

IN CONSIDERATION OF RESOLUTION NO. 24-5433 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE AN AMENDED NON-SYSTEM LICENSE TO COR DISPOSAL, LLC FOR THE TRANSPORT OF COMMERCIAL FOOD WASTE MIXED WITH COMPOSTABLE SERVICE WARE TO THE ANNEN BROS., INC. COMPOST FACILITY LOCATED IN MARION COUNTY, OREGON

Date: Nov. 4, 2024
Department: Waste Prevention &
Environmental Services
Meeting Date: Nov. 21, 2024

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ISSUE STATEMENT

Metro issued Solid Waste Facility Non-System License (NSL) No. N-057-22 to COR Disposal, LLC, (COR) to transport commercial food waste to the Annen Bros., Inc. compost facility (Annen), located in Marion County, for composting. COR collects food waste from Moda Center which uses compostable cups and other compostable food service ware. The current NSL needs to be amended because it does not address compostable service ware.

ACTION REQUESTED

Approve Resolution No. 24-5433 which will authorize the COO to issue an amended NSL to COR with updated conditions that: 1) Clarify that the licensee is authorized to transport commercial food waste mixed with compostable service ware generated only at Moda Center to Annen provided that Moda Center obtains a valid policy waiver from the city of Portland; 2) Extend the term of the NSL to December 31, 2026, to align with an upcoming compostability study to be performed by Oregon Department of Environmental Quality (DEQ), and 3) Authorize COR to transport commercial food waste that is comprised only of food and collected from businesses that have been approved in writing by Metro.

IDENTIFIED POLICY OUTCOMES

Adoption of this resolution will clarify that COR may transport source-separated commercial food waste mixed with compostable service ware generated at Moda Center to Annen for composting. The proposed NSL aligns with a temporary policy waiver being considered by the city and supports an upcoming DEQ study to evaluate the compostability of certain materials including service ware.

POLICY QUESTION

Should Metro Council authorize the COO to amend NSL No. N-057-22 issued to COR as described in Resolution No. 24-5433?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Adopt Resolution No. 24-5433 as proposed to authorize the COO to issue an amended NSL to COR.
2. Amend Resolution No. 24-5433 to issue the amended NSL with different conditions other than those recommended by staff.

3. Do not adopt Resolution No. 24-5433.

STAFF RECOMMENDATION

Staff recommends Metro Council adopt Resolution 24-5433.

KNOWN OPPOSITION / SUPPORT / COMMUNITY FEEDBACK

There is no known opposition to the proposed NSL.

LEGAL ANTECEDENTS

Section 10.2 (d) of NSL No. N-057-22 provides that Metro may amend the license in the event that there has been sufficient change in any circumstances under which it was issued.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the issuance of the proposed NSL.

BACKGROUND

In July 2018, Metro Council adopted the Business Food Waste Requirement (Resolution No. 18-1418) which requires local jurisdictions that oversee the collection of solid waste to ensure that food waste collection services are available to participating businesses. The program set a food only standard and does not make an allowance for compostable service ware. In December 2022, Metro Council authorized the COO to issue a NSL to COR to transport commercial food waste generated in the Metro Area to Annen (N-057-22). The NSL was initially approved with the understanding that the material transported to Annen would be comprised entirely of food waste. However, Metro learned that COR collects food waste from Moda Center which uses compostable cups and other compostable food service ware that it combines with food waste at customer facing collection stations onsite.

The current NSL does not address compostable service ware and would need to be amended to allow COR to transport that material mixed with commercial food waste to Annen for composting. The proposed amended NSL includes compostable service ware generated at Moda Center (Exhibit A). The proposed NSL allowance is conditioned on the venue obtaining a valid policy waiver from the city of Portland during which time the city intends to work with Moda Center to determine options for phasing out the use of compostable service ware. The city will review this matter again after the term of the waiver.

The proposed NSL and the policy waiver align with, and are supportive of, a legislative requirement that DEQ undertake a study on the compostability of certain materials including service ware, such as that generated at Moda Center. The study is due to the Oregon Legislature by December 2026 and will inform the state's policy direction on compostables going forward. The term of the proposed NSL is extended to align with the completion of the study. Metro will continue to closely coordinate with the city and DEQ to monitor these items.

Exhibit A: Proposed amended NSL No. N-057-22A