

IN CONSIDERATION OF RESOLUTION NO. 19-5021, FOR THE PURPOSE OF ADOPTING THE LIST OF DESIGNATED FACILITIES OF THE SOLID WASTE SYSTEM AND TO REMOVE RIVERBEND LANDFILL PURSUANT TO METRO CODE CHAPTER 5.05.

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Date: November 7, 2019  
Department: Property and Environmental  
Services (PES)  
Meeting Date: November 21, 2019

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Presenter(s): Roy Brower and Hila Ritter  
Length: 10 minutes

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### **ISSUE STATEMENT**

Metro Council seeks the adoption of the solid waste designated facilities list and the removal of Riverbend Landfill from the list pursuant to Metro Code Chapter 5.05.

### **ACTION REQUESTED**

Approve Resolution No. 19-5021 to adopt the solid waste designated facilities list, remove Riverbend Landfill from the list, and authorize Metro's Chief Operating Officer to execute agreements with certain designated facilities that may include the acceptance of putrescible waste.

### **IDENTIFIED POLICY OUTCOMES**

Approval of this resolution will implement Metro's landfill capacity policy (Ordinance No. 17-1401) and prohibit Metro area waste from being disposed at new or limited capacity landfills. This resolution will also establish a list of solid waste facilities and disposal sites that Council authorizes to accept certain types of waste from the region, and act as Metro's agent to collect and remit regional system fees and excise taxes. These out-of-region facilities become designated as part of Metro's solid waste system by Council adoption.

### **POLICY QUESTIONS**

1. Should the Metro Council adopt the proposed list of designated facilities, attached as Exhibit A, to designate eight solid waste facilities and disposal sites outside of the Metro region as part of Metro's solid waste system?
2. Should the Metro Council remove Riverbend Landfill from the list of designated facilities according to the provisions of Metro Code Chapter 5.05 and as described in this resolution?
3. Should the Metro Council authorize the Chief Operating Officer to execute an agreement with a designated facility that may include the acceptance of putrescible waste?

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

1. Approve the resolution as proposed to adopt the list of designated facilities and remove Riverbend Landfill from the list.
2. Amend the resolution to adopt a list of designated facilities that is different than that recommended by staff.

3. Do not approve Resolution No. 19-5021.

### **STAFF RECOMMENDATIONS**

Staff recommends that Metro Council adopt Resolution No. 19-5021 to approve the designated facilities list. If Metro Council approves this resolution, the adopted list will be effective January 1, 2020.

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

Designation of a solid waste facility or disposal site outside the Metro region requires Metro Council approval. If the Metro Council designates a facility, the Chief Operating Officer may execute a designated facility agreement (DFA) between Metro and the designated facility that allows the facility to accept Metro region waste and to collect Metro's regional system fees and excise taxes on Metro's behalf. As of the date of this report, nine solid waste facilities are designated outside of the Metro region:

1. Coffin Butte Landfill, Benton County, Oregon – Republic Services
2. Columbia Ridge Landfill, Gilliam County, Oregon - Waste Management
3. Cowlitz County Headquarters Landfill, Cowlitz County - Washington, Cowlitz County
4. Finley Buttes Regional Landfill, Morrow County, Oregon - Waste Connections
5. Hillsboro Landfill, Washington County, Oregon - Waste Management
6. Riverbend Landfill, Yamhill County, Oregon - Waste Management
7. Roosevelt Regional Landfill, Klickitat County, Washington – Republic Services
8. Tualatin Valley Waste Recovery, Washington County, Oregon - Waste Management
9. Wasco County Landfill, Wasco County, Oregon – Waste Connections

On July 25, 2019, Metro notified Waste Management that Riverbend Landfill was no longer eligible for inclusion on the designated facilities list because it is a limited capacity landfill, as defined in Metro Code. With the exception of Riverbend Landfill all of the other facilities on the list meet the criteria in Code and do not conflict with Metro's landfill capacity policy. A fuller discussion of the Landfill Capacity Policy is provided later in this report.

In addition to adopting the amended designated facilities list, the Chief Operating Officer seeks to execute new agreements with the designated facilities. These updated DFAs will better align existing language among the agreements for increased consistency as well as incorporate policy decisions made since Metro Council last adopted the list in 2014, such as the adoption of the 2030 Regional Waste Plan and the adoption of a Business Food Waste Requirement. Additionally, Metro's long-term disposal contract with Waste Management expires on December 31, 2019. That disposal contract required Metro to send at least 90 percent of the region's putrescible waste to a disposal site owned by Waste Management. Beginning in 2020, Metro's new disposal contract with Waste Management covers only the waste received at Metro transfer stations. Therefore, staff seeks to include the acceptance of putrescible waste in certain DFAs to reduce the need for haulers to individually obtain a non-system license from Metro.

The proposed DFAs contain changes that are largely updates, clarifications, and alignment of expectations across designated facilities including:

- A facility that is authorized to accept putrescible waste may receive it from the Metro area.
- Metro area waste may be accepted for disposal, processing, or transfer.
- All records are subject to inspection or audit by Metro.
- Cleanup material may be accepted from a recurring event.
- Definitions found in Metro Code Chapter 5.00 have been removed from the agreements.
- Terminology has been updated for clarity and modernization.

## **LANDFILL CAPACITY POLICY**

In December 2014, the Metro Council approved Resolution 14-4589, which directed Metro staff to develop a landfill capacity policy to evaluate the disposal capacity at new, existing or expanded landfills and to recommend changes to Metro Code to implement the policy. Council was aware that many existing landfills available for the disposal of waste from the Metro region had well over 100 years of capacity, and that the region's waste should not contribute unnecessarily to the expansion of any specific landfill or to the development of a new one. Metro Council was also concerned that Riverbend Landfill was almost at capacity and was proceeding with expansion plans. In 2016, 26 percent of total Metro area waste transported for disposal at a landfill was transported to Riverbend, which represented 58 percent of the waste received at Riverbend in that year.

In 2015 and early 2016, at the direction of Council, staff studied the issue of landfill capacity, including how it is calculated and how it is defined. Through Resolution No. 16-4710, Metro Council directed staff to develop a policy that keeps Metro area waste from contributing to the expansion of any existing landfill or the creation of any new landfill. The policy approach was based on staff research, including scenario impact modeling, and input from Metro Council, local governments, business groups and other stakeholders.

In 2017, Metro Council approved Ordinance No. 17-1401 and associated Code changes to establish Metro's landfill capacity policy which states, in part, that if a landfill operator seeks approval from the Oregon Department of Environmental Quality (DEQ) for an expansion of a landfill, and that approval is not given by May 25, 2017, then the landfill is considered a "limited capacity landfill." Beginning in 2020, a limited capacity landfill is ineligible for use as a disposal site for Metro area waste.

Riverbend Landfill sought an expansion and received approval from DEQ for that expansion after May 25, 2017. Riverbend Landfill is thus a "limited capacity landfill" per Metro Code Section 5.05.055, and Metro area waste is prohibited from being disposed there after January 1, 2020.

## **BACKGROUND**

The proposed designated facility list in Exhibit A, effective January 1, 2020, includes Metro's transfer stations and a general description of all solid waste facilities located

within the Metro region that are subject to regulatory authority under Chapter 5.01 (this applies to all solid waste facilities in the region that are required to obtain a Metro-issued license, franchise, or are otherwise exempt from such requirements). The list also includes the following out-of-region designated facilities: Coffin Butte Landfill, Columbia Ridge Landfill, Cowlitz County Headquarters Landfill, Finley Buttes Regional Landfill, Hillsboro Landfill, Roosevelt Regional Landfill, Tualatin Valley Waste Recovery, and Wasco County Landfill. The effective date of January 1, 2020, prospectively removes Riverbend Landfill from the designated facility list upon the expiration of its current DFA.

### **Riverbend Landfill, DFA No. 932399**

Waste Management of Oregon, Inc., is the owner and operator of Riverbend Landfill located in Yamhill County. The landfill first began accepting Metro area waste as a Metro designated facility in 2008. Staff soon became aware of growing concern over the impact of Riverbend Landfill's operations on surrounding neighbors and farming activities. This escalated when Waste Management of Oregon applied to DEQ to expand the footprint of the landfill to allow for additional capacity. Riverbend Landfill faces ongoing legal issues regarding its requests to expand. Community members have appealed and legally challenged Yamhill County's decision to allow the landfill's proposed expansion. In addition, community members were vocal opponents of Metro's decision to allow the region's waste to be disposed at Riverbend Landfill. Yamhill County's land use approval to allow Riverbend Landfill to expand has been in litigation since 2010 and was remanded back to the county by the Oregon Supreme Court earlier this year. It is unclear whether Waste Management will seek another approval from the county given the Court's decision.

In 2014, Metro Council adopted Resolution 14-4589 which directed Metro staff to research and develop a Landfill Capacity Policy that would determine which landfills are eligible to receive Metro area waste. Riverbend Landfill applied to DEQ in early 2017 to amend its site development plan to expand its landfill and DEQ approved the expansion in that same year. This approval to expand, which came after May 25, 2017, resulted in Riverbend becoming a limited capacity landfill as defined in Metro Code and thus ineligible to receive Metro area waste after January 1, 2020. Metro staff recommends removing Riverbend Landfill from the list of designated facilities.

### **Proposed Designated Facilities of Metro's Solid Waste System**

The Council considered the factors described in Metro Code Section 5.05.060 when it initially added the following facilities to the designation list and, as such, it is not necessary to further review those factors with respect to including those facilities on the list in Exhibit A. Instead, a short description of these facilities is provided below.

#### **1. Coffin Butte Landfill, DFA No. 932397**

Republic Services, is the owner and operator of Coffin Butte Landfill. Coffin Butte Landfill is an existing disposal site located in Benton County (about 75 miles from Metro Regional Center). Metro has executed a DFA with the landfill that allows it to accept certain types of waste (for example, non-putrescible processing residual, special waste, cleanup material, inert waste, etc.) for disposal. Republic Services is well known to Metro and has extensive experience in recycling, solid waste collection, transfer and disposal. Coffin Butte Landfill is

a permitted Subtitle D disposal site under the Resource Conservation and Recovery Act (RCRA), which establishes national landfill standards.

**2. Columbia Ridge Landfill, DFA No. 932396**

The applicant, Waste Management Disposal Services of Oregon, Inc., is the owner and operator of Columbia Ridge, an existing disposal site located in Gilliam County (about 141 miles from Metro Regional Center). Metro has executed a DFA with the landfill that allows it to accept certain types of waste for disposal. The applicant is well known to Metro and has extensive experience in recycling, solid waste collection, transfer and disposal. Columbia Ridge Landfill is a permitted Subtitle D disposal site under RCRA.

**3. Cowlitz County Headquarters Landfill, DFA No. - 933507**

The applicant, Cowlitz County Public Works, is the owner and operator of Cowlitz County Headquarters Landfill, an existing disposal site located in Cowlitz County, Washington (about 59 miles from Metro Regional Center). Metro has executed a DFA with the landfill that allows it to accept certain types of waste for disposal. The applicant is a public organization that is well known to Metro. Cowlitz County Headquarters Landfill is a permitted Subtitle D disposal site under RCRA.

**4. Finley Buttes Regional Landfill, DFA No. 932398**

The applicant, Waste Connections, is the owner and operator of Finley Buttes Regional Landfill, an existing disposal site located in Morrow County (about 168 miles from Metro Regional Center). Metro has executed a DFA with the landfill that allows it to accept certain types of waste for disposal. The applicant is well known to Metro and has extensive experience in recycling, solid waste collection, transfer and disposal. Finley Buttes Landfill is a permitted Subtitle D disposal site under the RCRA.

**5. Hillsboro Landfill, DFA No. 932404**

The applicant, Waste Management of Oregon, Inc., is the owner and operator of Hillsboro Landfill, disposal site located in Hillsboro, Oregon (about 24 miles from Metro Regional Center). Metro has executed a DFA with the landfill that allows it to accept certain types of waste for disposal. The facility is a special purpose landfill and is not permitted by DEQ to accept putrescible waste. The applicant is well known to Metro and has extensive experience in recycling, solid waste collection, transfer and disposal. Hillsboro Landfill is designed to meet Subtitle D disposal site standards under RCRA.

**6. Roosevelt Regional Landfill - DFA No. 932400**

The applicant, Republic Services, is the owner and operator of Roosevelt Regional Landfill. Roosevelt Regional Landfill is an existing disposal site located near Roosevelt, Washington (about 141 miles from Metro Regional Center). Metro has executed a DFA with the landfill that allows it to accept certain types of waste for disposal. The applicant is well known to Metro and has extensive experience in recycling, solid waste collection, transfer and disposal. Roosevelt Landfill is a permitted Subtitle D disposal site under the RCRA.

**7. Tualatin Valley Waste Recovery (TVWR), DFA No. 933672**

The applicant, Waste Management of Oregon, Inc., is the owner and operator of Tualatin Valley Waste Recovery (TVWR), an existing material recovery facility located in Hillsboro, Oregon (about 24 miles from Metro Regional Center). Metro has executed a DFA with the facility that allows it to accept non-putrescible waste and source separated recyclables for

material recovery processing. The applicant is well known to Metro and has extensive experience in recycling, solid waste collection, transfer and disposal.

#### **8. Wasco County Landfill, DFA No. 932401**

The applicant, Waste Connections, is the owner and operator of Wasco County Landfill, an existing disposal site located in Wasco County (about 88 miles from Metro Regional Center). Metro has executed a DFA with the landfill that allows it to accept certain types of waste for disposal. The applicant is well known to Metro and has extensive experience in recycling, solid waste collection, transfer and disposal. Wasco Landfill is a permitted Subtitle D disposal site under RCRA.

#### **Proposed Designated Facilities of Metro's Solid Waste System - Conclusion**

Metro conducts site inspections at these landfills and material recovery facility and staff finds them to be well-run operations with no observable reason to suspect impending problems or issues. The landfills use operational practices and management controls that are typical of RCRA Subtitle D landfills, and the material recovery facility also uses appropriate practices and controls that are typical for a recycling facility, for the proper management and disposal of waste and adequate for the protection of health and the environment. The landfills and material recovery facility are permitted by DEQ or Washington's Department of Ecology and those agencies have reported that there are no current enforcement or compliance issues associated with these sites, and that none of the landfills have sought expansion. Therefore, none of these landfills are a limited capacity landfill as defined in Metro Code.

Staff concludes that these applicants have demonstrated they are fully qualified to operate these facilities in a competent and efficient manner and that the environmental risk associated with the use of these disposal sites and material recovery facility are regulated by the appropriate local and state authorities.

#### **ATTACHMENTS**

- A. Exhibit A: Designated Facilities of Metro's Solid Waste System
- B. Attachment 1 to Staff Report: Map

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