

IN CONSIDERATION OF RESOLUTION NO. 19-5042 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NEW NON-SYSTEM LICENSE AUTHORIZING OWENS CORNING GRESHAM FOAMULAR PLANT TO TRANSPORT AND DISPOSE NON-RECOVERABLE SOLID WASTE, INCLUDING PUTRESCIBLE WASTE AT THE COVANTA WASTE-TO-ENERGY FACILITY LOCATED IN BROOKS, OREGON.

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### **ISSUE STATEMENT**

Owens Corning Gresham Foamular Plant (Owens Corning) is requesting a new Metro Solid Waste Facility Non-System License (NSL) to transport up to 50 tons per calendar year of non-recoverable solid waste, including putrescible waste, from its facility located at 18456 NE Wilkes Rd. in Portland to the Covanta Waste-to-Energy facility (Covanta) in Brooks, OR.

Metro Code Section 5.05.110(c) requires the Metro Council to approve or deny a non-system license to transport putrescible waste to a disposal site.

### **ACTION REQUESTED**

Approve Resolution No. 19-5042 which will authorize the Chief Operating Officer to issue a new Metro Non-System Facility License to Owens Corning for a term of two years.

### **IDENTIFIED POLICY OUTCOMES**

Approval of the proposed NSL renewal will support Metro's longstanding practice to allow solid waste generated in the Metro region to be transported to disposal sites located outside of the region provided that the transporter applies for and receives Metro authorization.

### **POLICY QUESTION**

Should Metro Council approve the resolution and grant the Chief Operating Officer authority to issue a new NSL, as provided in Metro Code Chapter 5.05.110, to Owens Corning to deliver up to 50 tons of putrescible waste per calendar year to Covanta?

### **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

1. Approve the resolution as proposed to authorize the Chief Operating Officer to issue a new NSL to Owens Corning.
2. Approve the resolution with conditions in addition to or other than those recommended by staff.
3. Do not approve the resolution.

## **STAFF RECOMMENDATION**

Staff recommends Metro Council approve of Resolution 19-5042 to authorize the Chief Operating Officer to issue a new NSL to Owens Corning.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

NSLs are the main vehicles by which Metro manages the flow of solid waste transported to facilities located outside of the Metro regional boundary because they allow Metro to closely monitor and potentially guide waste flows to authorized facilities.

## **Known Opposition/Support/Community Feedback**

There is no known opposition to the proposed NSL.

## **Legal Antecedents**

Metro Code Chapter 5.05, "Solid Waste Flow Control." Specifically, Section 5.05.140 describes the factors the Chief Operating Officer may consider 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 proposed disposal site is a waste-to-energy facility rather than a landfill and thus does not pose the same potential environmental risk from waste delivered from prior users. Air emissions from the facility are controlled through the use of high efficiency combustion within the furnace/boiler as well as by selective non-catalytic reduction, spray dryer absorbers, fabric filter baghouses and an activated carbon injection system. The ash generated at the facility is then disposed, or used beneficially, in accordance with Oregon Department of Environmental Quality (DEQ) requirements.

- (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;*

Covanta holds a DEQ Solid Waste Energy Recovery Permit. No formal enforcement actions have been taken at Covanta by DEQ in the last five years and Covanta is in compliance with federal, state, and local requirements. Staff has also received confirmation that Covanta has a good compliance record with respect to public health, safety and environmental regulations.

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

Covanta screens incoming waste for hazardous, radioactive, and other unacceptable materials and has a state-of-the-art emissions control system to minimize the risk of future environmental contamination. In addition, Covanta uses operational

practices and management controls that are considered by the DEQ to be appropriate for the protection of health, safety, and the environment.

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

Owens Corning Gresham Foamular Plant has an aggressive internal recycling program and it seeks to deliver only its non-recyclable waste, including putrescible solid waste, to Covanta instead of a landfill.

The Metro-area waste that is delivered to Covanta is considered to be disposal and does not count toward recovery in Metro's recovery rate calculation because state statute (ORS 465A.010(4)(f)(B)) stipulates 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. Marion County is the only wasteshed within Oregon that hosts a waste-to-energy facility within its boundaries; therefore, it is the only wasteshed that is currently allowed to include a portion of the in-county waste that is delivered to Covanta in its recovery rate. Approval of the proposed NSL is not expected to impact the Metro region's recycling and waste reduction efforts.

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

Through 2019, Metro has a contractual agreement to deliver a minimum of 87 percent of the region's putrescible waste that is delivered to general purpose landfills during the calendar year, to landfills owned by Waste Management. The proposed NSL is not effective until January 1, 2020, after the expiration of Metro's contractual agreement and therefore, approval of the proposed license will not conflict with Metro's disposal contract.

*(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; and*

Metro staff's investigation of the applicant revealed a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations.

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

Covanta is the primary disposal site for solid waste generated within Marion County. Marion County generally supports the Metro-authorized flow of solid waste to Covanta.

## **Anticipated Effects**

Adoption of Resolution 19-5042 will authorize the Chief Operating Officer to issue a new NSL, as provided in Metro Code Chapter 5.05.110, to Owens Corning to deliver up to 50

tons per calendar year of non-recoverable solid waste, including putrescible waste, to Covanta.

### **Financial Implications**

The application under consideration is for a new NSL to transport up to 50 tons of non-recoverable solid waste, including putrescible waste, to Covanta. While the financial impact of this NSL has not been factored into the budget, its impact is expected to be negligible due to the limited amount of tonnage authorized by the NSL. The regional system fee and excise tax will continue to be collected on Metro-area waste delivered to Covanta under the authority of the proposed NSL.

### **BACKGROUND**

The applicant seeks a new NSL to transport non-recoverable solid waste and putrescible waste generated within the Metro region to Covanta. Covanta is a non-system waste-to-energy facility located outside of the region. Metro Code Section 5.05.040 prohibits any person from transporting solid waste to a non-system facility without an appropriate license from Metro. The proposed NSL is subject to Metro Council approval because it involves putrescible waste.

The applicant, Owens Corning, is located at 18456 NE Wilkes Rd. in Gresham, Oregon (Metro District 1). The plant makes extruded polystyrene insulation for the western United States and Canada. Its foam insulation products are used to provide commercial building insulating solutions for under slabs, crawlspaces, exterior walls and low slope roof applications. They are also used to insulate soft wall barrier systems, walk-in coolers and wind turbines

Owens Corning routinely generates miscellaneous non-recoverable wastes at the above-mentioned facility which consist primarily of non-recyclable plastic and restroom and lunchroom wastes. The facility makes efforts to reduce, reuse, and recycle waste whenever possible. For example, the company participates in Hoses2Habitat, a program that provides used materials to zoos for use by animals. Off-specification and scrap foam insulation are reintroduced into the manufacturing process. As part of these efforts, Owens Corning prefers to send its non-recoverable wastes to waste-to-energy facilities instead of landfills for disposal.

### **ATTACHMENTS**

Exhibit A to Resolution No. 19-50XX: Draft Non-System License No. N-188-20.