

Legal Antecedents

Metro Code Section 5.05.040 prohibits any person from transporting solid waste generated within the Metro region to a non-system facility without a valid, Metro-issued non-system license. The proposed resolution seeks to authorize Eaton Corporation to transport non-recoverable solid waste including putrescible waste to Spokane Regional Waste to Energy (Spokane WTE) facility located at 2900 S Geiger Blvd, Spokane, WA 99208. Metro Code Section 5.05.140 provides that the Metro Council must consider the following factors to the extent relevant to determine whether 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 Spokane WTE Facility began operation in late 1991 and is owned and operated by the City of Spokane's Solid Waste Disposal Department. The facility incinerates municipal solid waste to recover energy in the form of electricity. The facility manages up to 800 tons of municipal solid waste per day. The waste is burned in two 400-ton capacity mass-burn waterwall boiler combustors. The combustion gases exit the boiler economizer and are routed through air pollution control equipment and processes including a spray dry adsorber and a baghouse system. The facility has mechanisms in place to control air emissions including NO_x, mercury, dioxins, SO₂ and particulates. The ash generated at the facility is used as alternative daily cover at the Finley Buttes Landfill.

- (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 Spokane WTE Facility revealed a good record of compliance with local and state agencies responsible for health, safety and environmental regulations. The facility holds a Solid Waste Handling Permit issued annually by the Spokane Regional Health District (SRHD) (permit No. SW-SPORSWDP-001, expires December 31, 2025). SRHD staff reported that the facility is in good standing, receives routine inspections and has not been involved in any enforcement activities for at least the last two years. The facility also holds an Air Operating Permit issued by the Spokane Regional Clean Air Agency (SRCAA) (permit No. AOP-3 Renewal #3, expires June 30, 2027). SRCAA issued one notice of violation to the facility in 2023 for exceeding their allowable hours of operation during an outage due a contractor's use of the facility's generator. SRCAA staff report they do not have any concerns about the facility's operational practices or management controls.

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

The facility uses operational practices and management controls that are considered appropriate by the Washington Department of Ecology, SRHD and SRCAA for the protection of health, safety, and the environment. In addition to obtaining an NSL from Metro, any generator in the Metro region seeking to use this non-system facility for disposal must submit a request to the facility and receive approval in accordance with its special handling and non-typical waste procedures prior to transporting waste to the facility.

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

The type of waste covered by the proposed NSL is not conducive to recovery because it consists of non-recoverable solid waste, including putrescible waste. The Metro area waste that is

transported to Spokane WTE is not included in Metro's recovery rate calculation because state statute (ORS 459A.010) stipulates that only those wastesheds that burn mixed solid waste for energy recovery within their watershed boundaries may count a portion of it towards their DEQ recovery rate calculation, and there are no waste-to-energy facilities operating in Oregon. Approval of the proposed NSL is not expected to impact the region's recycling and waste reduction efforts.

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

This NSL will not affect any of Metro's existing contractual arrangements.

(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;

There are no known compliance issues with Eaton Corporation

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

The Spokane WTE Facility is the closest incineration facility to the Metro region upon the closure of Reworld Marion on December 31, 2024. The Spokane WTE Facility is the primary disposal site for municipal solid waste generated in the vicinity of Spokane County. Metro staff met with City of Spokane staff on November 25, 2024, to discuss Metro's flow control requirements. City staff stated that the facility has sufficient capacity to receive waste generated from the Metro region that was formerly approved to transport to Reworld Marion for disposal, and it will evaluate any new customer requests on a case-by-case basis. City staff will notify Metro compliance staff when they receive inquiries from generators in the Metro region and will refer these generators to Metro for more information about the NSL application process.

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