

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 Spokane Waste-to-Energy 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 NOx, 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 Waste-to-Energy 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 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 their 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 to obtaining a non-system license from Metro, any generator in the Metro region seeking to use this non-system facility for disposal must submit a request to the facility to 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 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, and there are no waste-to-energy facilities operating in Oregon. Approval of the proposed non-system license 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 proposed non-system license amendment 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;

Epson Portland Inc. has a good record of compliance with Metro's requirements.

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

Spokane WTE is the closest incineration facility to the Metro region upon the closure of Reworld Marion on December 31, 2024. Spokane WTE 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 the facility has sufficient capacity to receive waste generated from the Metro region that was formally transported to Reworld Marion for disposal, and it will evaluate any new customer requests on a case-by-case basis. City staff will notify Metro when inquiries are received from generators in the Metro region and refer them to Metro for information about the licensing process.

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