

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 Veris Industries, LLC (Veris) 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 for disposal. Metro Code Section 5.05.140 provides that the Metro Council will consider the following factors when determining whether to issue a non-system license (NSL).

- (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 absorber and 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 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, 2026). SRHD staff reported 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 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 its allowable hours of operation during an outage due to 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 considered appropriate by the Washington Department of Ecology, SRHD, and SRCAA for the protection of health, safety and the environment. In addition, the Spokane WTE facility requires all Metro area customers to obtain pre-approval from the facility before transporting waste there for disposal.

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

The type of waste covered by the proposed non-system license 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) provides that only those wastesheds that burn mixed solid waste for energy recovery within their wasteshed boundaries may count a portion of it

towards their DEQ recovery rate calculation. There are no waste-to-energy facilities operating in Oregon. 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 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;

In 2017, Veris Industries, LLC (Veris) previously held NSL No. N-177-17 to transport waste to Reworld Marion (formerly Covanta). On January 2, 2019, Metro issued Veris a Non-Compliance Advisory Letter (No. NAL-413-19) for failing to submit timely reports and payments required by the NSL. During that time, Veris had filed late reports on five occasions and failed to submit 12 monthly reports. Metro notified Veris that it must report each month regardless of the amount of waste transported to the facility. Veris again failed to submit the required reports and Metro subsequently revoked NSL No. N-177-17 in July 2019. Veris later notified Metro that its failing to report had been due to internal communication issues resulting from the unexpected death of the employee responsible for administering the NSL. Metro issued a new NSL (No. N-177-20) to Veris on March 1, 2020 which was later terminated when Reworld Marion (formerly Covanta Marion) became a designated facility.

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

Spokane WTE is the closest incineration facility to the Metro region following the closure of Reworld Marion on December 31, 2024, and is the primary disposal site for municipal solid waste generated in the vicinity of Spokane County. Metro staff first met with City of Spokane staff on November 25, 2024, to discuss Metro's flow control requirements and provided information about becoming a designated facility. City staff informed Metro the facility has sufficient capacity to receive waste generated from the Metro region and that it will continue to evaluate new customers on a case-by-case basis. City staff indicated that the City does not intend to seek designated facility status at this time. However, the City will continue to direct all potential Metro area customers to Metro staff to obtain a NSL before transporting waste to the facility. Metro staff visited the Spokane WTE facility on October 9, 2025.

Additionally, Metro staff informed Veris that it must comply with the franchise collection requirements within its local jurisdiction. Staff provided the applicant with the applicable contact information at City of Tualatin to seek additional information and confirm that its proposed activities under the proposed NSL comply with local requirements.

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