



Memo

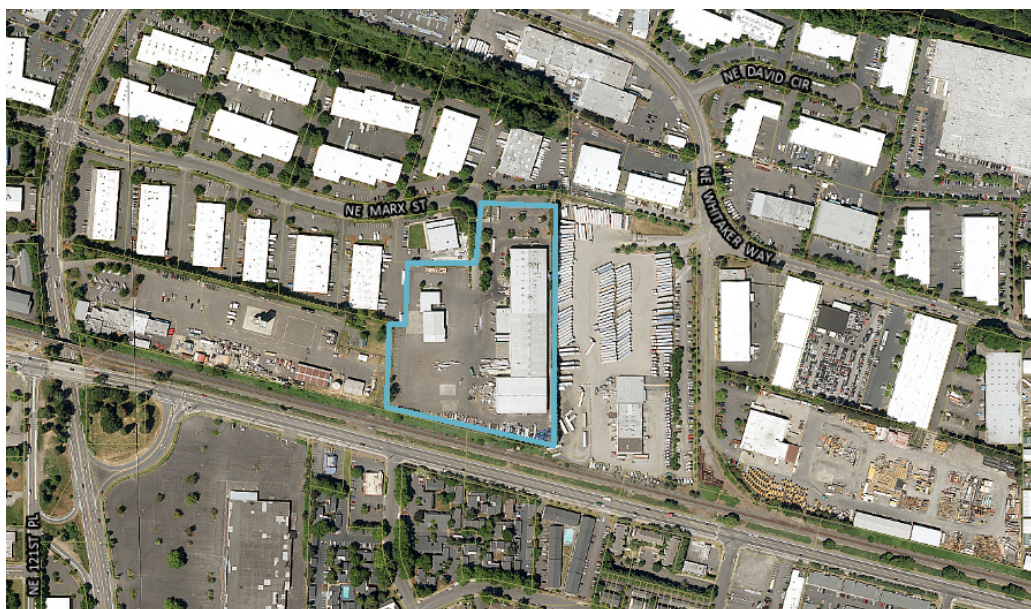
Date: June 20, 2024
To: Warren Johnson, Policy and Compliance Program Director
From: Brice Ehmgig, Solid Waste Authorization Coordinator
Subject: Renewed Solid Waste Facility License No. L-051-24 for Far West Fibers, Inc. dba Far West Recycling to operate Far West Recycling - NE Portland

Attached for your signature is renewed Solid Waste Facility License No. L-051-24 for Far West Fibers, Inc. dba Far West Recycling to operate Far West Recycling - NE Portland, a source-separated material recovery facility located at 12820 NE Marx St. in Portland (Metro District 1). This memo provides background information on the applicant’s request, a description of proposed changes to the license, and staff’s recommendation to issue a renewed license to Far West Fibers, Inc. dba Far West Recycling.

Under Metro Code Section 5.01.080, the proposed license is to be approved or denied by the Chief Operating Officer (COO). On August 7, 2023, the COO delegated to the Policy and Compliance Program 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

Far West Fibers, Inc. dba Far West Recycling (Far West Recycling - NE) operates a Metro-licensed source-separated material recovery facility in Portland that accepts recyclable materials such as cardboard, paper, plastic, metal, glass and electronic devices for sorting, consolidation, and transport to recycling markets. In its application, the facility requested authorization from Metro to receive and manage household lightbulbs and batteries that are collected by franchised haulers as part of extended recycling programs established by certain jurisdictions within greater Portland. As part of its application, the facility submitted an updated operating plan that describes how it will safely sort, prepare, store, and ensure these materials are transported to responsible end markets for recycling.



Far West Recycling - Northeast Portland located at 12820 NE Marx St. in Portland – Aerial view

Far West Recycling - NE has operated in this location since 1993. In 2017, Metro Council amended Metro Code to require any facility that receives and processes commingled source-separated recyclable materials to obtain a solid waste facility license (Ordinance No. 17-1411). Metro issued a facility license to Far West Recycling - NE that became effective on January 1, 2019. In July 2023, Metro issued amended Solid Waste Facility License No. L-051-19A which extended the term of the license by nine months to expire on June 30, 2024.

The facility also holds a Solid Waste Disposal Site Permit for a Transfer Station/Material Recovery Facility (No. 1717, expires July 15, 2032), and a 1200-Z Industrial Stormwater Permit (No. 109192, expires June 30, 2026), both issued by the Oregon Department of Environmental Quality (DEQ).

On February 12, 2024, Far West Recycling submitted a timely application to Metro requesting the renewal of its license. Metro received the \$300 application fee on February 16, 2024 and deemed the application complete on March 15, 2024.

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

On April 18, 2024, Metro issued public notice and provided the public an opportunity to review and comment on the license application for 30 days. A description of the proposed facility and the license application was available on [Metro's website](#). Interested parties could submit comments via an online form or leave a voicemail on a multi-language phone line. Postcards with information in six languages about the proposed license and comment period were mailed to 481 businesses, residents and owners of properties located within approximately one-quarter mile of the facility. Notice was also emailed to community-based organizations and neighborhood associations located in the vicinity of the facility and emailed to stakeholders with general interest in solid waste issues. The public comment period ended on May 17, 2024. Metro did not receive any comments for Far West Recycling - NE.

PROPOSED CHANGES TO THE LICENSE

Staff proposes new and updated license provisions that fall into two categories as described below.

Uniform license conditions for facility class

Metro currently regulates seven source-separated recyclable material recovery facilities. During the current renewal process, four of these facilities, including Far West Recycling - NE, requested authorization to receive household batteries and/or lightbulbs collected as part of local residential curbside collection programs.

Section 3.4 of the proposed licenses authorizes the facility to accept and manage certain types of source-separated special waste as described in the facility's Metro-approved operating plan. Metro staff are evaluating the proposed operating plan submitted by the facility in consultation with DEQ staff to ensure that special waste acceptance, handling and storage procedures, as well as employee training for proper cleanup and containment for any spills and damages, sufficiently meets all applicable requirements.

Standard Requirement Updates

As part of Metro's ongoing efforts to improve clarity and establish more uniform requirements, staff included various updates and additions to the proposed Far West Recycling - NE license that better align it with other Metro authorizations. The proposed license also includes various non-substantive housekeeping changes made for clarity and consistency across licenses. Updates to existing standard conditions and new standard conditions are included in all new and renewing licenses are as follows:

- **Employment Standard** (Section 5.19): Add a new 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. This requirement was added to the franchises in 2020 and is added to all licenses as they are renewed.
- **Procedures for controlling and minimizing off-site impacts** (Section 6.7): Add subsection 6.7.3 requiring the facility to remedy off-site impacts promptly.
- **Closure protocol** (Section 6.10): Update closure protocol to distinguish between a short-term and long-term closure of the facility and 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.
- **Certificate of insurance** (Section 9.5): Add a new section to formalize the expectation and the long-standing practice that licensees submit a certificate of insurance to Metro. Licensees must name Metro as an additional insured on the certificate of insurance, and also include the additional insured endorsement from the general liability policy as recommended by Metro’s risk manager.
- **Termination** (Section 11.2): Add a new section to address Metro’s authority to terminate the license at the request of the licensee or in the event of a long-term closure.
- **Right of inspection and audit** (Section 12.3): Update language to require access to the facility by Metro authorized personnel to perform research. This update was made to the franchises in 2020 and is made to all licenses as they are renewed.
- **Confidential Information** (Section 12.4): Update language to reflect current state public records law which has more restrictive timelines for responding to a requestor. This update was made to the franchises in 2020 and is made to all licenses as they are renewed.

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.

Far West Recycling - NE filed a renewal application on February 12, 2024, accompanied by payment of the \$300 application fee. The application was deemed complete on March 15, 2024. The license renewal application included a description of the facility’s operation and the solid waste it accepts. The proposed license includes new authorizations as described above, and if approved, will replace the current license that expires on June 30, 2024.

COMPLIANCE HISTORY OF THE APPLICANT

Far West Recycling - NE has a good record of compliance with respect to Metro’s regulations and the facility is currently in compliance with the conditions of its license. Metro conducted five in-person inspections of Far West Recycling - NE during the term of the current license. In-person inspections by Metro staff were suspended between March 2020 and March 2021 due to COVID-19 restrictions. Metro has not received any complaints regarding the facility and has not issued any enforcement actions during the term of the current license.

City of Portland Bureau of Environmental Services (BES) staff, who manage compliance of DEQ 1200-Z stormwater permits in the city, reported that between 2019 and 2021 BES issued three warning letters with opportunity to correct for on-site equipment leaks and metal material management, and two DEQ Enforcement Referrals, both for failure to conduct monitoring. BES staff reported a significant improvement in permit compliance when the facility invested in a stormwater infiltration system in 2021. All compliance issues have been resolved. DEQ solid waste staff reported that Far West Recycling - NE is currently in compliance with its Solid Waste Disposal Site permit and there has been no enforcement action taken against the facility for the during the term of the current Metro license.

Staff finds Far West Recycling - NE plays an important role in the region's solid waste recovery efforts and it is in the public interest to renew the facility's license with the proposed changes as previously described in this memo.

STAFF RECOMMENDATION

Staff recommends approval of Solid Waste Facility License No. L-051-24 which renews the authority of Far West Fibers, Inc. dba Far West Recycling to accept source-separated recyclable materials and electronic devices and adds authorization to accept and manage certain special waste such as household batteries and lightbulbs at its NE Portland facility. 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.

Attachment