



# 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-156-24 for WestRock CP, LLC to operate WestRock Portland Recycle

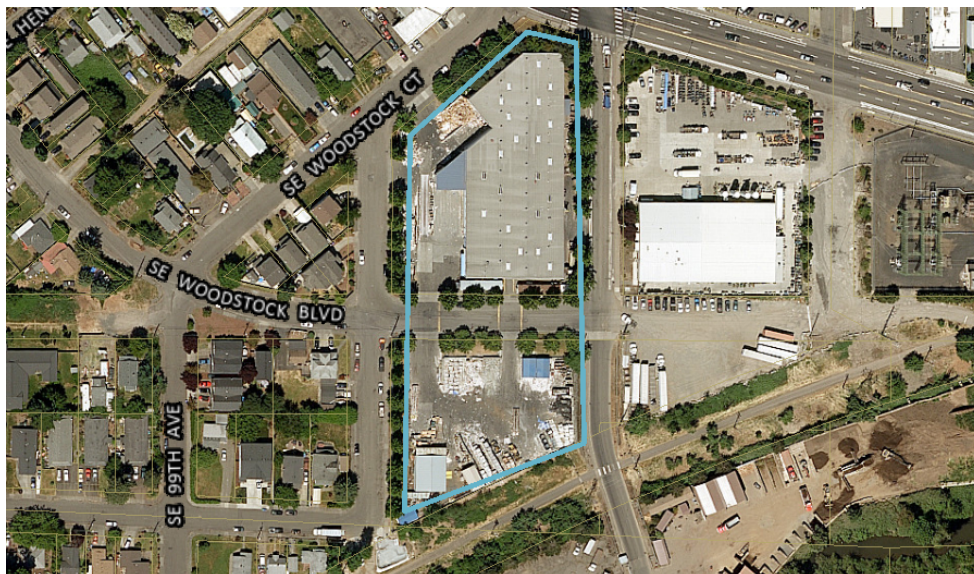
---

Attached for your signature is renewed Solid Waste Facility License No. L-156-24 for WestRock CP, LLC to operate WestRock Portland Recycle, a source-separated material recovery facility located at 6328 SE 100th Ave., in Portland (Metro District 6). 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 WestRock CP, 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

Westrock CP, LLC (WestRock) operates a source-separated material recovery facility 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 an additional 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.



*WestRock Recycling Portland located at 6328 SE 100th Ave., in Portland – Aerial view*

The facility has operated in this location under various ownership since 1993, and is currently owned and operated by WestRock CP, LLC based in Atlanta, GA. 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 WestRock that became effective on January 1, 2019. In July 2023, Metro issued amended Solid Waste Facility License No. L-156-19A which extended the term of the license by nine months to expire on June 30, 2024.

WestRock Portland also holds a Solid Waste Disposal Site Permit for a Transfer Station/Material Recovery Facility (No. 1728, expires April 15, 2033) issued in 2023 by the Oregon Department of Environmental Quality (DEQ).

On February 21, 2024, WestRock submitted a timely application to Metro requesting the renewal of its license. Metro received the \$300 application fee on March 18, 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 598 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 initially received five comments about the proposed license renewal; however, one of those comments was later withdrawn by the commenter. Of the four remaining comments that Metro received, two were in support of the renewal and two expressed concerns about the facility operations.

Summary of comments and Metro's response:

Two comments expressed support of the renewal citing the facility's role in providing living wage jobs, as well as their continued support of the Lents Neighborhood Livability Association. The other two comments expressed concerns about off-site impacts resulting from facility operations. Specifically, the commenters reported concerns about traffic, noise, rats, and debris and litter drifting from the facility into neighboring yards.

Metro response: Metro requires solid waste facilities to operate in a manner that controls and minimizes off-site impacts including airborne debris and litter, traffic queuing offsite, noise, and vectors (including rats).

#### **1. Litter**

WestRock staff performs litter pickup around the perimeter of the facility between each shift daily. WestRock also has an agreement with a local community group, the Lents Livability Association, which it coordinates with to pick up litter from the streets and sidewalks surrounding the facility on Saturdays.

#### **2. Traffic**

Metro relies on the City of Portland Bureau of Transportation (PBOT) to determine the traffic allowances for this facility. Metro requires that WestRock provide adequate off-street parking and queuing for vehicles, and to notify its customers that vehicles cannot park or queue on

public streets or roads except as provided by local traffic ordinances. WestRock subsequently installed a large sign at the scalehouse that provides a map of the facility indicating that drivers should not park on SE 100<sup>th</sup> Ave. or Woodstock Ct. Metro will continue to share information with PBOT to mitigate traffic concerns.



*Westrock sign at scalehouse with map and directions for managing truck traffic*

### 3. Noise

While Metro does not monitor or enforce noise standards, under the proposed license, the facility must comply with all local requirements. The city of Portland is responsible for addressing noise issues at the facility. Staff will share with the city any noise complaints that it receives about the facility and will work with the operator to identify operational changes that can be implemented to reduce and minimize noise impacts.

For example, in 2018, WestRock began the installation of a wall on the west side of the site to mitigate noise migrating off-site, which was completed in 2023. However, in April, 2023, a large rollup door was damaged by a customer truck preventing the door from closing, which currently contributes to noise impacts. Permitting and insurance delays stalled replacing the door, and Metro continues to encourage Westrock to complete this project and requests regular status updates.

### 4. Vectors (rats)

The facility employs a pest management company to regularly service the site, and is required to implement vector control measures if vectors, including rats, are present or detected at the facility. Metro requires facilities to promptly remedy issues that cause off-site impacts, including vectors.

Metro staff perform regular unannounced inspections of WestRock and encourage community members to submit a complaint to Metro if they feel the facility is out of compliance with its license. Metro responds to all complaints received and works with the subject facility and local government partners to investigate and resolve compliance issues as described further in the Compliance History of the Applicant section of this report. Additionally, DEQ also regulates and inspects facility to ensure that the facility operates in accordance with WestRock's DEQ permit.

## 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 WestRock, 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 WestRock 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.*

WestRock filed a renewal application on February 21, 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**

WestRock 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 staff conducted 22 on-site inspections of WestRock 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.

In 2019, Metro received 67 complaints about the facility, primarily regarding litter, traffic, noise and rats. Metro staff worked closely with local residents, the facility operator, and other regulatory agencies to implement operational changes at the facility to minimize and control off-site impacts. Metro has successfully helped address the significant concerns identified by community members in the past. Metro received only eight complaints about the facility between 2020 and 2024, and those were regarding noise and traffic.

In 2022, Metro issued a Notice of Violation (No. NOV-440-22) to WestRock for improper outdoor storage of source-separated recyclable materials and failure to follow its Metro-approved operating plan. Additionally, in 2023 Metro issued a warning letter (No. WL-451-23) to the facility for incorrectly reporting the destination of Metro-area waste. Both issues were resolved, and the facility is currently in compliance with its license.

City of Portland staff report that there are no compliance issues regarding WestRock. DEQ solid waste staff reported that there have been no enforcement actions taken against the facility during the term of the current Metro license.

Staff finds WestRock 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-156-24 which renews the authority of WestRock CP, 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