



# Memo

Date: June 20, 2024  
 To: Warren Johnson, Policy and Compliance Program Director  
 From: Joanna Dyer, Solid Waste Authorization Coordinator  
 Subject: Renewed Solid Waste Facility License No. L-043-24 for Grimm’s Fuel Company, Inc.

Attached for your signature is renewed Solid Waste Facility License No. L-043-24 for Grimm’s Fuel Company, Inc. (Grimm’s), a yard debris composting facility located at 18850 SW Cipole Road in Tualatin (Council District 3). This memo provides background information on the applicant’s request, a description of proposed changes to the license, and staff’s recommendation to renew Metro’s authorization for Grimm’s.

Under Metro Code Section 5.01.080, the proposed license is to be approved or denied by the Chief Operating Officer (COO). On August 27, 2023, the COO delegated to the Policy and Compliance Director (the Director) authority to carry out the COO’s responsibilities under Metro Code Chapter 5.01 for approving or denying a solid waste facility license. As such, the Director is authorized to approve this proposed license.

## OVERVIEW

The applicant, Grimm’s, is a locally owned and operated yard debris composting facility that is regulated by both Metro and the Oregon Department of Environmental Quality (DEQ). The facility primarily accepts yard debris, land-clearing debris, horse manure and stable bedding for composting. It is also authorized to accept incidental amounts of source-separated, pre-consumer vegetative food waste for composting (such as pumpkins or other garden waste), clean untreated wood waste for the production of hogged fuel, and inert materials (such as rock). The facility also operates a retail outlet for landscaping products.



**Figure 1: Grimm’s Fuel Company, Inc.**

*Note: Composting operations occur on tax lots 1800 and 1900. The other lots are used for storage of equipment and finished compost.*

Grimm's was established in 1929 and moved to its current location in Tualatin in the early 1970s at a time when the area was mostly agriculture land. Grimm's began its composting operation in 1975, implementing the "static pile" method of composting, where organic material is placed in piles and turned and watered regularly over a period of four to six months until material has decomposed into compost. As demand for yard debris composting increased, the volume of yard debris accepted by Grimm's increased. This resulted in very tall, wide compost piles that were difficult to manage. This created dust issues and often anaerobic conditions within the piles resulting in odors that negatively impacted neighboring community members. In 2018, Metro contracted with Green Mountain Technologies (GMT), a compost engineering and consulting company to assess Grimm's composting operations and make recommendations on best management practices for odor mitigation opportunities. In 2019, after a multi-year community engagement process with neighbors, Grimm's, and other local government agencies (see [www.oregonmetro.gov/grimms](http://www.oregonmetro.gov/grimms) for more information), Metro issued solid waste facility license No. L-043-19 which incorporated recommendations from the GMT assessment report and required the facility to not only reduce the height of compost piles to 14 feet by a specific date, but also convert the entire operation from static pile composting to Aerated Static Pile (ASP) composting by July 1, 2020.

ASP composting uses pressure blowers to push or pull air through compost piles via a series of pipes embedded in a concrete pad below the piles. This system allows the operator to monitor and adjust oxygen levels, temperature and moisture to create ideal composting conditions with fewer adverse impacts. In 2019, Grimm's began construction of an ASP composting system designed by GMT. Metro awarded Grimm's with a \$750,000 matching capital investment and innovation grant in the 2019-2020 funding cycle to help fund the completion of Phase 2 of the project. The system was operational by September 2020 and complete in Spring 2021.

The system consists of two concrete slabs, each with eight zones. The feedstock is ground to 6-inch minus and placed in a zone where air pipes embedded in the concrete can push or pull air through the piles to maintain aerobic conditions which minimizes potential odor. Each zone is filled to reach a maximum height of 14 feet inclusive of 12 inches of bio-cover that is required in the current Metro license. The retaining wall of the concrete pad has a yellow horizontal line to indicate the 14-foot mark. The piles in each zone are built to maintain proper bulk density and moisture content. The aeration and temperature are controlled through a computer system that has been designed to provide a minimum aeration of 13 percent oxygen to all active compost zones and to maintain temperatures between 120 and 150 degrees. The temperature is continuously monitored and recorded by the computer system and the oxygen levels are currently checked daily.



**Figure 2: Grimm's Fuel Company February 2020, first aerated pad is complete.**

Once a zone is built and active, it is undisturbed for a minimum of 15 days. Moisture content is measured on the first day and again during deconstruction of the zone on day 15 so that that any adjustments can be made when the pile is turned and rebuilt in a new zone. The compost sits in the second zone for at least an additional 15 days to ensure both the inside and outside of the pile undergoes pathogen reduction. To achieve pathogen reduction, the piles must reach and maintain a temperature of 131 degrees for three consecutive days. After a minimum of 15 days in the second zone, the compost is screened and moved to an area to cure for 15 to 30 days. Grimm’s voluntarily sends samples of finished compost to certified labs monthly in accordance with the US Composting Council’s Seal of Testing Assurance Guidelines.



**Figure 3: Grimm’s Fuel Company October 2020, both pads are operational.**

Grimm’s has operated as a Metro-licensed facility since 1997. The facility submitted a renewal application to DEQ for its Solid Waste Disposal Site Permit for a composting facility (No. 1433) which expired on November 1, 2023, and has been administratively extended by DEQ. Grimm’s also holds a 1200-Z industrial stormwater general permit issued by DEQ (No. 109185) which expires on June 30, 2026.

On July 25, 2023, Grimm’s submitted an application to Metro requesting the renewal of its license. Metro received the \$300 application fee on August 11, 2023. The application was deemed complete on August 14, 2023. The applicant proposed two changes to its Metro and DEQ authorizations as described in the next section. In December 2023, Metro issued amended solid waste facility license No. L-043-19A to Grimm’s which extended the term by six months to allow time for additional public engagement. The current license expires on June 30, 2024.

### **CHANGES TO OPERATING REQUIREMENTS PROPOSED BY APPLICANT**

In its application to Metro, Grimm’s proposed two changes to its operating requirements:

- 1. Reduce the bio-cover requirement from 12 inches at all times to as needed to minimize odor.**  
A bio-cover is used for insulation for pathogen reduction as well as to minimize odors. A bio-cover can be comprised of finished compost or porous overs (larger pieces of debris screened from finished compost). Section 6.3 of the current Metro license requires the licensee to apply and maintain cover material on all stockpiles subject to ASP composting, and Section 7.8 requires a minimum depth of 12 inches covering all sides of the piles if using a bio-cover. In its application, Grimm’s cited multiple reasons for requesting this change, including cost, worker safety, facility capacity and impacts to airflow and water penetration of the piles. Grimm’s stated that the 12-inch layer of compost impacts the effectiveness of the system by preventing moisture from migrating



into the pile before it evaporates in hot months; likely reducing air flow reaching the surface when the system is on positive air (pushing air through the piles from the bottom); and increasing the pile temperatures when on negative air (pulling air through the piles) because the system can't effectively pull air through the bio-cover into the piles. Grimm's included a letter from GMT, the company that designed and installed the ASP system. GMT recommended the removal of the 12-inch bio-cover requirement and suggested that Grimm's maintain bio-cover materials on site so that they are readily available to apply at a depth of 4- to 6-inches should a persistent offsite odor event occur.

**2. Decrease the frequency of oxygen readings from daily to weekly.**

Section 6.6 of the current Metro license requires that the licensee monitor and record oxygen levels at a frequency that is described in the approved operating plan, which is currently daily. In its application, Grimm's reported to Metro that they have conducted thousands of oxygen readings since installing the system and have always exceeded the minimum 10 percent requirement.

**PUBLIC NOTICE AND OPPORTUNITY TO COMMENT**

On November 16, 2023, Metro issued public notice of the proposed license renewal and provided an opportunity for the public to submit comments on the application. A public notice webpage described the facility operation and facility improvements since the last license was issued, summarized the changes to license conditions proposed by the applicant, and linked to the renewal application, including all required attachments. Postcards with information in six languages about the proposed license and comment period were mailed to 78 businesses, residents and owners of properties located within approximately one-quarter mile of the facility, which is Metro's standard notification radius for license renewals. Notice was also emailed to community-based organizations and neighborhood associations located within one mile of the facility and emailed to stakeholders with general interest in solid waste issues. Interested parties could submit comments via an online form or leave a voicemail on a multi-language phone line. The public comment period ended on December 15, 2023.

In addition, Metro held a virtual public information session on December 5, 2023, to present the improvements at the facility, the changes to the license conditions proposed by Grimm's, and to answer any questions from attendees. Metro did not accept formal comments at the meeting. Eighteen community members, in addition to staff from Metro, DEQ and Grimm's, attended the meeting. During the information session, Metro heard from attendees that the quarter-mile radius Metro used was insufficient and did not reach all households within the Pony Ridge and Angel Haven Neighborhoods which are directly across the road from Grimm's and have been impacted by odors in the past.

In response to the comments that Metro received during the public notice period that ended on December 15, Metro amended the license for Grimm's (No. L-043-19A) to extend the term until June 30, 2024, to allow time for additional community engagement. Metro opened a second 30-day public comment period on January 2, 2024. For the second comment period, Metro mailed postcards to 2,353 businesses, homes and owners of properties located within approximately one mile of the facility. The second comment period ended on January 31, 2024. Metro received 85 comments total (42 during the first comment period and 43 during the second comment period) from 79 individuals. Comments received expressed a mix of support of the changes that have been made at Grimm's, support for the proposed changes to license conditions, as well as concern about the possible impacts of the proposed changes to the license conditions.

## SUMMARY OF WRITTEN PUBLIC COMMENTS AND METRO'S RESPONSE

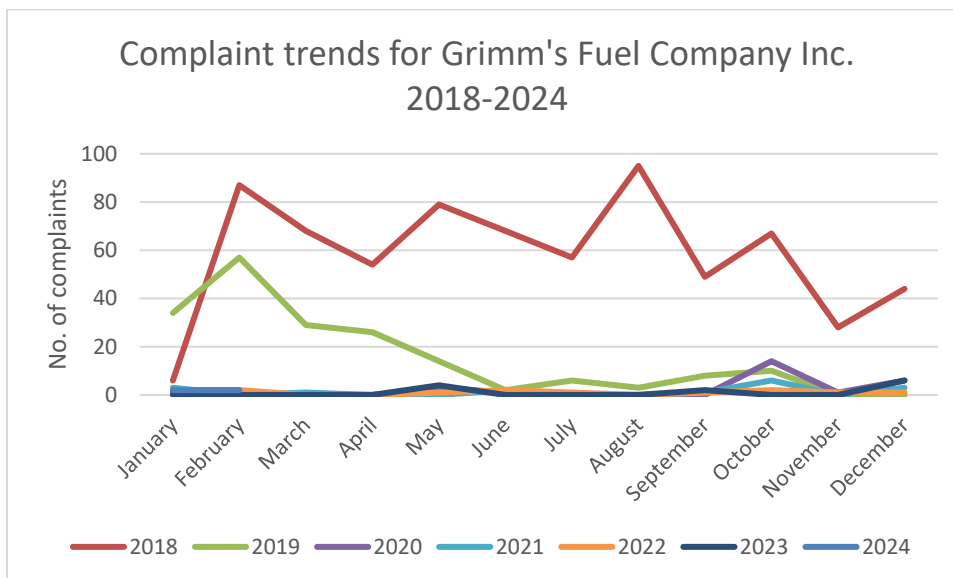
All the comments that Metro received about the proposed license renewal during both public notice periods are included in full as an attachment to this memo. Staff grouped and summarized the comments that Metro received into 10 general categories for purposes of addressing them in this memo. The general categories and Metro's responses to each are described below.

### 1. Comments indicating that the current system is working to mitigate odor.

- Odors have been reduced to occasional, intermittent and minimal.
- The current bio-cover is working to mitigate odor; therefore, it should remain at 12 inches.
- Some commenters described occasional odors as unbearable, pungent, strong, significant, and distinctly bad.

Metro response: As a requirement of its Metro solid waste facility license issued in March 2019, Grimm's installed a state-of-the-art Aerated Static Pile (ASP) compost system which allows the operator to monitor and adjust oxygen levels, temperature and moisture, to create ideal composting conditions with increased control to mitigate adverse impacts. Generally, there was an acknowledgement in the comments received that the new ASP method of composting is working well to minimize odors to occasional or intermittent.

Composting is a natural process of decomposing organic materials, and it is impossible to eliminate all odors. Metro requires the facility to operate in a manner that controls and minimizes off-site impacts. Since Grimm's completed its ASP system in spring 2021, there was a 98 percent reduction in complaints received by Metro. Metro received 702 complaints in 2018 before the new system was installed, and 12 complaints in 2023 after the system had been in place for a couple of years. Although there has been significant improvement at the facility, Metro understands that the perception of odor is personal, and some may be more sensitive to odors and have stronger physical or emotional responses to odor. Metro will continue to closely monitor the facility to ensure that it complies with its license requirements.



**Figure 4: Complaints about Grimm's received by Metro 2018-2024.**

*Note: The facility began transitioning to the ASP composting system in 2019 and it was operational in fall 2020. Number of complaints received dropped 98 percent since the ASP system was installed.*

**2. Comments indicating that the proposed reduction in bio-cover is vague, contradicts past recommendations and will/may lead to negative impacts to the surrounding community.**

- In 2018, GMT recommended a 12-inch bio-cover for Grimms in its report commissioned by Metro.
- In 2022, GMT stated in a letter to Metro on behalf of Grimm's that the 12-inch bio-cover requirement is unnecessary and excessive.
- Reducing the bio-cover may/will result in increased odor.
- Grimm's is not operating at full capacity and reducing the bio-cover will allow Grimm's to accept more yard debris which will lead to increased odor.

Metro response: In 2018, Metro contracted with GMT to assess Grimm's composting operations and make recommendations on best management practices for odor mitigation opportunities. At that time, GMT recommended 12 inches of bio-cover, which was higher than the industry average, to ensure that the ASP system would effectively minimize odors due to the proximity of neighbors and the history of odor at the facility. Grimm's hired GMT to design and install the ASP system at the facility. After the system was installed and operational, GMT ran a series of airflow trials in 2020 that looked at the effect of bio-cover and age of the piles on airflow rates. According to GTM, the trials determined that with a 12-inch bio-cover, there is likely a reduction in airflow reaching the surface of the pile, and a reduction in oxygen levels below the surface of the bio-cover. Aeration of the piles is essential to minimizing odor.

Early compost industry research on bio-covers was conducted on static windrows which were not aerated, where the bio-cover trapped odors in a layer of condensation that forms under the bio-cover during the pathogen reduction phase of the compost process. If the piles are aerated, a bio-cover is less necessary for trapping odors if the piles remain aerobic. In ASP systems, oxygen is introduced into the piles which creates an ideal environment for aerobic microbes to rapidly break down the materials. Without oxygen, the piles can become more compacted, and anaerobic microbes can thrive, slowing the compost process and possibly generating foul odors. In aerobic systems, bio-covers are primarily used as insulation to help maintain moisture and temperature during pathogen reduction and may also have the added benefit of trapping odors. Reducing the depth or altogether eliminating the bio-cover is unlikely to result in increased odors so long as the piles are properly aerated. However, a bio-cover that is too thick or dense may impact the airflow within the piles which may result in areas of the pile that are not effectively aerated which could lead to odor.

Metro does not currently set tonnage limits for compost facilities, but instead requires compost facilities to maintain certain pile dimensions and operate in a manner that minimizes and controls off-site impacts. Metro has established a maximum pile height of 14 feet, inclusive of bio-cover, and Grimm's has complied with that pile height requirement since the ASP system was established.

**3. Comments indicating that Metro's regulation of Grimm's is excessive and the facility is being unfairly targeted.**

- Other compost facilities in the area do not have the same requirements and restrictions as Grimm's.
- There are other potential sources of odor in the area and Grimm's is being treated unfairly.
- A small group of people are unfairly targeting Grimm's.

Metro response: In 2018, Metro solicited input from GMT, DEQ, Grimm's, and several unaffiliated compost facility operators to draft general performance requirements for the facility. Using this input, Metro included practical and effective conditions in the license issued to Grimm's in 2019 that were specific to the operations and site conditions at Grimm's at that time. Since that time, Grimm's has made significant operational improvements as required in the license. The installation of the ASP system has proven effective for controlling and minimizing odors at the facility. Metro staff recommends updating the license requirements to reflect the new system and current conditions. Metro will continue to closely monitor the facility to ensure that it complies with its license requirements.

It is important to note that there are businesses and other locations near Grimm's, such as a wetlands and agricultural lands, that also contribute to occasional odors. Some of those entities might not be subject to Metro's solid waste requirements. However, Metro will continue to work closely with DEQ to investigate and address odor complaints when identified. In addition, Grimm's investigates every complaint received and documents the on-site operations and prevailing wind directions at the day and time the odor was observed, and any changes made to address potential odor sources identified as part of the complaint investigation.

**4. Comments indicating that changes to license conditions proposed by Grimm's are too vague, need to be stronger, or there should be a transition period.**

- Increase bio-cover to 15 inches.
- Implement a six-month trial of the proposed changes because the odor varies depending on weather and season.
- Reduce required oxygen monitoring to every three days because a weekly oxygen reading may not be sufficient to predict an "event" in time to mitigate it.
- Introduce automated processes that create a historical record of meeting the standards currently in place.
- Reducing the bio-cover requirement to "as needed" is subjective, reactive and not measurable.

Metro response: The transition to ASP composting has been effective in controlling and minimizing odor and other offsite impacts. Staff does not recommend increasing any requirements on the facility, as the system is working effectively as designed. Some of the commenters referenced the seasonality of the odor which may be related to not only the seasonality of feedstocks into the system, but also atmospheric conditions that may affect possible odors in the area for extended periods of time. Grimm's is aware of these seasonal variables and adjusts system parameters to mitigate possible odors.

The Metro license requires a minimum aeration of 10 percent oxygen in the active compost piles. Grimm's installed a compost aeration control system that monitors temperature and oxygen levels. The system was designed to provide a minimum aeration of 13 percent oxygen in the active compost piles and to maintain temperatures between 120- and 150-degrees Fahrenheit. Temperature levels are

continuously monitored and recorded by the system. The oxygen levels in the piles have not dropped below 13 percent since late 2020 and Grimm's is required to maintain records on site of the temperature and oxygen levels in the active zones which must be provided to Metro upon request.

Staff finds that Grimm's proposal to apply bio-cover "as needed" is insufficient at this time considering its proximity to residential neighbors and history of odor impacts. Rather, staff recommends that Metro maintain the bio-cover requirement but reduce it to a minimum of six inches of cover instead of 12-inches as currently required in the license.

**5. Commenters indicated that the odor impacts exceed Metro's quarter mile radius and Metro should increase the distribution area for public notice.**

- Portions of Grimm's nearest neighbors in Pony Ridge and Angel Haven are outside of the quarter-mile radius Metro used for public notice.

Metro response: Metro's standard practice is to mail public notice postcards to properties within one quarter mile of the applicant facility. During the public engagement process for Grimm's for the last renewal which began in 2017, Metro expanded the public notice radius from one quarter mile to one mile due to the broader impact of odors from the facility at that time.

In the years since Grimm's implemented the new ASP system, complaints to Metro about the facility dropped by 98 percent, and the majority of complaints were filed by a few individuals located near the facility. Metro initially issued public notice within a quarter mile of the facility, but it did not include all homes within the closest neighborhoods of Pony Ridge and Angel Haven. To address this, Metro extended the term of the Grimm's solid waste facility license by six months and opened a second 30-day public comment period from January 1 to 31, 2024.

**6. Commenters indicated noise concerns with the facility.**

- Odors have improved, but noise is an occasional issue.

Metro response: The proposed solid waste facility license includes a provision requiring the facility to operate in a manner that controls and minimizes noises that cause off-site impacts. Noise standards are regulated by local governments and Metro typically refers all noise complaints to the local jurisdiction. In the case of Grimm's, Metro would direct noise complaints to the city of Tualatin for investigation and resolution. Noise complaints can also be directed to Tualatin police non-emergency number at 503-629-0111.

**7. Complaint driven regulation is not acceptable.**

- Metro's complaint form has too many disclaimers which might prevent a person from submitting a complaint.
- Commenters have experienced technical issues with Metro's complaint form that prevents them from submitting a complaint.
- Metro needs objective indicators of off-site impacts rather than relying on complaints.
- Pollution related complaints should be directed to DEQ rather than Metro.

Metro response: Metro has two solid waste facility inspectors on staff that conduct unannounced inspections at Metro-regulated facilities to monitor compliance with Metro's rules and regulations.



Metro has also established an [online complaint form](#) that provides an accessible way for anyone to submit observations about a Metro regulated facility to Metro at any time.

The online complaint form is an effective tool for identifying issues at facilities because it helps identify the information that Metro needs to better understand the issue that the complainant is identifying. For purposes of transparency, the form includes a disclaimer that any information submitted in the form is subject to Oregon public records law, and the submitter affirms that the information included in the form is true to the best of their knowledge. Staff reviewed the form and made updates to add more clarity for which fields are required.

Both DEQ and Metro regulate compost facilities. Grimm's holds a Metro solid waste facility license and a DEQ composting facility permit. Both the Metro license and the DEQ permit require the facility to operate in a manner that controls and minimizes off-site odor. Metro requires Grimm's to investigate all complaints, respond to complainants in a timely manner and maintain a complaint log on site. For each complaint received, Grimm's must document the date, weather, wind direction, activities occurring at the facility at the time of the complaint, off-site odor monitoring locations, notes from the investigator and any actions taken to address the issue, which includes sharing the investigation reports with Metro, DEQ and the city of Tualatin.

**8. Commenters referenced the potential air quality and health impacts related to the facility.**

- Need for increased requirements to reduce community impacts.
- Install air quality monitoring equipment at the fence line and hire an independent air quality consultant to perform odor surveys for at least 12 months.

Metro response: Metro regulates solid waste and related activities. Grimm's has made significant operational changes at the site that have resulted in reduced community impacts. Metro will continue to monitor the facility to ensure compliance with license requirements and will continue to closely coordinate and share information with DEQ. Metro relies on DEQ to implement air quality regulations and to determine when monitoring is required. To date, DEQ has not required Grimm's or any other compost facility in the Metro region to obtain an air quality permit. Metro shared all of the public comments received during this renewal process with DEQ and staff will monitor and closely coordinate with DEQ during the permit renewal process.

**9. Commenters indicated general support for Grimm's**

- Acknowledgement of improvements made at the facility.
- Grimm's is a good neighbor.
- Grimm's is a necessary facility in region.

Metro response: Yard debris composting is a valued element of the solid waste system and Grimm's provides important processing capacity for the region. Grimm's invested significant funds to improve its facility and implement operational changes to minimize odor and other off-site impacts. As part of its license requirements, Grimm's developed a Community Engagement plan which included the creation of a blog linked from the Grimm's website ([grimmsfuel.com](http://grimmsfuel.com)) which described the proposed ASP system and documented its installation through photos and descriptions of progress. Grimm's established a dedicated email address so that neighbors can directly express concerns. The facility planned to host an open house after the completion of each phase of development, but the COVID-19 pandemic put those

plans on permanent hold. Grimm's offered tours to individuals via its blog and invited Garden Time, a popular gardening TV show in the Pacific Northwest, to the facility to film multiple episodes which documented the new system as it was being constructed. Grimm's posted these videos to its blog.

**10. Commenters indicated that Grimm's license should be approved as proposed.**

- Grimm's is a responsible neighbor.
- Grimm's should be allowed to make the changes if done in good faith.
- Grimm's has responsibly adopted advanced composting methods.
- Grimm's and Green Mountain Technology are the composting experts.
- Upgrades to the system have reduced odor and Grimm's should be allowed to make changes as proposed.

Metro response: The facility is regulated by both Metro and DEQ and requires approval from both agencies for any proposed changes to go into effect. The Metro license currently requires that the facility must apply at least 12-inches of bio-cover and the DEQ permit requires daily recording of oxygen levels. Grimm's has applied to renew its DEQ permit, and DEQ has administratively extended the permit until they have sufficient staff capacity to process the renewal.

**STAFF RECOMMENDATION**

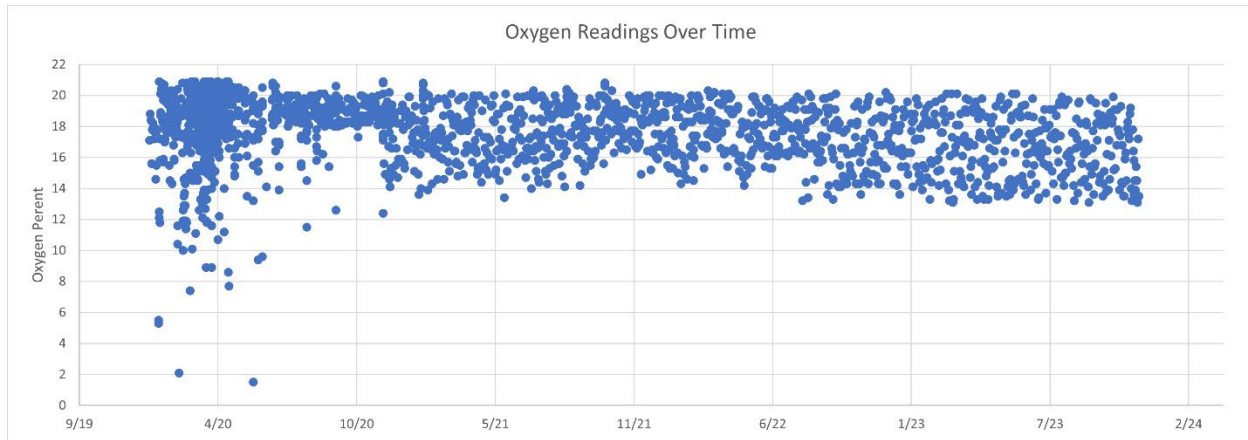
After reviewing public comments, consulting with DEQ, and Jeff Gage from Green Mountain Technologies, staff recommends the following changes to the proposed license renewal:

**Bio-cover depth**

Staff recommends that Metro maintain a requirement for the facility to apply a bio-cover to all compost piles but reduce the amount of bio-cover to a minimum depth of six inches. This would reduce the current 12-inch bio-cover requirement to 6 inches in Section 7.7 of the proposed license. GMT originally recommended 12 inches of bio-cover, which was higher than the industry standard of 4 to 6 inches, to ensure that the ASP system would effectively minimize odors due to the 14-foot pile height, proximity of neighbors and the history of odor at the facility. GMT now recommends 4 to 6 inches based on the system's performance since it was installed. There have not been any significant odor events since the conversion to ASP composting. However, requiring a 12-inch bio-cover may be causing unintended impacts to the effectiveness of the system in terms of moisture penetration and air flow through the piles, which affects the system's ability to effectively cool the piles during the pathogen reduction stage. Staff finds that Grimm's has demonstrated the ASP system's effectiveness, and reducing the cover to a minimum of six inches appears to be sufficient to improve system efficiency and effectively control odors in this instance.

**Frequency of oxygen level readings**

Staff recommends no changes to the license related to oxygen sampling. Grimm's provided the graph in Figure 5 to Metro which shows all oxygen readings from when the ASP system was installed through late 2023. The oxygen levels have been well above the required 10 percent since summer of 2020. Staff finds Grimm's request to reduce the oxygen level readings from weekly to daily reasonable; however, the daily monitoring requirement is in the DEQ permit. Therefore, Grimm's will need to continue to monitor and record oxygen levels daily unless DEQ modifies that requirement.



**Figure 5: Daily oxygen readings taken at Grimm’s Fuel Company 2020 to November 2023. (Source: Grimm’s Fuel Company 2023)**

### **Removal of requirements related to the transition to ASP composting**

Staff recommends removing outdated requirements from the current license that were included as part of the transition from static pile composting to ASP. Specifically, staff recommends removing the following requirements since they no longer apply:

- **Community engagement plan** (formerly 6.12)
- **ASP composting implementation timeline** (formerly 7.4)
- **Penalties:** Section 11.3.2 of the current license is no longer relevant as the facility met all of the requirements of the conversion to ASP composting. Staff recommends the standard penalty language used in other licenses.
- **Summary of due dates** (formerly 14.0)

### **Standard license requirement updates**

As part of Metro’s ongoing efforts to improve clarity and establish more uniform requirements, staff recommends additional updates to the Grimm’s license that will better align it with license requirements that are standard across all licenses and franchises. This proposed license includes several housekeeping and other updates to standard conditions including:

- **Acceptance of painted and treated wood** (formerly Section 3.8): Remove section authorizing the acceptance of painted and treated wood as there are currently no viable markets for this material. This change is standard for all compost and yard debris reload facilities licensed by Metro.
- **Pile size limitation** (Section 4.1): There is no change to Grimm’s pile size limitation of 14 feet for stockpiles and active compost piles, however, the limitation has been moved from Section 6.2 in the current license to Section 4.1 in the proposed license to be consistent with other compost and yard debris reload facilities.
- **Prohibition on mixing** (Section 4.3): Add section prohibiting the facility from mixing source-separated recyclable material with any other waste unless approved by Metro. This section is included in other facility licenses and is proposed here to increase uniformity across licenses.
- **General Performance Standards** (Section 5.1): Add section requiring the facility to operate in a manner that avoids undue nuisance conditions, threats to the environment, or conditions that

degrade public health and safety. This section is included in other facility licenses and is proposed here to increase uniformity across licenses.

- **Employment Standard** (Section 5.16): Add section requiring that the licensee be in compliance with Oregon’s “ban the box” law (ORS 659A.360). Oregon’s “ban the box” law makes it illegal for an employer to inquire about criminal convictions before the interview stage of hiring. This advances progress on the 2030 Regional Waste Plan and the Waste Prevention and Environmental Services Diversity, Racial Equity and Inclusion Work Plan goals. Metro added this requirement to the franchises in 2020 and includes it in all new and renewing licenses.
- **Procedures for controlling and minimizing other off-site impacts** (Section 7.14): Licensees are required in Section 5 to have procedures in place for controlling and minimizing noise and vectors. Section 7.14 codifies in the license the expectation that procedures to address these off-site impacts are be included in the operating plan.
- **Closure protocol** (Section 7.17): Update closure protocol to require a licensee to notify Metro within one business day of a short-term or long-term closure. This standardizes the closure protocol across licenses and formalizes the expectation that Metro is notified of any short-term or long-term closure.
- **Reporting requirements** (Subsection 9.2.2): Add a new subsection stating that Metro may require reporting on a weekly or daily basis in the event of a significant disruption to the solid waste system. This was created in response to the COVID-19 pandemic and Metro’s need for more real-time data. Metro will add this subsection to all relevant new and renewing authorizations.
- **Certificate of insurance** (Section 10.5): Add a new section to formalize the expectation and the long-standing practice that licensees submit a certificate of insurance (CERT) to Metro. Licensees must name Metro as an additional insured on the CERT, and also include the *additional insured endorsement* from the general liability policy as recommended by Metro’s risk manager.
- **Right of inspection and audit** (Section 13.3): Update language to require access to the facility by Metro authorized personnel to perform research. Metro made this update to the franchises in 2020 and includes it in all new and renewing licenses.
- **Confidential Information** (Section 13.4): Update language to reflect current state public records law which has more restrictive timelines for responding to a requestor. Metro made this update to the franchises in 2020 and includes it in all new and renewing licenses.

### **Non-substantive updates**

In addition to the updates described above, the proposed license includes various non-substantive housekeeping updates that were made for clarity, consistency across licenses, and to lessen redundancy in the license language. Some of these non-substantive changes reorganized sections and removed duplicative requirements but did not substantively change the requirements of the license.

### **METRO CODE LICENSE RENEWAL CRITERIA**

Metro Code Section 5.01.110 states:

*The Chief Operating Officer must approve a solid waste facility license renewal unless the Chief Operating Officer determines that the proposed license renewal is not in the public interest. The Chief Operating Officer may attach conditions to any renewed license.*

On July 25, 2023, Grimm’s submitted an application to Metro requesting the renewal of its license. Metro received the \$300 application fee on August 11, 2023. The application was deemed complete on August

14, 2023. The license renewal application included a description of its operation and the solid waste it accepts. The proposed license includes multiple updates as described in the previous section. If approved, this license will replace the current license that expires on June 30, 2024.

#### **COMPLIANCE HISTORY OF THE APPLICANT**

Grimm's is currently in compliance with its Metro solid waste facility license, and it has not had any significant compliance issues with regard to Metro regulations within the last five years. Metro staff conducted 28 inspections of Grimm's during the term of its current license, the majority of which took place in 2019 as the facility was transitioning to the ASP composting system and implementing procedures to meet requirements and deadlines in its license. Metro issued two enforcement actions to the facility during the term of the current license. In 2019, Metro issued a notice of violation with opportunity to correct (No. NOV-418-19) for failure to meet the pile size requirements outlined in the license by April 30, 2019. Grimm's came into compliance with the pile size requirements by July 1, 2019, which was the required deadline in the NOV. In 2022, Metro issued a warning letter (No. WL-446-22) to Grimm's for failing to comply with its license conditions when it performed unauthorized trials of compost operations without a bio-cover in April, June and July 2022. Metro notified Grimm's that such changes would require a change of authorization and recommended that Grimm's include the proposed changes in its renewal application in 2023, which it did. Grimm's remedied the situation by replacing the bio-cover on all active compost piles as required in the current license.

The number of complaints Metro has received about the facility has reduced significantly since converting to the ASP composting system. In 2018, when the facility was still using static pile composting, Metro received more than 700 complaints. Metro received 170 complaints during the term of the current license which began March 1, 2019, with six complaints in 2024 (see Figure 4 on page 5). The number of complaints has trended down dramatically since the installation of the ASP system. Metro shares the complaint information it receives with DEQ and Grimm's. For odor complaints, Grimm's documents the activities occurring on site at the time described in the complaint and looks at the wind direction to determine whether the facility could be the source of the odor. Grimm's then notifies Metro and DEQ of its findings. Metro's solid waste facility inspectors perform site inspections and odor audits of the surrounding area routinely and have not identified any compliance issues at Grimm's.

DEQ solid waste staff reported that Grimm's is currently in compliance with its composting permit and there have been no enforcement actions taken at the facility by DEQ during the term of the current license. DEQ stormwater staff did not report any compliance issues at the facility. City of Tualatin community services staff reported that there have not been any enforcement actions at the facility during the term of the current license.

Staff finds that Grimm's plays an important role in the region's solid waste recovery efforts and has made significant financial investment in transitioning to a state-of-the-art compost facility. It is in the public interest to renew the facility's license with the changes as proposed in this memo.

#### **STAFF RECOMMENDATION**

Staff recommends approval of Solid Waste Facility License No. L-043-24 to renew Grimm's authority to accept and process yard debris for the production of compost as proposed. If approved, the proposed license would take effect on July 1, 2024 and expire on June 30, 2029. A copy of the proposed license is attached for your signature.



Attachments

- Proposed Solid Waste Facility License No. L-043-24
- Redacted public comments received Nov. 16 to Dec. 15, 2023
- Redacted public comments received Jan. 2 to 31, 2024