

Legal Antecedents

Pursuant to Metro Code 5.05.140, the Metro Council must consider the following factors when determining to issue a non-system license:

- (1) The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which those wastes pose a future risk of environmental contamination;*

The proposed non-system license authorizes the transport of source-separated commercial food waste and yard debris mixed with residential food waste to Pacific Region Compost, a yard debris and food waste composting facility that is well known to Metro staff. The facility accepts composting feedstock that consists primarily of source-separated food waste, yard debris and wood waste.

The environmental risk from the use of this facility is presumed to be minimal because it is fully regulated and monitored by the appropriate local and state authorities. Metro relies on the local land use authority and the state environmental agency to monitor the site and staff is not aware of any environmental or human health risks posed at the facility.

- (2) The non-system facility owner's and operator's regulatory compliance record with federal, state and local requirements including but not limited to public health, safety and environmental regulations;*

Metro staff's investigation of the destination facility revealed a good record of compliance with local and state agencies responsible for health, safety and environmental regulations during the term of the current non-system license. Pacific Region Compost is permitted by the Department of Environmental Quality (DEQ permit No. 1418). DEQ staff have informed Metro staff that the facility is in compliance with its permit requirements. Additionally, Pacific Region Compost operates under a franchise agreement with Benton County. Benton County staff have informed Metro staff that the facility is in compliance with the terms of its franchise agreement and no enforcement actions were issued between January 2024 and August 2025.

- (3) The adequacy of the non-system facility's operational practices and management controls;*

Pacific Region Compost operates under the authority of a solid waste disposal site permit for a composting facility issued by DEQ and a franchise agreement with Benton County. The facility manages all of the waste it receives, including commercial food waste, in accordance with the requirements of its DEQ permit and County franchise agreement.

- (4) The expected impact on the region's recycling and waste reduction efforts;*

The waste subject to the proposed NSL will be delivered to Pacific Region Compost for the purpose of composting rather than disposal. Based on the waste management hierarchy, composting is considered a higher and better management option than disposal. The approval of the proposed non-system license will allow food waste to be composted which contributes to the region's recycling and waste reduction efforts.

- (5) The proposed non-system license's effect with Metro's existing contractual arrangements;*

This proposed license will not affect Metro's existing contractual agreements.

- (6) The applicant's record regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including but not limited to public health, safety and environmental regulations;*

Metro staff's investigation of the applicant and inspections of Pacific Region Compost revealed a good record of compliance with local and state agencies responsible for health, safety and environmental regulations.

(7) Any other factor the Chief Operating officer considers appropriate.

The proposed NSL will renew the applicant's current authorization. Pacific Region Compost provides important processing and composting capacity for the region that supports Metro's goal of diverting organics away from disposal and into recovery outlets.

LC