



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

# 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-144-24 for Pioneer Recycling Services, LLC

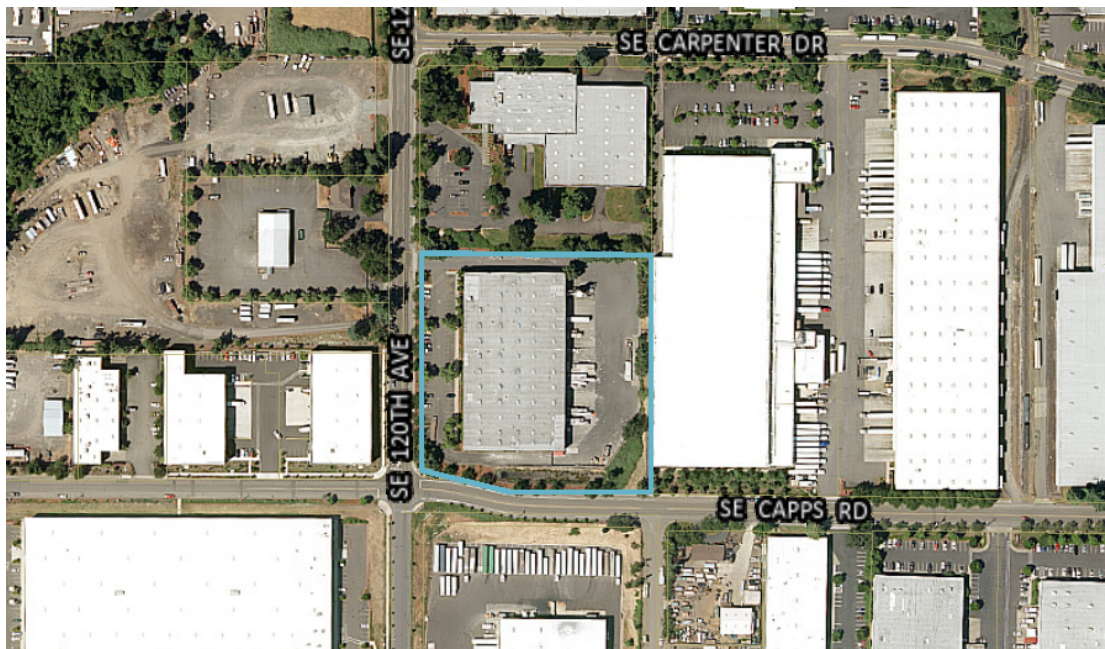
---

Attached for your signature is renewed Solid Waste Facility License No. L-144-24 for Pioneer Recycling Services, LLC, to operate Pioneer Recycling Clackamas, a source-separated material recovery facility located at 16810 SE 120th Ave. in Clackamas (Metro District 2). 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 Pioneer Recycling Services, LLC.

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

Pioneer Recycling Services, LLC (Pioneer) operates a source-separated material recovery facility in Clackamas that accepts recyclable materials such as cardboard, paper, plastic, metal and glass for sorting, consolidation and transport to recycling markets. In its application, the facility requested authorization from Metro to receive and manage household 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.



*Pioneer Recycling Clackamas located at 16810 SE 120th Ave., in Clackamas – Aerial view*

Pioneer has operated in this location since 2004. 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 Pioneer that became effective on January 1, 2019. In July 2023, Metro issued amended Solid Waste Facility License No. L-144-19A which extended the term of the license by nine months to expire on June 30, 2024. On May 1, 2024, Waste Connections acquired Pioneer Recycling Services, LLC. This acquisition did not result in any changes to the operation and Pioneer will remain the licensee.

The facility holds a 1200-Z Industrial Stormwater Permit (No. 23620, expires June 30, 2026), issued by the Oregon Department of Environmental Quality (DEQ). Pioneer has applied for a DEQ solid waste permit which is currently under evaluation.

On March 6, 2024, Pioneer submitted a timely application to Metro requesting the renewal of its license. Metro received the \$300 application fee on March 20, 2024 and deemed the application complete on April 1, 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 88 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 received one comment that provided feedback about Metro South Transfer Station rather than Pioneer. Staff reached out to the commenter to request clarification but did not receive a response.

#### **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 Pioneer, 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 Pioneer 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 that 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.*

Pioneer filed a renewal application on March 6, 2024, accompanied by payment of the \$300 application fee. The application was deemed complete on April 1, 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**

Pioneer 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 six in-person inspections of Pioneer 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 taken any enforcement actions during the term of the current license. Clackamas County staff and DEQ stormwater staff reported that there have been no compliance issues or enforcement actions taken against the facility.

Staff finds Pioneer 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 described in this memo.

**STAFF RECOMMENDATION**

Staff recommends approval of Solid Waste Facility License No. L-144-24 which renews the authority of Pioneer Recycling Services, LLC to accept source-separated recyclable materials and electronic devices and adds authorization to accept and manage certain special waste such as household batteries. 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