

# Public comment report



## Attachment 2 to Staff Report for Ordinance No. 19-1434

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March 21, 2019

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### Background

Adoption of Ordinance No. 19-1434 will authorize the Chief Operating Officer (COO) to amend the solid waste facility franchise for GSS Transfer, LLC to increase the amount of waste accepted at its transfer station located in the city of Gresham and to transport that waste to the Wasco County Landfill.

GSS Transfer submitted a change of authorization application to Metro requesting to increase its annual tonnage authorization from 23,687 tons to 49,000 tons and amend its non-system license (N-019-16E) to similarly increase the annual tonnage it is authorized to transport to Wasco County landfill from 23,687 to 49,000 tons.

### Public Notice and Opportunity to Comment

Metro posted notice and provided an opportunity for the public to review and submit comments on the change of authorization application. The public notice was posted on Metro's website, mailed to approximately 755 property owners and residents surrounding the proposed facility, and emailed to various other parties that are generally interested in solid waste issues. The 30-day public comment period began on December 28, 2018 and was extended an additional two-weeks at the request of the local neighborhood association (Northwest Neighborhood Association – NWNA), and closed on February 8, 2019.

NWNA invited Metro, DEQ, city of Gresham, and GSS Transfer to attend its monthly meeting on January 28, 2019 to discuss GSS Transfer's application. Metro staff and the aforementioned organizations described the tonnage increase request and answered questions with approximately 55 people in attendance. Subsequent to the meeting, the NWNA Board of Directors submitted a written comment as summarized below, and included in-full below with the other comments received during the public notice period.

GSS Transfer submitted a response to comments, which is also summarized below and attached in-full below.

### Summary of written public comments on application

Metro received four comments during the public notice period. Three of the comments are in support of the proposed tonnage increases citing support for local business, reduced costs, improved environmental benefits, no necessary infrastructure improvements required for the change and the applicant's demonstrated ability to manage waste without causing adverse off-site impacts. Metro also received a comment from the NWNA Board of Directors expressing concern about the close proximity of GSS to projected infill residential and commercial customers. In summary, NWNA's letter outlines four areas of concern:

1. Traffic – the expected increase in trucks is between five to 15 additional trucks per day which will not significantly affect current traffic patterns. However, the area is projected to have

redevelopment from the locally approved urban renewal plan, and there is concern about how garbage and semi-trucks will impact neighborhoods.

2. Monitoring for negative off-site impacts – GSS’ current level of attentiveness to sanitation and safety is appreciated. However, increased access to Metro inspection reports is desired for comparison with neighborhood observations of off-site impacts such as: noise, odor, vectors, dust, litter and hazardous waste spills.
3. Best facility for public benefit – GSS is currently a good neighbor and provides an essential service. However, future evaluations of the location of transfer stations should be conducted and include impact to surrounding community and out-of-direction traffic routes in comparison to other transfer stations.
4. Economic benefits shared with ratepayers – it is unclear how an increased alliance between GSS and Waste Connections, who is based out of Texas, will benefit local ratepayers, haulers, and independent waste companies.

Applicant response to comments: GSS submitted a response to comments that generally describes its commitment to good housekeeping measures and maintaining a record of zero complaints and positive role in the community. It explains that most of the traffic associated with the facility utilizes a federally recognized freight-way, and that additional traffic impact is insignificant (.01% of total traffic). It addresses livability issues by pointing out that hazardous waste is not accepted at GSS and further acknowledges the oversight responsibilities of regulatory agencies along with underscoring its own responsibility to continue to mitigate off-site impacts. It then explains the economic benefits that could be shared by describing the process by which the City of Gresham performs an annual review process for determining rates and how that can result in reduced costs to the ratepayer. The second economic benefit it describes is the opportunity to accept increased waste from independent operators which are expected to benefit from disposal cost savings, reduced operating costs and lower environmental impacts from decreased transportation.

Metro response to comments: Thank you for the comments in support.

In regards to the concerns described by NWNA:

1. Traffic - Metro primarily relies on the local jurisdiction, in this case city of Gresham, to determine traffic allowances. Based upon the information that Metro received from city of Gresham staff, the proposed increase complies with the City’s traffic requirements. In addition, the increase in truck traffic is considered negligible, .01 percent of total traffic in the area.
2. Monitoring for negative off-site impacts – Metro employs two full time solid waste facility inspectors who are trained in environmental compliance and tasked with monitoring the 50+ solid waste facilities authorized by Metro in and around the region. The inspectors generally perform seven or eight inspections of a facility annually. When greater attention at a facility is merited, Metro performs an increased amount of both announced and un-announced facility inspections and complaint investigations in neighboring areas surrounding the facility. Metro has conducted eight inspections of GSS Transfer during the term of the current franchise. GSS Transfer is currently in compliance with Metro’s requirements and has not had any compliance issues during the term of its current franchise. In addition, DEQ and city of Gresham staff has reported that there are no enforcement or compliance issues associated with this site.

3. Best facility for public benefit – It is not Metro’s intent to cause any facility to close — including GSS Transfer — due to regulation. Staff is developing administrative rules to further implement the configuration policy and future tonnage allocations for adoption later in 2019, which will be effective in 2020. This proposed amendment to the franchise for GSS Transfer is for the calendar year 2019 only. Future tonnage allocations for all transfer stations, including GSS Transfer, will be determined and adjusted applying the percentage based allocation methodology currently being developed.
4. Economic benefits shared with ratepayers – The functions of regional solid waste system are implemented by Metro, cities and counties, and many private for-profit businesses and non-profit organizations. This sharing of responsibilities means that Metro has a strong interest in the success of the private sector at creating, expanding, preserving and broadening efforts that advance waste prevention, reuse, recycling and energy recovery. In addition, Metro has a strong interest in the success of the local jurisdictions in the rate setting process for residents and businesses who depend on garbage and recycling collection services. At this time, Metro does not regulate rates that private facilities or haulers charge their customers, and is working to increase rate transparency at all facilities and throughout the region.

**Comments are listed in the order in which they were received:**

1. We are located in the neighborhood of this business. We hardly know this location exists. They are very considerate of our business. I see no reason why this expansion should not be approved. It seems it will benefit all of us and not create any burden on the area. I appreciate the professionalism I have encountered with this business and believe they have the best interests of community in mind. Please feel free to contact us with questions.
2. GreenWay Recycling, LLC supports GSS Transfer application on the basis that it supports local business.
3. On behalf of the Gresham Northwest Neighborhood Association [NWWA] membership, thank you for the opportunity to provide public comment While our neighborhood association has appreciated GSS as important, responsibly-operated partners in our business community, adjacent to our neighborhood association boundary (shared with the Rockwood NA boundary), we do have concerns regarding how expanded operations at the transfer station would impact West Gresham residents and property owners  
Our Understanding of the Area and GSS Proposal  
The most closely impacted neighbors are commercial and industrial properties -- including TriMet’s MAX yard on the west side of the Gresham/Fairview Trail The nearest residential neighbors are approximately 1,000 feet from the GSS facility To date we have not received any specific complaints from neighbors Neither have we witnessed any activities that would be considered hazardous or obtrusive We are nonetheless concerned about the close proximity of infill residential and commercial neighbors

In 2003, City of Gresham residents voted for a 20-year urban renewal plan authorizing over \$90 million in tax increment financing for redevelopment projects in Rockwood/West Gresham. These efforts have resulted in high-value infrastructure upgrades for one of the Metro region's most struggling communities. Urban renewal projects like this one encourage private investment opportunities which, in Rockwood's case, may vanish or become substantially reduced if 'urban' Rockwood's industrial neighbors directly or indirectly bring further hardship to the community.

Upon reviewing the application with GSS management, Metro, DEQ and City of Gresham staff, we understand the intention is

to 'spread out' the intake of putrescible waste during normal hours of operation. The extra truckloads will be arriving during currently under-utilized times of day. In theory, this would increase operating efficiencies without resulting in traffic bottlenecks, increases in on-site storage of waste or waste-related impacts noticeable from offsite. In other words, neighbors should be subjected to substantially the same level of impacts; which are currently considered reasonable.

Our Concerns about the GSS Proposal

In the interest of resident's health, safety and welfare; and the existing character and future development potential of Gresham neighborhoods, we respectfully raise the following points:

1 - Concern about traffic. Significant new residential development has occurred and additional residential development is planned near the transfer station. The neighborhood is concerned that increasing the use of this transfer station will result in both (local) garbage truck and (landfill-bound) semi-truck traffic through the neighborhood. According to GSS and City of Gresham staff, the majority of GSS traffic will be routed along E Burnside St / NW Burnside Rd, a federally recognized freight-way, which our neighborhood prefers. We understand that the permit anticipates approximately five --and up to fifteen -- additional daily truck trips dropping off waste at GSS. The anticipated increase in vehicles will not significantly affect current traffic patterns.

2 - Monitoring for negative impact. Neighbors appreciate GSS's current level of attentiveness to safety and sanitation. Adjustments in garbage transfer operations could potentially increase noise, odor and result in other impacts negatively affecting neighborhood livability — such as vector-borne disease, wind-blown dust and litter, and hazardous waste spillage. We understand Metro staff conducts six to eight surprise site inspections each year. Inspection results are available in staff reports made public as part of the license renewal procedures and are available through public records requests. Neighborhood members would like to review staff reports and will compare available data with neighbors' observations to ensure that emissions continue to meet acceptable standards, accidental discharges are properly contained and reported, and insects/rodents associated with waste are controlled within limits acceptable for the neighborhood.

3 - Best facility for public benefit. We feel confident that GSS has good intentions and will make every effort to continue being a good neighbor while providing an essential service to the broader community. However, if transfer operations do become untenable at the Birdsdale location, NWNA will appreciate efforts to re-evaluate and address the costs/benefits of waste transfer locations. Specifically, which locations offer 1) the least impact to residential and commercial neighbors; and 2) the least out-of-direction routings for local haulers and long-

distance landfill-bound transfer vehicles relative to other transfer facilities in the metro region Metro should consider whether other facilities, for example Waste Management's Commercial Transfer Station in Troutdale, which is nearer to I-84 (and further from established residential areas) would be more-appropriate for the increased waste handling and semi-truck transportation

4-From an economic perspective GSS has stated the requested changes will result in cost reductions and benefits to rate payers. A stronger alliance between GSS and Arrow Sanitary Service — which shares the same Texas-based parent company as Wasco County Landfill — should generate benefits for all players in the waste stream serviced by these companies How will rate payers, and other local haulers, especially independent operators, share the benefits of the proposed changes?

Thank you for considering these comments.

4. We fully support Gresham Sanitary's application to expand their transfer facility. It makes sense for two reasons. 1. It good for the environment in that other Gresham haulers don't have to go miles away to dump. Reduces traffic, wear and tear on the highway, exhaust and fuel saving benefit the environment. 2. Gresham Sanitary already has the capacity to handle the extra tonnage and triggers no new land or zoning permits for the City of Gresham. And, it has virtually no impact on the surrounding neighborhood. Please approve this application.

### **GSS Transfer response to comments:**

Re: Response to public comment regarding GSS Transfer change of authorization.

Dear Ms. Ritter,

We understand that most of the comments received by Metro are positive in nature and do reflect our ongoing commitment to health and safety. As a heavy industrial property owner and a current transfer station licensee, we believe we are a good neighbor as well as an asset to our community.

To date we have not received any specific complaints from neighbors, and during our last DEQ unannounced inspection on January 4<sup>th</sup> 2019, "no violations were observed" and "litter control and waste organization was excellent."

The concern regarding traffic has been addressed. Most local and all landfill-bound traffic is routed along E Burnside St/ NW Burnside Rd which is a federally recognized freight-way. With the increased tonnage, total traffic impact is insignificant when compared to the overall traffic on the street. The added trips are less than .01% of total traffic at these locations.

The concern regarding livability has been addressed. Hazardous waste is prohibited from placement in solid waste and is not accepted at our facility. We believe the regulating authorities of the State of Oregon, Metro, DEQ, and the City of Gresham do a good job monitoring and enforcing rules and regulations in the best interest of the public. Our current operating plan, as well as current practices, address and mitigate any negative impacts to surrounding area, GSS Transfer's current level of attentiveness to safety and sanitation can be expected to continue.

Regarding the question about "How will rate payers, and other local haulers, especially independent operators, share the benefits of the proposed changes?"

The City of Gresham reviews the solid waste system's financial performance and collection rates annually. City Staff, and an outside auditor, analyze the financial reports submitted by the City's licensed haulers. The adjusted composite results for the whole system are used as the basis for determining whether rate increases are necessary to cover future collection costs. The reduced disposal fees at GSS Transfer, as well as the decreased operating costs for the Haulers using the facility, will be passed on to the customers through this annual review process.

Regarding the sharing of these decreased costs for "independent operators," a significant portion of the increased tons will come from independent operators. Rockwood Solid Waste is using the GSS Transfer facility, and their trucks are based less than 1/4 mile from GSS Transfer. As a result, in addition to the significant disposal savings, Rockwood Solid Waste will also achieve reduced operating costs and lower its environmental impact.

We appreciate the feedback and comments regarding our proposal. It has given more people a better understanding about who we are, and hopefully clarified our level of commitment to excellence, especially toward our community and neighbors. We welcome continued dialog with stakeholders when desired and will always make ourselves available to do so.

-Matt Miller

Vice President - GSS Transfer