and disposal.
- Accept sharps, such as syringes and needles, for sterilization and processing to reclaim plastic and metal for recycling.
- Accept source-separated polystyrene from select retailers for densification.

The main solid waste activity at the facility is the dismantling of RVs and boats to recover recyclable material and reload any resulting solid waste. Synergy Environmental provides an alternative option to landfilling whole RVs and boats, which are expensive and difficult to manage at disposal sites. Most RVs and boats managed at the facility are received under contracts between Rapid Response and local jurisdictions in Oregon and Washington including City of Portland and Clark, Multnomah, Clackamas, and intermittently Columbia, Lane, Linn, and Marion Counties. Rapid Response also has a contract with Metro to transport and dismantle abandoned boats that are reported to Metro's RID Patrol (Regional Illegal Dumping) program, as well as boats that are surrendered by owners as part of Metro's Boat Turn-In Program which is a partnership between Metro, Oregon State Marine Board, and Multnomah County Sheriff's Office River Patrol.



*Dismantling and sorting area inside warehouse.*



*Synergy Environmental - 7600 SE Johnson Creek Blvd, Portland*

Contracted tow trucks transport abandoned RVs and boats to Synergy Environmental where all incoming RVs and boats are inventoried and staged for eventual dismantling. All RVs and boats are sampled and tested for asbestos-containing material (ACM) before dismantling. Sampling is conducted by an accredited inspector with samples sent to an accredited laboratory for analysis. If ACM is detected, the facility will not dismantle the RV or boat until abatement takes place. Lyons Contracting, a licensed asbestos abatement contractor, constructs a temporary enclosure within a separate bay of the building on a day when the facility is not operating (typically Saturdays).

After a negative asbestos test is received or abatement occurs, the RV or boat is moved into the main bay where it is dismantled in a controlled environment using power equipment and hand tools. Prior to dismantling, all non-recoverable solid waste within the RV or boat is removed and placed into a large drop box for disposal. Special waste including e-waste, propane tanks, fire extinguishers, and batteries are removed and stored in designated areas of the facility. A track hoe is used to remove the roof and

walls down to the chassis. The walls, roof and floor are broken up with an excavator and placed into drop boxes. The metal chassis is then moved to another part of the bay where the fluids are drained, fuel tanks, radiators and tires are removed. Hand tools are used to cut down the chassis into smaller metal pieces for recycling. All waste is separated by material type, containerized and transported to appropriate facilities for recycling or disposal.

In addition to any special waste that is removed from the RVs and boats during dismantling, Rapid Response receives and reloads containerized medical waste it collects from medical clinics in Multnomah County. The containerized medical waste is temporarily stored at the facility in accordance with Oregon Health Authority (OHA) regulations prior to reloading to Trilogy Medwaste, a medical waste management company. This waste includes but is not limited to contaminated linens, contaminated cardboard, medications, medical instruments, broken contaminated glass, epi pens, lab samples of bodily fluids and solids, acupuncture needles, and diapers. OHA categorizes soiled linens, wastes generated at hospitals and clinics, and sharps as infectious waste, a regulated waste.

Rapid Response also receives and processes needles (also known as “sharps”) for material recovery on site. Rapid Response collects sharps at various public sharps collection boxes in Multnomah County and transports them to the facility for processing. Metro is the lead agency on the sharps collection contract with Rapid Response in partnership with the City of Portland, Multnomah County, TriMet and Downtown Clean & Safe. The facility also receives sharps through the mail via an approved program of the United States Postal Service. On a weekly basis, sharps are processed using an autoclave machine, Red Bag Solutions Model SSM-150, approved for this use by OHA. Sharps must be treated under specific conditions by the autoclave in order to achieve sterilization. The shredded plastic is removed from the machine and floated through a water bath to separate the plastic from any contaminants. The recovered plastic is consolidated and sold as a commodity. The metal is captured by a magnet within the machine and recovered for recycling.

During the application process, and after public notice was complete, Rapid Response requested authorization to accept source-separated polystyrene foam from retailers for processing. Rapid Response has purchased a mechanical densifier from Agilyx in Tigard and will sell the densified material to Agilyx for further recycling. Rapid Response will screen and sort incoming material to remove contaminants at the facility before it is placed in the densifier. The proposed license includes authorization to receive source-separated recycling materials for processing; however, the facility must have authorization from DEQ and obtain any required air quality permits before Metro will approve an operating plan for this activity.

Rapid Response was founded in 2015 and relocated to the current location in April 2021. The property is zoned General Industrial (GI), and the proposed use is allowed in this zone by Clackamas. In February 2022, Metro staff visited the facility to learn more about the operation. On July 18, 2022, Metro staff notified Rapid Response that it must apply for and obtain a Metro solid waste facility license for material recovery and processing activities performed at this facility. Metro held a virtual pre-application conference with Rapid Response on September 12, 2022.

Rapid Response submitted an application on December 1, 2022 and paid the \$300 application fee on December 2, 2022. The application was deemed complete on March 10, 2023. In April 2023, staff from Metro, Oregon Department of Environmental Quality (DEQ), and Department of Motor Vehicles (DMV) toured the Synergy Environmental facility to learn more about the operation.

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

On June 1, 2023, Metro issued public notice and provided the public an opportunity to review and comment on the license application for 30 days. 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 676 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 in the vicinity of the facility, and emailed to stakeholders with general interest in solid waste issues. Metro's public comment period ended on June 30, 2023.

Metro received one comment from a nearby resident during the comment period which is attached to this memo. A summary of the comment and staff's response to the comment is below.

### ***Comment summary***

The commenter raised three concerns related to offsite impacts to the surrounding residential community. The commenter requested that Metro require all traffic entering and exiting the facility utilize Johnson Creek Blvd only rather than residential side streets, and that the facility not be allowed to operate vehicles 24 hours per day in consideration of noise impacts to residential neighbors. In addition, the commenter inquired whether waste incineration was part of the planned license and would result in air quality impacts.

### ***Metro response***

Metro thanks the individual who took time to provide comment. Metro does not regulate traffic and Clackamas County approved a Land Use Compatibility Statement that authorizes this type of solid waste activity at this location. If the proposed license is approved, the facility will be required to meet specific operating conditions, including those related to noise, odor and dust. Metro does not set operating hours for the facility, but Metro will routinely perform unannounced inspections at this facility to ensure that it operates as required and does not create impacts to neighboring areas. The facility will also be required to maintain an operating plan that must be approved in writing by Metro prior to implementation. The plan will describe the procedures that the facility will follow to control and minimize off-site impacts. Activities authorized by Metro under this proposed license do not include incineration; however, the owner of Rapid Response operates a separate crematory business on site called Synergy Crematory, LLC which has obtained a General Air Containment Discharge Permit from DEQ. Metro works closely with partner agencies to resolve complaints or neighbor issues that arise.

Staff finds that Metro's standard license conditions are adequate in this instance and does not recommend any additional requirements for the proposed license at this time.

## **METRO CODE LICENSE REQUIREMENTS**

Synergy Environmental participated in a pre-application conference, submitted a complete license application to Metro and paid the appropriate application fee as required by Metro Code Chapter 5.01.

Pursuant to Metro Code 5.01.180, a license application must 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;*

The applicant has provided documentation demonstrating that it meets 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;*

Rapid Response currently holds three DEQ permits:

- Waste Tire Carrier Permit (No. 1724, expiring September 8, 2025) to consolidate, transport, and dispose between 100 and 1,500 waste tires at any one time.
- DEQ License for Sewage Disposal Service (No. 39171, expires June 30, 2025).
- DEQ Solid Waste Transfer Station and Material Recovery Facility Permit (No. 1706, issued on October 30, 2023).

The applicant submitted to Metro a copy of its application for a DEQ Solid Waste Transfer Station and Material Recover Facility Permit. On August 8, 2023, DEQ opened a 35-day public comment period on a proposed permit for a transfer station/material recovery facility. A virtual public hearing was held on September 14, 2023, and did not have any attendees from the public. The public comment period closed on September 18, 2023, and DEQ received one comment concerned with potential offsite impacts. DEQ issued permit No. 1706 on October 30, 2023. Metro will require Rapid Response to submit a copy of an air quality permit if DEQ determines one is necessary for the polystyrene foam densifier.

- (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;*

DEQ determined that the facility poses a potential risk based on types of waste accepted, collection, handling and storage procedures, and that in the event of a sudden closure, wastes at the facility may have an adverse impact on public health and safety. As a condition of its new Solid Waste Transfer Station and Material Recover Facility Permit, Rapid Response must provide evidence of financial assurance to DEQ by March 1, 2024. The financial assurance will cover costs of cleanup and disposal of material in the event of sudden closure, and if the operator is unable or unwilling to return the site to prior condition. In addition, DEQ requires a \$5,000 financial assurance bond associated with the Waste Tire Carrier Permit.

- (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 submitted a property use consent form signed by the property owner, which includes a consent to be bound by the provisions of Metro Code. The applicant has a lease on the property through April 2025. Staff will monitor the term of this lease to ensure that the licensee provides an updated property use consent form when a renewed or extended lease is in place. Metro may suspend or terminate the license if property use consent changes or is revoked.

- (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; and*

The applicant provided a copy of a Land Use Compatibility Statement signed by a representative of the Clackamas County stating that the proposed use of the site is allowed outright per a Conditional Use Permit (No. CU-3-71) that was issued for the property in 1971.

- (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.*

The applicant holds three DEQ permits and DEQ may require an air quality permit for the polystyrene densifier as described in section 2 above. Rapid Response also holds a Dismantler Certificate (No. WR3589, expiring January 31, 2024), issued by the Oregon DMV. DEQ has determined that a stormwater permit is also required for the site and Rapid Response is in the process of obtaining that permit.

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

When evaluating a license application, Metro considers an applicant's compliance history with other regulatory entities like DEQ and other state and local jurisdictions. As mentioned previously, the facility has obtained a DEQ Solid Waste Disposal Site Permit and has been responsive to all of DEQ's requests. The DEQ permit aligns with Metro's licensing requirements for regulated solid waste facilities. DEQ and DMV staff reported to Metro that the facility is in compliance with its Waste Tire Storage Permit, License for Sewage Disposal Service, and Dismantler's Certificate, with no significant violations. Metro staff notified Clackamas County of Rapid Response's application for a solid waste facility license and the County did not express any concerns.

#### **STAFF RECOMMENDATION**

Staff recommends issuing new Solid Waste Facility License No. L-198-24 to Rapid Response Bio Clean, Inc. authorizing it to recover recyclable material and reload solid waste generated from dismantling recreational vehicles (RVs) and boats, accept and manage special waste, and accept and process source-separated recyclable materials. If approved, the proposed license will take effect on January 1, 2024 and expire on December 31, 2028. A copy of the proposed license is attached for your signature.

#### **Attachments:**

- Proposed solid waste facility license No. L-198-24
- Synergy Environmental solid waste facility license application public comment