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VIA EMAIL AND HAND DELIVERY

Mayor Sam Adams
City of Portland City Council
City Hall
1221 SW 4th Avenue
Suite 340
Portland, Oregon 97204

Re: Appeal of Hearings Officer's Decision to Approve Recology Oregon Material Recovery, Inc. Applications (File No. LU 10-194818 CU AD); First Open Record Period Submittal of Recology Oregon Material Recovery, Inc.

Dear Mayor Adams and Commissioners:

This office represents Recology Material Recovery, Inc. ("Recology"), the applicant for the land use applications on appeal in this matter. This letter and its attachments constitute Recology's submittal during the first open record period ending on July 27, 2011. I have asked Karla Moore-Love to place this letter before you and to place a copy in the official Bureau of Development Services file.

1. INTRODUCTION.

This application ("Application") to allow a waste material recovery and transfer facility ("Facility") has been recommended for approval by staff, no bureaus have submitted negative comments and the hearings officer approved the Application with protective conditions of approval. The single most important fact about this site is that it is an existing, entirely paved site and the recycling use, which is already conducted on the site including outdoor operations, will be conducted entirely indoors with this approval. Further, no composting is proposed by this use; this is simply a transfer station where small loads of yard debris and compostable food waste (principally composed of yard debris) are transported in the site to be aggregated into larger loads so it can be transported effectively and sustainably off-site. The Facility is located in the center of a 100-acre industrial park and the proposed activity will be conducted entirely

inside the existing building. For the reasons explained below, the Application satisfies applicable approval criteria. Moreover, Recology will commit to new conditions of approval to ensure compliance with applicable approval criteria.

Also, Recology has sponsored three neighborhood meetings with the Lents Neighborhood Association and individual homeowners. Those neighborhood meetings were held on July 21, July 23, and July 26. The meetings were well-received and the turnout and comments submitted indicate that the majority of actual homeowners in the Lents Neighborhood are not opposed to this application. As expressed at the meeting, many neighborhood members are concerned about who the real opponents are, and are questioning who is actually behind the newly-created "Springwater Trail Preservation Society." Photos distributed by Recology at the neighborhood meetings are set forth at Exhibit "V." Surveys completed by meeting attendees are set forth at Exhibit "W."

2. SUMMARY OF PROPOSED CONDITIONS OF APPROVAL.

The Portland City Code ("PCC") authorizes conditions of approval to assure satisfaction of approval criteria, as described by Senior Deputy City Attorney Kathryn Beaumont at the July 13, 2011 public hearing. While Recology does not believe that all these conditions are necessary to assure compliance, it nevertheless wishes to assure its neighbors and the City Council that it will be a good neighbor, that it will operate the Facility as represented and as intended and, most importantly, that the Facility will be operated in a way which is environmentally sensitive and does not create adverse impacts for its neighbors. Consequently, Recology proposes that the City Council adopt the following conditions of approval in addition to those adopted by the Hearings Officer.

- Require that Recology develop a "Good Neighbor Agreement" with the Lents Neighborhood Association ("LNA"). A draft prepared by LNA is set forth in Exhibit "T." Another example from a related Recology entity is set forth in Exhibit "U."
- Meet regularly with the LNA.
- Develop a plan for immediate response to complaints and a requirement to follow up on complaints and demonstrate their successful resolution.
- Limit uses and activities to those represented by the applicant in its written and oral testimony.
- Limit the number of in-bound garbage trucks to thirty-five (35) daily, Monday - Friday.
- Limit the amount of food waste that can be processed on site.

- Limit the hours of operation as stated in the application.
- Allow BDS access to site for surprise inspection visits.
- Agree not to access the site from Knapp Road.
- Develop a flood response plan and agree not to operate if SE 101st Avenue is flooded.
- Limit use to current 6.2 acre site and proposed buildings and require new application for an expansion.
- Agree to notify the City if there is a change in Recology's DEQ permit or Metro license for this facility and to notify the LNA of any such changes.

3. RESPONSE TO ALLEGATIONS THAT RECOLOGY FAILED TO PROVIDE COMPLETE INFORMATION

The appellant's primary argument is that Recology failed to provide adequate and complete information for review by the staff, the hearings officer and the City Council. First, the City Council should determine if adequate information was available for its professional staff and the hearings officer to review the application. The answer is clearly yes. Recology submitted the application and although the City deemed it incomplete, the applicant responded with additional information allowing the City to deem the application complete. All the relevant bureaus and agencies reviewed the Application and submitted positive comments. Thereafter, BDS recommended approval. The hearings officer then held a public hearing, acted on information in the public record including the positive staff report and approved the Application, incidentally, with the applicant's concurrently recommended conditions of approval. Only after the public hearing and shortly before the closure of the record did Cottonwood Capital submit a two-page letter. Neither Cottonwood Capital nor its representatives bothered to appear at the public hearing or comment prior to the public hearing. Had Cottonwood Capital bothered to call Recology, City staff or even review the file it would have found most of the answers it allegedly was seeking.

Moreover, after Cottonwood Capital filed its appeal, the applicant's attorney made three attempts to contact the opponents' attorney. I have enclosed as Exhibit "B" a May 26, 2011 email to the Bureau of Planning and Sustainability in which I indicated that I had called Mr. Rask twice and sent him an email once. Mr. Rask failed to respond to any of the three requests to discuss the matter. Thus, it is very clear that instead of wanting additional information, for whatever reason, Mr. Rask and his clients were more interested in simply opposing this application.

This leads to the interesting creation of the Springwater Trail Preservation Society. I have enclosed as Exhibit "C" the records from the Secretary of State which clearly show that Mr. Rask created the organization shortly before he filed his appeal. Recology always wants to address the legitimate concerns of its neighbors, and has held three neighborhood meetings for that purpose; however, the Springwater Trail Preservation Society is no more than an artificial "shell" group with sources of funding that it refuses to disclose. It is clearly not a group that has any purpose beyond opposing Recology and once this appeal is over, the group will disappear as well.

Finally, I want to address the July 13, 2011 matrix submitted by the opponents. A review of the relevant City forms and approval criteria demonstrate that much of the Application the appellants allege should have been in the file is not required at this stage and, moreover, most of it was in the file in any event. However, and most importantly, even assuming the appellants were correct and the information was not before the hearings officer, with this submittal, all of it is clearly before the City Council. This is why BDS urged the applicant to waive the 120-day clock and allow the City Council to have a *de novo* public hearing. Thus, the very function of this hearing serves the purpose of providing additional information for the review by the City Council and public.

First, I have enclosed as Exhibit "D" a City of Portland "land use review application form." As the City Council can see, it requires a description of the project, stormwater disposal methods, but no other information. Second, I have attached the City of Portland "land use review application checklist." Under the heading "items must be submitted with the application," the form lists what is required. Included in the requirements are a site plan and building elevation drawings. Not included, however, are construction drawings. That is exactly what the appellants urged the City Council to believe was required and was missing but as Mr. Dutra testified at the appeal hearing on July 13, no one prepares construction drawings, at least to a 100 percent completion stage, prior to land use approval. In fact, PCC 33.700.005 points out that all new development requires a building permit. In other words, only after a land use review approval would an applicant submit an application for a building permit including the construction drawings which appellants complain were not submitted prior to the land use review application notwithstanding that the PCC does not require them.

The following addresses the issues raised in the matrix presented to the City Council by counsel for the appellants during final rebuttal at the July 13 hearing:

- "No complete proposed/revised Operating Scenario" — PCC 33.254.040.

PCC 33.254.040 is entitled "Operations" and requires information on on-site queuing, processing of waste product, liquid waste pretreatment and posted information. With respect to on-site queuing, the standard simply requires that the site layout have "adequate areas to accommodate

the peak number of vehicles." It is clear that a 6.2 acre site can accommodate 35 garbage trucks during the course of a normal work day.

As to processing of waste products, the standard simply requires that the function take place entirely within an enclosed structure and imposes other requirements.

As to liquid waste pretreatment, liquids being discharged from the City's stormwater and sanitary disposal system must be pretreated. Recology has testified that it will transport leachate collected at the facility to an off-site facility which conducts pretreatment before disposing the leachate in to the City's stormwater system.

Finally, posted information requires a telephone number where representatives of the use may be reached at all times to be posted. In other words, an "operating scenario" is not required by PCC 33.254.040 and appellant knows this.

Additional response to this issue is set forth in Section 6.E.2 of this letter.

- "No complete nuisance mitigation plan (litter, vectors, noise, dust) — PCC 33.254.060 and OAR 340-096-0040.

First, the application included a nuisance mitigation plan. In fact, BDS found the response satisfactory and the Hearings Officer approved the application. The nuisance mitigation plan does not have to be lengthy nor complex but simply must address the three requirements, which it did. However, in order to fully address these issues, the applicant has submitted the Facility's Nuisance Mitigation Plan ("NMP") as Exhibit "H." Moreover, the Oregon Administrative Rule ("OAR") provision is not an applicable approval standard.

Additional response to this issue is set forth in Section 6.E.4 of this letter.

- "No studies for noise impacts caused by proposed operations in facility changes" — PCC 33.262.050 and OAR 340-035-0035.

PCC 33.262.050 does not require a noise study and only references to City's noise studies found in Title 18. Because the application did not propose any new noise sources and would be conducted entirely indoors, the noise study was not required by BDS staff nor the Hearings Officer to satisfy this standard. Nevertheless, Recology has submitted an un rebutted noise study into the public record which demonstrates that no applicable noise standards (either the City standard or the DEQ standards) will be affected. Moreover, OAR 340-035-0035 is not an applicable approval standard.

- "No engineering specifications, design calculations, frequencies for systems or methods used to control nuisance issues" — PCC 33.815.220.G.

This section requires Recology to demonstrate compliance with PCC Chapter 33.254. It does not use the words "engineering specifications, design calculations, frequencies for systems or methods used to control nuisance issues." In turn, nothing in PCC Chapter 33.254 uses those phrases or requires such information. Thus, the appellants incorrectly assert that this information was required. Nevertheless, it is now in the record before the City Council.

Additional response to this issue is set forth in Section 6.E of this letter.

- "No groundwater study for potential direct pathway impacts to the shallow groundwater table in Johnson Creek by the blow ground leachate collection system" — PCC 33.815.220.D.

This standard requires that there be no significant detrimental environmental impacts to any nearby environmentally sensitive areas. First, appellants must know that the applicant has not proposed underground leachate disposal. In fact, the leachate drains to a collection box **encased in concrete** which is then piped to an above-ground storage tank where the leachate is trucked offsite. Moreover, the only two environmentally significant areas are the Johnson Creek floodway more than 800 feet away and the slope above Knapp Street, more than 400 feet away. Thus, there is no potential impact to either of these areas and a "shallow groundwater table" is not only impacted but is not identified as an "environmentally sensitive area."

Additional response to this issue is set forth in Section 6.B to this letter.

- "Application includes the use of biofilters to mitigate odors. Includes the general dimensions of the biofilter. No engineering specifications, calculations or design parameters were provided as to the system's adequacy to meet the City's narrative standard for odor control for the waste area of the building." — PCC 33.262.070, OAR 340-210-025 and OAR 340-090-0040.

First, neither of the OAR provisions are relevant approval standards. Second, PCC 33.262.070 simply establishes two odor standards. It does not require engineering specifications, calculations or more information. PCC 33.262.070.A prohibits continuous, frequent or repetitive odors. Subsection B is an exception which provides that an odor detected for less than 15 minutes per day is exempt. The PCC does not use the word "continuous" so if an accumulative 15 minutes of odor are detected, then Recology agrees that the standard is violated. The appellants have misstated this provision.

- "'Application' includes the use of the leachate collection system, storage tank, spraying system and potential offsite disposal. No engineering specifications, calculations or design parameters were provided as to the system's adequacy to collect, store, or dispose of the leachate. No indications of application rate was given for respraying the leachate

on oncoming deliveries and the potential impact on odor control. No method for 'offsite disposal' was defined." — PCC 33.254.040.

PCC 33.254.040 does not require this information but in any event, Recology has now provided it.

- "No method or system was proposed to prevent 'track out' of food waste liquids outside of the building where it would co-mingle with stormwater." Citation at PCC 33.254.040.

The leachate will not commingle with stormwater and appellants would have understood that had they availed themselves of Recology's offer to meet with them prior to the appeal hearing. Moreover, the cited provision does not require this information. In any event, the information submitted by Recology with this letter clearly describes how this issue will be treated.

- "Application says that sanitary conditions will be maintained inside of MRF. Since there is no nuisance mitigation plan, no detailed systems or methods were described as to how sanitary conditions were to be maintained." — Citation to PCC 33.254.040.

As noted above, PCC 33.254.040 does not require this information but in any event, Recology has provided more detailed information.

- "Application says the leachate collection will be below ground. The depth ground water based on nearby monitoring wells and geotech borings indicates that shallow ground water can be encountered at five ft. No information is presented on how leaks in the collection system will be prevented so that biological pathogens did not have a direct pathway to the shallow ground water table or Johnson Creek." — Citation to PCC 33.815.220.D.

As noted above, Recology does *not* propose groundwater disposal. Because the sump pump which pipes the leachate to the above ground tank is encased in concrete, there is no possibility of contamination of groundwater. Moreover, the PCC section cited by appellants does not concern itself with groundwater, it concerns itself with environmentally significant areas which do not include groundwater.

For these reasons, the City Council can find that Recology submitted the required information, that the BDS staff and hearings officer were satisfied with the submittal and even if something was lacking, Recology has now submitted additional information. Additionally, appellants have misstated the factual representations of Recology regarding the operation of the facility and have misstated and failed to properly understand what the relevant approval standards require.

Additional responses to this issue are set forth in Section 6.B of this letter.

4. SUMMARY OF RESPONSE TO ISSUES

- The site is currently used for a recycling purpose and is not lost to other industrial uses.
- No composting will occur on this site.
- No one has alleged odors from the site nor has there been any groundwater contamination from the current site.
- The operation will occur entirely inside.
- No current vector problems have been identified.
- The site is not within the Johnson Creek floodplain nor is it close to the floodplain.
- The site size of 6.2 acres is located in the middle of a 100 acre industrial park, easily distant from most homes by 1,100 feet, distant from the nearest homes on Mt. Scott by 600 feet and distant from Johnson Creek by 800 feet.
- The site and building cannot be expanded. As Mr. Kevin Loftus, general manager of Freeway Lands, explained at the appeal hearing, the site is surrounded by leased areas and in any event, expansion would require a new conditional use permit subject to public notice.
- The Facility is subject to the odor standard in PCC 33.254 which prevents continuous and repetitive odors and also prohibits odors for more than fifteen (15) minutes during the day.
- The traffic study is adequate to demonstrate no adverse impact on public streets.
- Springwater Trail will not be impacted. The 110 additional trips to be generated by this Application will be generated during off-peak hours and not during peak trail usage. Moreover, Springwater Trail crosses far busier streets, such as SE 82nd Avenue and SE Foster Road without an impact to the trail.
- Traffic entering and leaving the Facility will not use Knapp Street.
- There is no "need" criteria by which the City Council can find that this facility is not needed. Instead, there is a public benefit standard which outweighs the detrimental impacts. The City Council can find that there is public benefit to having a variety of

material transfer stations such as this to avoid long trips by garbage trucks thus burning more fuel than necessary and increasing the cost of garbage collection and delivery.

- No adverse noise impacts will be created. The only substantial evidence in the record demonstrates that the Application will satisfy applicable City of Portland noise standards. "Backup beepers" are exempted by both City of Portland and Oregon Department of Environmental Quality noise standards.
- There is no subsurface disposal of leachate. Leachate drains to a sump pump encased in concrete and then is pumped to an above tank for transport off-site.
- Only about five percent (5%) of the total waste by weight will be food waste.
- No flooding has occurred near or at this site, even in the flood year of 1996 and this site is well outside of the mapped floodplains.

5. DETAILED RESPONSE TO SUBSTANTIVE ISSUES.

A. This site is an existing 6.2 acre leased area with an existing building already occupied by Recology inside an existing 100 acre industrial park.

The opponents have intentionally misrepresented the nature of the site and the existing improvements. First, this site has been occupied by a recycling facility since 2007. Thus, contrary to the opponents' arguments, this application does not constitute a new use of the property which could otherwise be put to some other type of industrial use. Recology now occupies the site developed by a prior company where it receives yard debris for recycling and transfer. The Application approved by the hearings officer allows the facility to receive food waste for transfer to sites outside of the City of Portland for composting.

The Recology leased area is 6.2 acres located in the middle of a 100 acre industrial park. The IH zoning of the property allows waste-related uses as a conditional use. Thus, the property is already being used for recycling facilities, is located in one of only three zoning districts allowing waste-related uses and is located virtually in the center of a very large industrial park, away from the Springwater Trail, Johnson Creek and any type of dwelling unit.

This use is already occurring and the green waste received on-site is received and sorted outside. The proposed use will be conducted entirely inside. In other words, a use that now has the potential for odor (although as explained below, Recology has not received any complaints or citations regarding odor) which occurs outdoors will now occur solely indoors.

B. The way the use will be operated does not present an opportunity for rodents or insects.

As Recology said in its Application and as it testified to the Hearings Officer, rodents become an issue only if they are provided with a nesting place, a food source and water source. None of those conditions will occur at this Facility. This is because the mixed green (yard) waste and food waste received at this site in garbage truck loads will be transported off-site in semi-trailer trucks. The waste will be inside the building for less than a day in most cases and, at most, no more than 48 hours, pursuant to hearings officer's Condition of Approval "H." Therefore, there is no opportunity for rodents to become established in the Facility. Furthermore, the existing facility has no history of a rodent problem nor is one alleged by staff nor has one been observed by the other regulators of this site, the Oregon Department of Environmental Quality ("DEQ") and Metro.

C. The site has not flooded, even in 1996.

Contrary to the opponents misunderstanding of where this site is located related to Johnson Creek, it is not close to the "riparian corridor." In fact, Mr. Kevin Loftus, General Manager for Freeway Lands, owner of the site, has said that in 1996 and 2009, two major flood events, none of the developed portions of the Freeway Land II site flooded. In fact, only a 2.9 acre portion of the undeveloped northeast corner of the property (sold in the spring of 2011 to the City of Portland) was touched by the mapped Federal Emergency Management Agency ("FEMA") floodplain. Exhibit "I" depicts the 100-year floodplain. Exhibit "J" is an aerial photo showing the peak flooding in 1996, with the Recology building high and dry. Mr. Loftus, who is most familiar with the property, testified that the Freeway Land II property generally is not prone to flooding and the Recology site, which is well away from Johnson Creek, is not prone to flooding. The opponents provide no substantial evidence to support their assertion that flooding will occur. Moreover, the opponents failed to note that the application proposes no new improvements on this site. Thus, no new impervious surfaces will be added meaning that there is no increased stormwater runoff or potential for flooding.

D. Traffic crossing the Springwater Corridor will not be an issue.

The opponents assert without any substantial evidence, and contrary to the substantial evidence already in the record, that traffic generated by the Facility will not interfere with use of the Springwater Corridor. The Portland Bureau of Transportation ("PBOT") has stated a number of traffic studies conducted by the applicant were adequate because they were performed on a Tuesday and Wednesday (September 14 and September 15).

In fact, PBOT's comment to the hearings officer (Exhibit E.2 to the staff report at Exhibit "F" to this letter) found no adverse affect on the Springwater Trail Corridor. The Parks Department did

not have a negative comment on this Application. Thus, the two bureaus most likely to be concerned about the traffic from this site and its impacts on the Springwater Corridor either had no comment or found the Application to be consistent with their standards.

The Bureau of Environmental Services ("BES") told the hearings officer that it had no objections to the Application to allow food waste to be accepted at this site.

Furthermore, Cottonwood Capital in its letter to the hearings officer asked that the fire exit on the proposed use of southern boundary would not be available for this use. Recology agreed to this requirement and the Hearings Office imposed Condition of Approval "F" requiring that the use access its site only from SE Foster along SE 101st Avenue.

E. Odors will not be created by this proposal.

The appellant asserts that the applicant failed to provide any "technical or expert evidence" as to its method of preventing odors. The appellant is mistaken. Not only did the Application contain such information, Mr. Dutra, General Manager for Recology, testified to the Hearings Officer about how odors would be controlled. This indoor facility relies on proven negative air and bio-filtration technology for managing the generation of malodors. The technology is typically used with active indoor composting, which will not be conducted here, meaning that it is intended for far more intense uses than simply an interior building where waste is transferred from one truck to another.

The biofilter consist of several modular, ridged steel containers filled with active wood chips which effectively remove ninety percent (90%) of all malodors. Motor fans (meeting relevant noise standards) within the building pull and push the air through the organic/yard debris and filters. The perforated floor system is designed to collect any liquid discharge from the material ("leachate"). Recology's substantial experience in this area indicates that there will be very little leachate generated but what is generated will be contained within sealed agricultural tanks and transported off-site for treatment and disposal. Both the staff and the Hearings Officer were satisfied that this evidence effectively demonstrated that odor will not be required and thus the relevant approval standards will be satisfied. Mr. Flammer's letter in the record further supports the testimony of Mr. Dutra.

Additionally, the fact that the use is conducted indoors and the site is entirely paved means that it will not generate dust or other air pollution. No other evidence is necessary to support this statement other than the simple fact of how the site is developed and operated. Moreover, both Metro and DEQ require Recology to meet relevant air standards and Recology has complied with these standards.

In fact, the most simple aspect of the NMP is that if an odor does develop, Recology can easily identify the odor and remove the offending substance before it becomes a problem.

F. No Appeal by Applicant of Hearings Officer's Description of Use

The hearings officer described the use as accepting mixed yard debris and food waste (page 2 of hearings officer decision). The decision approves a conditional use to establish a waste-related use that accepts and processes food waste that is blended with yard debris. The applicant did not appeal this description of the use or the decision, nor did the appellants appeal the description of the use. The applicant does not challenge this description of the use by the hearings officer.

6. RESPONSE TO APPELLANTS.

A. PCC 33.815.220.C — No Significant Health or Safety Risk

First, the appellants contend that the Application does not satisfy PCC 33.815.220.C, which requires that the City must find that "[t]here will be no significant health or safety risk to nearby uses" associated with the Facility. The City Council should deny the appellants' contention because it is rebutted by substantial evidence in the record from Recology and reinforced by proposed conditions of approval that ensure that the Facility will not cause health or safety risks to nearby uses. Listed below are headings for each of the areas of risk identified by the appellants followed by Recology's response to each.

1. Odor.

The appellants contend that the Facility will generate foul odors that will threaten the health and safety of nearby uses. The Portland City Council should deny this contention because it is unpersuasive and rebutted by substantial evidence to the contrary.

The appellants raise at least three issues related to odor. First, they contend that Recology has failed to submit details and specifics explaining how the proposed biofiltration system will counteract odors as well as how it will be monitored and maintained. Recology has explained in some detail on the record how the system will function. On this point, the hearings officer made the following findings about the basic components of Recology's proposed odor control system:

"Odor will be controlled, while in the building, with the installation of an aerated floor and negative air system. Specifically, the system entails vent holes being drilled in the floor of the building. A fan will be used to pull the air into the holes, into pipes that then lead to a biofilter. The biofilter is comprised of wood chips which are used to scrub the odor."

Hearings Officer's Decision, p.10. The detailed system specifications are described in a report prepared by Jeff Gage of Compost Design Services and set forth in Exhibit "K" ("Gage Report"). The Gage Report identifies the design components of the Facility's aeration and biofilter system, including configuration, materials, and equipment. The report includes an explanation of the system, its underlying assumptions, and labeled drawings of its component parts. This report provides the details the appellants requested.

More saliently however, two different experts have independently reviewed the proposed system and prepared separate letters expressing their professional opinion that it will adequately control odors at the Facility. First, Robert B. Roholt, P.E., a civil and environmental engineer with 35 years of experience in the field, stated that, subject to developing the proposed aeration and biofilter system, the Facility would satisfy the requirements of PCC 33.815.220.C. *See* Exhibit "L." Furthermore, in Exhibit "M," Mr. Gage specifically responded to concerns about potential odors expressed by Shaw Environmental, Inc. by explaining the following:

"In addition to managing drainage and clogging, the system is designed to pull odors from the free airspaces surrounding the food waste. The volume of air was designed to keep a six foot tall pile not only oxygenated to reduce the formation of sulfur based malodors, but also to keep the piles cool to allow the expected low pH of the food waste to rise, which will reduce the formation and release of volatile fatty acids and volatile nitrogen compounds in the piles.

"In addition to managing drainage and reducing the release and formation of volatile odorous compounds, the system is designed to treat the collected air to remove these compounds in an engineered biofilter system that allows over 45 seconds of retention, through a moist organic media made of ground wood and finished compost. Engineered bio-filters that I have assisted in design and operated with these loading rates and media selections have had over 14 years of odor reduction that is acceptable to neighboring communities in Puyallup, Washington.

"Engineered biofilters are the best available odor control system for compost facilities and organic waste management transfer stations and are accepted and approved for this purpose by most air quality agencies nationwide." Gage Letter, Exhibit M at p. 3.

Second, the appellants contend that Recology has failed to identify a secondary odor control plan in the event the biofiltration system is ineffective. Recology is not required by the PCC to identify a secondary plan; however, as set forth in both the NMP and the Operations Plan in Exhibit "N," Recology is supplementing its use of the biofilter with other best management practices designed to prevent and control odors. For example, all incoming organics will be

mixed with yard debris to assist in moisture absorption, which will reduce odors. Furthermore, most material will be removed from the Facility the same day it arrives, and all materials will be removed within 48 hours after arrival. In addition, Recology intends to reject or immediately transfer incoming loads of organics that have reached a state of decomposition and are already yielding offensive odors. Additionally, Recology will regularly wash equipment that loads, unloads, and pushes organic material. Moreover, trained staff will monitor odors to ensure that this myriad of practices is effective. Finally, there will be absolutely no composting activities that occur at the Facility.

Third, appellants contend that Recology has underestimated the likely odor impacts of the Facility by underestimating the amount of food waste that will be delivered by disregarding the level of food waste collected during the City's pilot program and by not factoring in commercial separated food waste from restaurants and grocery stores. The City Council should deny this contention for two reasons. First, the City's pilot program was unique in both its nature and the households it served; therefore, as Arianne Sperry of the City's Bureau of Planning and Sustainability advised in an email message submitted by the appellants, the data from household participating in the City's pilot program should not be used to project results for the City as a whole.

Moreover, as explained at both public hearings, the Facility is limited in size, which necessarily limits the capacity of food waste it can accept. As explained above, the Facility's odor control system is designed to support a facility that is of the size and capacity of the Facility. Thus, Recology did not underestimate the likely odor impacts of the Facility.

For these reasons, the City Council should deny appellants' contentions relating to odor impacts.

2. Leachate.

Next, the appellants contend that Recology has failed to provide details regarding its leachate management system, including how it will function, how it will be maintained and monitored, and where it will be disposed. The Hearings Officer determined that Recology presented substantial evidence in the whole record to support a conclusion that the Facility's leachate management system satisfied the applicable approval criteria. Hearings Officer's Decision, p. 12. Recology supplements this evidence with the Roholt letter in Exhibit "L," which describes in detail the specifications of the leachate management system as well as how it works:

"The design of the air/leachate collection system has 13 rows of air suction nozzles and each row has 10 nozzles for a total of 130 nozzles over the area of the pad. The maximum flow through each nozzle will be approximately 40 cfm. The nozzle diameters are designed to be 1 inch. This will provide a flow of well over

the required 80 feet per second needed for self-cleaning. This allows the system to operate trouble free.

"The collection piping is sloped so the leachate collected through the nozzles will flow by gravity into a collection sump. As leachate flows into the sump, the air passes through the sump and exits vertically flowing through the blower and into the biofilter. The collection sump allows the water and debris to separate from the air and collect in the bottom of the sump before it is removed by a liquid pump and placed into a tank which has an aerator to prevent the water from going anaerobic.

"The collection piping system and the sump were to be constructed of High Density Polyethylene (HDPE). This is a very strong chemical resistant plastic that is used in the leachate collection systems to subtitle D landfills. Once the system is constructed and passes leak testing, it will operate without leaking. The underground portion of the system is also designed to be under negative pressure. This means that if in the highly unlikely event that a hole did occur in the underground piping, water or air would be pulled into the system from the surrounding soils. If that happened, the leak would be detected simply because the system would not be operating as effectively." Roholt Letter, Exhibit L at pages 1-2.

The City Council should deny the appellants' contentions that Recology has not properly planned for managing and disposing of leachate from the Facility.

3. Vectors.

The appellants further contend that Recology failed to provide any "technical specifications, analysis, plans, or other documentation" demonstrating how it intends to monitor for, prevent, and control vectors. The City Council should deny this contention as it is not supported by the facts. Recology has prepared a NMP for the Facility that establishes protocol for vector prevention and control as follows:

"All measures will be taken to control conditions which might attract and encourage vectors.

"Vectors, such as flies, rodents, and birds, will be minimized by implementing good housekeeping procedures, and expediting the reloading and shipment offsite of incoming organics materials. [Recology] does not anticipate incoming materials remaining onsite for any period longer than 48 hours. In the event of organics remaining onsite for more than 24 hours (such [as] over a weekend),

organics can be covered by ground clean yard debris or loaded into the semi-trailer used for transporting the material offsite. The trailer would be tarped and parked within the building, thus eliminating any accessible food source for vectors.

"Additionally, [Recology] will maintain a contract with an independent pest control company to ensure that vectors are not a concern." NMP, Exhibit H, p. 7.

Compliance with the NMP is required as a condition of approval of the Application. Therefore, upon approval of the Application, Recology will be bound to comply with the NMP, including the protocol for vector prevention and control.

Recology has agreed to engage Paramount Pest Control, Inc. ("Paramount") to establish a preventative vector control program for the Facility to include monitoring, inspection, and treatment with rodent bait stations throughout the Facility and grounds by Paramount. A copy of Paramount's engagement letter is attached as Exhibit "O." The City Council should deny this contention.

4. Noise.

The appellants further contend that there is no evidence in the record that the Facility will satisfy applicable noise standards of the City and the DEQ. Appellants are mistaken. At the appeal hearing in this matter, expert Kerri G. Standlee, P.E. of Daly Standlee & Associates, Inc. submitted both oral and written testimony on behalf of Recology stating that, in his best professional judgment, Recology's solid waste recovery and organic waste transfer operations at the Facility will be only a minor contributor to noise levels at surrounding residences.

Even assuming an extreme scenario where noise levels at the Facility effectively doubled due to the new operations, Mr. Standlee determined that the Facility operations would comply with the City's noise standards set forth in PCC 33.262.050 and PCC 33.815.220.C, D, and E as well as applicable DEQ noise standards. Mr. Standlee also concluded that no additional mitigation measures are necessary to ensure compliance with these standards. Mr. Standlee reached these conclusions based upon his observations of the site and surrounding area, his assessment of existing noise conditions, and his prediction of future noise levels associated with the future addition of organic waste transfer operations at the Facility in the manner described in the Application. Mr. Standlee's expert testimony constitutes substantial evidence, and appellants have not offered any rebuttal thereto. The City Council should deny the appellants' contentions relating to noise.

5. Dust/Air Pollution.

The appellants further contend that the Application does not satisfy PCC 33.815.220.C because the Application does not explain in detail how the Facility's proposed aeration system and associated biofilters will control indoor ambient air quality and dust as required by the City and DEQ. The City Council should deny this contention for three reasons. First, Recology will implement dust control measures at the Facility in accordance with the approved NMP by using water or a misting system to mist loads of waste and the exterior stockpiles, scales, and access road, as needed. *See* NMP, p. 6. It should be noted that Recology currently implements these measures as part of its existing operations as required by its permits with Metro and DEQ; moreover, Metro conducts unannounced inspections to ensure compliance with these dust control measures.

Second, to the extent the appellants' argument is simply a re-assertion that Recology has not established that the biofilter will control odors at the Facility, Recology has fully responded to this argument above. Third, compliance with DEQ air quality standards is not a mandatory City approval criterion. As such, the City cannot approve, deny, or condition the Application based upon its compliance or non-compliance with DEQ air quality standards. Notwithstanding this fact, Recology acknowledges that it must comply with applicable DEQ standards in order to obtain a DEQ permit and that a DEQ permit is necessary to operate the Facility. However, that is a separate and distinct permit process. The City Council should deny this contention.

6. Stormwater/Water Pollution.

Finally, the appellants contend that the Application does not satisfy PCC 33.815.220.C due to the Facility's possible stormwater impacts. The appellants identify two separate contentions under this heading. The City Council should deny each. First, the appellants assert that the Application does not include sufficient detail regarding stormwater permitting for the Facility. The appellants further contend that the Facility may require modifications to existing National Pollutant Discharge Elimination System ("NPDES") permits for the site.

Section 2.3 of the Facility's Operations Plan states as follows:

"Mixed dry solid waste will be tipped, sorted, and processed inside Building 4A and will not be exposed to stormwater. Likewise, organic loads will be tipped and reloaded within building 4A, and not exposed to stormwater. Clean yard debris and wood will be stored in outside piles, and metal is stored in outdoor drop boxes. These materials will be in contact with rain and can generate stormwater runoff. However, best management practices (BMPs) will be implemented in accordance with the industrial complex's Stormwater Pollution Control Plan and the runoff will be monitored as part of the industrial complex's National Pollutant Discharge Elimination System (NPDES) stormwater permit.

"BMPs listed in the stormwater pollution control plan (SWPCP for the Freeway Land Complex (Appendix A) will be used to manage stormwater runoff...Stormwater is treated as part of the overall Freeway Land Complex stormwater system." Operations Plan, Exhibit N at pages 2-3.

Section 2.5 of the Operations Plan explains that stormwater from the Facility will drain into numerous catch basins before discharging into an existing culvert. Consistent with the Operations Plan, City Bureau of Environmental Services staff determined that the proposal would not impact the stormwater system and/or Johnson Creek resources and thus no new stormwater permits would be required in conjunction with the Facility. The appellants do not contend that staff erred in reaching this conclusion.

Second, the appellants contend that vehicle traffic associated with the Facility may impact and contaminate stormwater. Specifically, the appellants contend that the tires and/or undersides of trucks may become contaminated with organic waste which could then be tracked outside the Facility, ultimately leading to commingling stormwater and leachate from food waste. The appellants' scenario is highly speculative. In fact, Recology has designed the Facility and its operations to ensure that trucks will not track organic material outside the Facility, as explained in Section 4.2 of the NMP:

"The collection trucks which [are] delivering the organics to the facility will back into a roll up door, and deposit the organics into the aerated floor. Once they have tipped their load onto the floor, they will leave through the same roll up door they entered through, thus not allowing their tires to encounter any organic materials and track it outdoors. Organics collection trucks are provided fresh water to rinse off any residual food wastes from the exterior of their vehicle on the concrete aerated floor after unloading." NMP, Exhibit H at p.6.

The rinse water and any residual food wastes drain into the Facility's leachate collection system and are stored within the liquid storage tank. Therefore, substantial evidence in the record refutes the appellants' contention that the Facility may impact stormwater. The City Council should deny this contention.

B. PCC 33.815.220.D — No Significant Environmental Impacts

The appellants further contend that the City Council should deny the Application because it fails to satisfy PCC 33.815.220.D, which requires that "[t]here will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas." The appellants' contention is speculative and rebutted by substantial evidence to the contrary. For these reasons, the City Council should deny the appellants' contention and affirm the Hearings Officer's determination that the Application satisfies this criterion.

1. Environmental Overlay Zones.

First, the appellants contend that Recology has not provided analysis of off-site impacts the Facility may impose on the Springwater Trail corridor and portions of the Freeway Land Industrial Park located within designated environmental overlay zones. Recology has presented a detailed analysis of potential off-site impacts and various testimony explaining its proposed mitigation measures and how they will ensure that off-site impacts are mitigated.

Notwithstanding this testimony, the appellants respond that Recology's general analysis of off-site impacts is "flawed" and "not supported by credible evidence" because it is not directed at the particular impacts of the Facility to the sensitive environmental areas. Yet, the appellants do not explain how Recology's general analysis of off-site impacts is defective or how the Facility will actually affect sensitive environmental areas in ways when it will not affect other areas.

In fact, the same analysis of off-site impacts applies to sensitive environmental areas as applies to other properties. The Hearings Officer concurred, when he incorporated "the findings for PCC 33.815.220 C into the findings for [PCC 33.815.220.D]." Hearings Officer's Decision, p.12. The Hearings Officer again drew off of his earlier analysis of off-site impacts when he stated:

"As noted in the findings for PCC 33.815.220 C above, the Hearings Officer found that environmental, vector, dust, and stormwater runoff impacts resulting from approval of this application will be minimal or nonexistent. Therefore, the Hearings Officer finds this approval criterion is met." Hearings Officer's Decision, p.13.

Finally, it is worth noting that the Facility is located approximately 800 feet from Johnson Creek and over 100 feet from the forested hillside to the south. In addition, vehicles will access the site over existing roadways that will not be expanded. Finally, no new development is proposed in any area designated as an Environmental zone.

The City Council should deny this contention.

2. Contamination of Groundwater and Surface Water.

Next, the appellants contend that Recology has failed to consider the impacts of the Facility's leachate management system on area groundwater. Specifically, the appellants contend that there are no details regarding how the leachate management system will be monitored for leaks and how any leaks will be contained. The appellants further contend that because a portion of the leachate management system is subsurface, any leaks will readily migrate into the shallow

groundwater of the area and then commingle with surface water in Johnson Creek. Again, the appellants' contention is based upon speculation and is rebutted by substantial evidence.

The Holtech Letter fully responds to this contention. In the Holtech Letter, Robert B. Roholt, P.E. explained that the collection piping system will be constructed of heavy-duty materials that will prevent leaking. Moreover, the system will be tested to ensure that it operates without leaking. Furthermore, he opines that a leak would be readily detectable because the vacuum blower would be rendered ineffective. Finally, he opines that, as designed, the system will operate in a manner that ensures that the Application will satisfy PCC 33.815.220.C, D, and E and 33.254.040.B.

Therefore, the risk of a leak in the leachate system is quite low and will be immediately apparent, which will prevent impacts to area groundwater and surface water. The City Council should deny this contention.

C. PCC 33.815.220.E — Nuisance Related Impacts

The appellants further contend that the Application does not satisfy PCC 33.815.220.E, which requires that "[t]he proposed use adequately addresses potential nuisance-related impacts such as litter." As explained above, Recology will operate the Facility consistent with its NMP and Operations Plan, which will prevent and mitigate nuisance-related impacts. Further, Recology has proposed additional conditions of approval summarized above to ensure compliance with applicable approval criteria. Therefore, the City Council should deny this contention.

1. Nuisance-Related Impacts.

The appellants raise two primary issues under this approval criterion. First, the appellants reiterate their earlier contention that Recology has not demonstrated that the Facility will not have wide-ranging nuisance-related impacts caused by odors, vectors, noise, dust, and stormwater and groundwater contamination. This contention lacks merit. In fact, Recology has presented substantial evidence to rebut this contention, as explained in detail in response to Section 33.815.220.C above. Those detailed responses are incorporated herein by reference. Based upon these incorporated responses, the City Council should deny this contention.

2. Litter Control.

Second, the appellants contend that there is no credible evidence that Recology will control litter at the Facility. The appellants are mistaken. Section 4.1 of the NMP describes the protocol at the Facility for preventing and controlling litter as follows:

"In accordance with Section 5.7 of the facility's Metro License, operations personnel will keep all areas within the site and all vehicle access roads within 1/4

mile of the site free of litter and debris as generated as a result of the facility's operation. Regular litter patrols will be conducted by Recology staff for this purpose." NMP, Exhibit H at p.6.

As further explained in the Recology Response to the Shaw Environmental Report in Exhibit "P," the litter patrols occur daily. In addition, Recology owns and operates a vacuum sweeper truck on a regular basis as a best management practice. This activity also serves to counteract litter.

Further, while Recology acknowledges that the City's litter regulations of Title 29 of the PCC apply to Facility operations, these regulations are at best operating standards; they are not approval criteria that can form the basis for approving, denying, or conditioning the Applications. Finally, the appellants have not established that DEQ operating standards for material recovery facilities as set forth in OAR 340-096-0040 are an approval criterion applicable to the Applications. As such, compliance or non-compliance with the DEQ standard cannot be a basis to approve, deny, or condition the Applications.

The City Council should deny this contention and affirm the Hearings Officer's finding that the Application satisfies PCC 33.815.220.E.

D. PCC 33.815.220.F — Public Services

1. Transportation

This standard requires a finding that the existing transportation system "is capable of supporting the proposed use." As described in the traffic impact analysis prepared by Kittelson & Associates, and in the hearings officer's final decision, all of the relevant transportation facilities are currently operating at Level of Service "A" and even a very conservative estimate of the amount of new trips does not result in enough trips to notably change the traffic patterns at the relevant facilities. The Kittelson analysis was reviewed and approved by the City of Portland Bureau of Transportation. A short memorandum from Kittelson summarizing their methodology and conclusions is attached to this letter as Exhibit "S." Opponents have not provided any similar professional traffic analysis of their own.

The opponents' primary contention is that the Kittelson TIA underestimates the amount of new truck traffic that will bring food waste to the site. The Kittelson study is based on an estimate of an average increase of 35 trucks per day delivering food waste to the site. The opponents assert that the number could actually be 45 trucks per day on average, or higher during peak periods.

This issue is resolved through the applicant's agreement to accept a condition of approval imposing a "trip cap" of 35 trucks per day delivering food waste to the site. That cap ensures

that traffic to and from the site will be consistent with the analysis included in the Kittelson TIA, which results in a conclusion that the existing roads and intersections are capable of supporting the proposed use. Adopting the agreed-upon trip cap ensures that this criterion is met.

2. Stormwater

This standard requires a finding that "stormwater disposal systems are acceptable to the Bureau of Environmental Services." As correctly noted by the hearings officer, BES reviewed the application and had no concerns, with the imposition of a condition of approval requiring the installation of a leachate collection and containment system that will allow all liquid waste to be collected and taken offsite for disposal. The applicant has agreed to provide this type of containment system.

Because BES has indicated that the proposed use is acceptable and can be approved, this standard is, by definition, satisfied. As described in the Operations Plan attached as Exhibit "N," all organic wastes will be tipped and reloaded within enclosed buildings and therefore will not be exposed to stormwater. Opponents raise no legitimate concerns regarding stormwater disposal, and do not attempt to argue that BES has not deemed the applicant's stormwater disposal system to be acceptable for the proposed use.

E. PCC 33.815.220.G — Compliance with PCC 33.254 "Waste Related Uses"

Under PCC 33.815.220.G, the applicant must demonstrate compliance with regulations in Chapter 33.254 regarding "Waste Related Uses." Each of the applicable criteria from Chapter 33.254 are addressed below, in the order presented by the opponents in their written submittal.

1. Hazardous Wastes

This standard prohibits the disposal of hazardous wastes. The Recology facility does not accept hazardous wastes, and will not accept hazardous wastes as part of the proposed addition of food waste. Opponents argue that the applicant has not explained what it will do if hazardous wastes are accidentally included in materials that are delivered to the site. This issue is addressed in the Recology Response to Shaw Environmental Report ("Recology Response"), which is attached as Exhibit "P." That document explains as follows:

"In accordance with the facility's current Metro Solid Waste License and Oregon DEQ Solid Waste Permit, the Operations Plan outlines the protocol used for inspecting loads, rejecting loads, and the storage and handling of any hazardous wastes that may be inadvertently received within the mixed dry waste received at the site. These procedures and practices have been approved by Metro and DEQ. During Metro and DEQ inspections, the protocol has been evaluated, and the designated

storage areas inspected for compliance with applicable regulations. Recology has not received any violations for mishandling of wastes at the Foster Road Recovery Facility. The organics operations will be handled in the same manner as the mixed dry waste. The Operations Plan that includes the expanded operations will be reviewed by Metro and DEQ during the process of applying for the modified operational permits and licenses necessary to add the organics receiving and reload component." Recology Response, Exhibit P, page 8.

As explained in these documents, Recology has existing procedures in place for the inspection and rejection of wastes that cannot be processed at this facility. Those procedures are part of Recology's existing permits from DEQ and Metro, and the organics operation will follow those same procedures.

2. Operations

Applicant is providing an Operations Plan that provides responses to the concerns raised by opponents regarding: (i) on-site truck queuing; (ii) processing of waste products; and (iii) liquid waste pretreatment. Recology's response to each of those issues is summarized below.

(i) On-Site Truck Queuing

This standard requires that "the site layout must include adequate areas to accommodate the peak number of vehicles expected to come to the site at any one time." As described in the Recology Response attached as Exhibit P, an existing requirement under the facility's current Metro Solid Waste License is that Recology must provide sufficient capacity to adequately accommodate all on-site vehicle traffic, and Recology does not allow persons delivering material to the facility to park or queue on public streets or roads. As shown on the site plan, the site includes 6.2 acres and provides more than enough area for existing vehicle traffic, as well as for the additional 35 inbound trucks per day that would be in the queue for unloading organic material in Building 4A. As noted in the Operations Plan, the access route leading to the scales is approximately 250 feet long and has sufficient space to accommodate six to seven trucks in queue. Exhibit N, page 2. Unloading of each truck only requires approximately five minutes. Given the limited number of trucks that will unload at the site over the course of a nine-hour day, there is no legitimate basis for opponents to claim that the site does not provide adequate on-site queuing.

(ii) Processing of Waste Products

This standard includes two requirements: (a) all activities related to the receiving and handling of waste products must take place entirely within enclosed structures, and (b) the transfer of waste from one vehicle or container to another and the cleaning of such vehicles or containers must be

done within a containment area to ensure that waste materials will not enter the groundwater or any water body. PCC 33.254.040.B.

There is no dispute that all waste handling activities on the site will take place entirely within enclosed structures, and therefore the first requirement is met. Opponents' only contention under this standard is that there is not sufficient evidence to conclude that waste materials will not enter the groundwater or surface water, because opponents assert that it is conceivable that debris could be tracked out of the facility on the wheels of a truck, in which case opponents speculate that debris could theoretically end up in stormwater runoff on the site, which opponents speculate might somehow end up in the groundwater. Essentially, the opponents contend that the applicant has not provided evidence specifically explaining how vehicles will be monitored and cleaned on entry to and exit from the facility. This issue is addressed in the Recology Response to Shaw Environmental as follows:

"The facility has been designed so that tracking of organics from the inside of the building to the surrounding roads outdoors will not occur. This is achieved by having designated unloading and loading areas, limiting equipment that comes in contact with the organics, good housekeeping and wash practices, and regular inspections.

"The collection trucks which delivering the organics to the facility will back into a roll up door, and unload the organics onto the aerated floor. The truck tires will not come in contact with the organics. Once they have unloaded the organics, the truck will leave through the same roll up door they entered through, thus not allowing their tires to encounter any organic materials and track it outdoors.

"The semi-trucks that will transport the organics offsite will enter a different roll up door, to the left of the aerated pad. A dedicated loader will be used to load the organics into the semi-truck, while it is parked parallel to the aerated floor. Once the truck is loaded, the truck will then continue through the building, driving out through a roll up door on the opposite side of the building from which they entered. Again, the truck tires will not encounter any organic materials.

"The only equipment that will encounter organics will be the loader used to move, bulk, and load the organics. This loader will be washed down with water as needed. The wash water will be captured by the leachate collection system, and stored within the liquid storage tank. The contents of this tank are hauled offsite for treatment and disposal at an unassociated permitted facility. At no time will leachate or wash water contaminate or even enter the stormwater system. Equipment is currently washed within the building, in compliance with the facility

Operations Plan. There has never been an instance where wash water has exited the building, or contaminated stormwater runoff.

"In addition, Recology owns a vacuum sweeper truck, and uses this equipment at its facilities to sweep and collect any debris or sediment from paved areas. This best management practice is extremely effective controlling solids that might otherwise contaminate stormwater runoff. The sweeper truck is currently used onsite at least weekly, and can be used daily should the need arise.

"Recology environmental compliance staff currently conducts monthly stormwater inspections which evaluate the conditions of the catch basins within Recology's leasehold, condition of waste storage areas, conditions of spill kits onsite, and stormwater best management practices employed at the facility. These inspections are documented, and will continue throughout future operations.

"The Freeway Land Industrial Complex is currently covered by the General 1200-Z Stormwater Discharge Permit. All operational activities are communicated regularly to the landlord, so that they may include these activities within their Stormwater Pollution Control Plan. Recology's operations have not contributed to contamination of stormwater at the facility." Recology Response, Exhibit P at pages 5-6.

Further, the procedures for washing trucks onsite are addressed in Section 3.8 of the Operations Plan, which is attached as Exhibit N. That Plan provides that washing trucks is not permitted in outdoor areas, and trucks will only be washed if necessary inside Building 4A, and wash water will be contained within the building on the floor by using temporary berms and absorbed with residuals, wood chips, eco bags, booms and/or other absorbent materials. Exhibit N page 6.

There is substantial evidence in the record on which the City Council may find this criterion is satisfied.

(iii) Liquid Waste Pretreatment

This standard requires that the facility must provide pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. PCC 33.254.040.C. There is no legitimate issue under this standard, because the applicant has accepted a condition of approval proposed by BES that requires the installation of a leachate collection and containment system that will allow liquid waste to be collected and taken offsite for disposal.

The opponents complain that the record does not include details regarding exactly how and where the leachate will be monitored, transported once collected, and that the applicant has not

provided details regarding its disposal permits. These are all permitting issues that must be addressed as part of the BES permitting process, and are not properly part of this land use review by the City Council. The opponents apparently believe that the City Council should take on the task of reviewing and approving every detail regarding environmental permits issued by BES. For purposes of ensuring compliance with the applicable land use standard, the City Council need only adopt the condition of approval proposed by BES requiring the applicant to install a leachate collection system. Details regarding the permitting, monitoring and operation of that system will be handled by BES.

This issue is also addressed in the Recology Response document attached as Exhibit P, which explains as follows:

"Shaw Environmental's claims center around concerns related to the tracking out of materials from inside of the building. Further claims suggest the need for a pre-treatment system or permit for the disposal of leachate. This is an inaccurate statement. Recology has identified options for licensed and permitted facilities to accept the leachate collected from the operation for offsite treatment and discharge. These include the use of existing facilities that have the design capability and necessary permits to handle the leachate generated from the organics collection system." Recology Response, Exhibit P at page 11.

The applicant has accepted a condition of approval proposed by BES that requires the installation of a leachate collection and containment system that will allow liquid waste to be collected and taken offsite for disposal. This criterion is therefore satisfied.

3. Traffic Impact Study

This standard requires the applicant to submit a traffic impact study for the proposed use, and that measures must be proposed for mitigating traffic impacts resulting from trips to and from the site. The applicant has provided a traffic impact study, which concludes that there will be no discernable traffic impacts from the use, because all relevant transportation facilities are operating at Level of Service "A," which will not be changed by the addition of new trips generated by the proposed use. Opponents dispute the professional traffic study provided by Kittelson & Associates, but fail to provide any study of their own. Rather, opponents continue to dispute the estimates regarding the number of trucks that will deliver organic waste to the site, and argue that "because the CUP is not capped," there no limit on the actual number of trucks.

As described in more detail above, opponents' concerns are not warranted, but are nonetheless resolved through the applicant's agreement to accept a condition of approval imposing a "trip cap" of 35 trucks per day delivering food waste to the site. That cap ensures that traffic to and from the site will be consistent with the analysis included in the Kittelson TIA, which results in a

conclusion that the existing roads and intersections are capable of supporting the proposed use. Adopting the agreed-upon trip cap ensures that this criterion is met.

4. Nuisance Mitigation Plan

This standard requires the applicant to submit a mitigation plan that addresses potential nuisance impacts from the proposed use, including: (i) off-site impacts, (ii) litter and (iii) dust, mud and vector control.

The applicant's Nuisance Mitigation Plan is attached as Exhibit "H." That plan addresses all of the potential nuisance impacts from the proposed use, as required under PCC 33.254.060. These issues are separately addressed above, and are also addressed in the Recology Response to Shaw Environmental attached as Exhibit P.

F. PCC 33.815.220.I — Public benefits of the use outweigh any impacts that cannot be mitigated.

The final requirement for a conditional use permit for a waste-related use is that the public benefits of the use outweigh any impacts that cannot be mitigated. PCC 33.815.220.I.

As described above, and in the attached Recology Response, the Nuisance Mitigation Plan, and the Traffic Impact Studies provided by Kittelson & Associates, there are no impacts from the proposed use that cannot be mitigated. All potential nuisance-related impacts will be adequately mitigated by the plans and mechanisms relied upon by the applicant to control odor, dust, noise, vibrations, vectors, and stormwater. Thus, the City Council may conclude that the proposed use does not create any impacts that cannot be mitigated, and this standard is satisfied.

In the alternative, if the City Council concludes that there are impacts that cannot be mitigated, the City Council may conclude that the public benefits of the proposed use outweigh any such impacts. The primary public benefit of the proposal is to implement the City of Portland's food waste composting program, which will ensure that food waste will be diverted from landfills. Under the City's

G. PCC Chapter 33.805 — Adjustment Criteria

The hearings officer correctly approved the applicant's request for an adjustment to the requirement of PCC 33.254.030 that "uses must be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts." Access to the existing industrial site requires traffic to utilize a short portion of SE 101st Avenue, which is not a "Major City Traffic Street." Accordingly, city staff recommended approval of the applicant's request for an adjustment to that standard, which request was approved by the hearings officer.

1. The Standard is Eligible for an Adjustment

Opponents contend that the requirement at issue is not the type of standard for which an adjustment can be granted. Opponents point to a portion of the City's adjustment criteria that describes what regulations are eligible for adjustments. That code sections provides, in relevant part, that adjustments are prohibited for regulations that constitute "an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development." PCC 33.805.030.B.4. As an example of such an "exception," the code references a City regulation that says manufactured dwelling parks are allowed only in the R3 and R2 zones, and notes that an adjustment could not be granted to allow a manufactured dwelling park in any other zone.

The regulation at issue is merely an access restriction regarding vehicle access on certain city streets. Unlike the situation contemplated by PCC 33.805.030.B.4, this is not a "qualifying situation for a regulation" such as the example provided in the code. The example provided in the code describes a requested adjustment to a use standard where a specific use is prohibited in the zone at issue. That situation is also specifically referenced in the first sentence of the code at issue, which states "such as zones allowed or items being limited to new development." The regulation being requested for adjustment does not relate to zoning restrictions or other "qualifying situations." Rather, the regulation at issue creates an access restriction regarding Major City Traffic Streets. The proposed use is located in an existing industrial park area that is already accessed by large trucks. The hearings officer's decision to approve the adjustment is consistent with existing access to the site, and this application is appropriate and eligible for an adjustment under the applicable City criteria. The hearings officer's decision on this issue should be affirmed.

2. The Hearings Officer Correctly Applied the Adjustment Standards

Opponents contend that the requested adjustment does not meet the standard of "equally or better meeting the purpose" of the regulation being adjusted. The two purposes at issue are: (1) reduce the impacts and nuisances resulting from ... waste related uses on surrounding land uses, and (2) reduce the transportation impacts from those uses.

The opponents' arguments regarding this standard are primarily focused on their incorrect assumptions regarding the amount of truck traffic that will access the site. As described in the Kittelson analysis, and as required by the condition imposing a 35-truck "trip cap," the amount of traffic being generated by the proposed use is nowhere near the catastrophic scenarios that opponents incorrectly speculate about. The hearings officer correctly concluded as follows:

"PBOT reviewed the Applicant's transportation analysis and had no concerns. As outlined in the Applicant's response, and summarized above, the proposed new

Waste-Related use is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with the street designations. PBOT agreed with Applicant's traffic studies that the transportation system is capable of supporting the additional traffic that is estimated to be generated by the use. SE 101st Avenue and SE Foster Road can support the new use from a capacity, safety and access standpoint. PBOT and the Applicant's traffic studies concluded that the proposed use is not anticipated to have any detrimental impacts on the overall safety of the Springwater Trail crossing at SE 101st Avenue. The Hearings Officer concurs with the conclusions reached by PBOT and the Applicant's traffic consultants and finds this approval criterion is met." Hearings Officer Decision, page 23.

The hearings officer correctly concluded that because the requested adjustment will have no detrimental impacts on surrounding land uses, granting the adjustment will at least equally meet the purposes of PCC Chapter 33.254, *i.e.*, reducing transportation impacts and reducing impacts and nuisances on surrounding land uses. Opponents' stated concerns regarding increased traffic impacts above what is stated in the Kittelson analysis have been fully refuted.

7. RESPONSE TO OTHER PUBLIC COMMENTS

A few residents of the Lents neighborhood submitted written and/or oral testimony in opposition to the Applications. The vast majority of this testimony related to the potential for the Facility to cause adverse impacts on the Lents neighborhood due to odor, noise, litter, traffic, pollution, vectors, and impacts to property values. As such, the residents' testimony is duplicative of the issues raised by the appellants and responded to above. The residents' testimony was not supported by substantial evidence such as studies, reports, or analyses prepared by experts. Accordingly, based upon the arguments presented above and the evidence attached to this letter, the City Council should deny the residents' contentions on these issues.

Recology responds to a few additional issues raised by residents below.

A. Lents Urban Renewal Plan.

An opponent contended that the Facility will not fulfill the goals of the Lents Town Center Urban Renewal Plan because it offers few living-wage jobs and would discourage other employers. The City Council should deny this contention for two reasons. First, no provision of the Lents Town Center Urban Renewal Plan is an applicable approval criterion for the Application. As such, it cannot serve as the basis to approve, deny, or condition the Application. Second, the testimony is entirely speculative regarding the impacts of Recology on investment in the area. In fact, past trends indicate otherwise. Recology has operated out of the existing building for a few years now, and the industrial park still has quite high occupancy rates.

B. Allegations against Recology's Record and Reputation.

Several opponents also attacked Recology's reputation and record at other facilities. Recology is quite sensitive to these allegations. As stated at the hearing, Recology is an employee-owned company that has been in business for several decades. It has facilities spread across several Western states and strives to operate those facilities with the highest regard to applicable regulations.

A new website offers some specific attacks on Recology's reputation. Set forth below are the attacks listed at that website followed by Recology's response to each. As explained below, these allegations are in many cases distorted, inaccurate, or based upon incomplete information. In short, they cannot and should not serve as a basis to deny the Application.

"About Recology

"Recology is a garbage company based in San Francisco, CA that has facilities all over the West Coast. Formerly called Norcal, the company has a long history of violating government regulations, permits, and environmental laws. Below are just a few of Recology's transgressions that have outraged many communities over the years. This is a company that cannot be trusted!

"Recology's Executives seem Shady

- "Former Vice President of Recology (then Norcal) was under investigation by the FBI for being involved in a conspiracy to influence a county administrative officer to secure a waste management contract. He was sentenced to 18 months and forced to pay \$277,000 in fines for his wrongdoings. Recology was forced to pay over \$6.5 million to San Bernardino County!"

RESPONSE: In 1993, Jim Walsh, a former vice president of Norcal Waste Systems of San Bernardino, a Norcal subsidiary, who had been appointed to his position by former management of the company, advised the company that he had some legal problems. When pressed, Walsh would divulge no further information. The company contacted the U.S. Attorney's office for Southern California, advising that it had become aware from an employee that he was involved in some wrongdoing of an unknown nature. The company's offer to assist in the investigation led to a complete review of its books and records. The company learned that the employee had taken kickbacks from a subcontractor, who had earned its work through a competitive bid process in which it was the cheapest proposer. The money received by the former employee was passed on to the then County Administrative Officer. While nothing the CAO did influenced the award of the contract of the company, the appearance of wrongdoing convinced the company that the contract should

be terminated. The company worked with San Bernardino County to terminate the agreement, provide service while they identified and contracted with its successor and repaid the profit earned by the company from the contract.

- "Recology was accused of violating the state's Political Reform Act for allegedly setting up an Oregon company called Westencon and using it to launder more than \$100,000 to dozens of San Francisco officials, including former supervisor and mayoral candidate John Molinari."

RESPONSE: Norcal Waste Systems was accused in 1989 or 1990 of violating the Political Reform Act for making contributions in California through an Oregon corporation it had formed for that purpose. No finding of wrongdoing was ever made. However, this was the principal reason the company's former chief executive resigned and the current management team was put in place.

- "In 1993 and 1994, Recology pumped more than \$1 million into campaigns to block two measures that would have broken its monopoly in San Francisco."

RESPONSE: Recology operates in San Francisco under an initiative ordinance that was approved by the voters in 1932, and amended several times since. In 1993, some competitors put an initiative on the ballot that would have required the city to change the way it provided garbage services. The company ran a successful campaign against the initiative, receiving 76 percent of the vote, to the oppositions 24 percent. A similar ordinance was defeated in 1994.

- "In Humboldt County, NV, Recology was issued a Conditional Use permit to build a mega landfill on an area prone to high wind erosion, poor soil quality, and within 30 feet of an active aquifer for a well. After having failed to secure the required permitting during the allotted three year time period and after having the Board of Commissioners deny them a five year extension, Recology sued the county and the individual commissioners! The case is in US District Court at this time. To find out more, go to Nevadans Against Garbage <http://nolandfill.wordpress.com/>"

RESPONSE: The proposed Jungo Disposal Site is a highly engineered, state of the art landfill, incorporating a substantial liner system and environmental controls. The Humboldt Regional Planning Commission (RPC) approved a Use Permit for a landfill in Humboldt County Nevada, which then initiated the engineering and design, and permitting through the Nevada Department of Environmental Quality for both solid waste disposal operations and air quality. Delays in the permitting process occurred due to increased public, state and federal scrutiny, attacks on the Conditional Use Permit which were ultimately dismissed by the Sixth Judicial District Court, and an appeal of the air quality permit to the State

Environmental Commission. A request to extend the Use Permit was timely filed with Humboldt County, and the Regional Planning Commission found there was good cause and granted the extension. This decision of the RPC was appealed to the Board of County Commissioners, and is now subject of a case before the US District Court.

"Recology's Operations appear Nasty

- "Since taking over operations in April 2009, Recology's facility in North Plains, OR has had 69 complaints of foul odor filed with DEQ!"

RESPONSE: Recology operates a composting facility in North Plains called Nature's Needs. There were 69 alleged complaints filed with DEQ. As explained in Exhibit "R," only three of these complaints were confirmed as malodors from the Nature's Needs operations. Moreover, the Facility is distinguishable from Nature's Needs, because the Facility will not involve composting activities. Exhibit "Q" reflects that no complaints have been received for existing operations at the Foster Road facility. Exhibit "Z" reflects that Recology's entity has not received a single odor complaint associated with its operation of food waste for blending and transfer at the Metro Central facility.

- "Most recently, residents of Yuba County, CA are outraged over the proposed expansion of a landfill that Recology lied to them about. Residents fear that the rotten smells, pollution and truck traffic that they currently experience will only worsen."

RESPONSE: This is part of an ongoing campaign by a local opposition group. The proposed project does not expand the landfill at all. The landfill is fully permitted and no increase is proposed at the existing landfill by the proposed project. There will be no additional trucking of material into this facility as it will be a rail haul and disposal operation; it does not involve added trucking as part of this project. The proposed project will deliver material to the landfill in fully enclosed sealed containers on rail cars. The Ostrom Road Landfill was the first RCRA Subtitle D landfill facility built and operated in the State of California.

- "At one of the company's facilities in San Francisco, water discharges were significantly out of compliance with the City and County. On one of the days, the pH was so acidic that the facility was violating Federal regulations of the U.S. Environmental Protection Agency."

RESPONSE: This statement is irrelevant to the project at hand since the operations are totally different. This was a minor issue related to a combined truck wash/wastewater collection in the scale sump from the transfer station operation. The facility worked closely

with the City/County agency to identify the root cause of pH fluctuations and remedy this condition. There were no fines or penalties. All wastewater from the wash rack and wastewater sump is now neutralized prior to discharge to the sanitary sewer.

- "During an inspection of a Recology facility in 2006, the staff, including one inspector who is an expert in composting activities, stated that they had never before seen such a density of fly populations. The fly populations observed were the Black garbage fly, aka Dump fly—a disease carrying vector that breeds in garbage and other decaying materials."

RESPONSE: This question is irrelevant to the project at hand since the operations in question are totally different. At the time, the South Valley Organics composting operation, located at the Pacheco Pass landfill, used the "Ag Bag" technology, a technology which was abandoned years ago by Recology due to a number of operational issues. When this issue arose, the company worked with a consultant to the local enforcement agency, implemented the consultant's recommendations, and the issue was resolved without any fines or penalties. There is no ongoing "fly issue" at this composting facility.

- "In 2001, Recology had to stop accepting wet yard debris and other wet wastes at a location in Spokane, WA because the odors were unbearable to the neighbors nearby. Even with the installation of new technology, the community was still complaining."

RESPONSE: The root cause for closure of the Spokane, Washington operations was a problem with the persistent occurrence of a now-prohibited pesticide, Chlopyralid, in the incoming waste stream. Formerly in widespread use as a broad leaf weed control agent, Chlopyralid was primarily used by residences and golf courses, and hence was present in incoming grassy waste, and could not be segregated from the untreated material. The main issue was that the compost product was not acceptable to the farming community due to the persistence of the Chlopyralid and its defoliating effect of the remnant pesticide on crops, even in trace amounts. Without an outlet for the compost product, the facility was closed.

While there were some odor complaints, odor problems did not close the facility. Recology (Norcal) was using the Ag-Bag technology at that point, a technology the company no longer employs. Food waste was not even a part of the project, just yard debris and lots of grass waste.

- "Time and time again, Recology's facilities are found to be in violation for discharge of solid or liquid waste to surface waters, drainage courses, or groundwater."

RESPONSE: This is a gross overstatement and misrepresentation of fact. With more than fifty (50) facilities operating over the past 80 plus years, there have been few instances where some facilities have received notices from regulatory agencies. In each instance, Recology worked closely with regulatory agencies and its operations staff to identify and address the root cause in a timely manner. All Recology facilities monitor stormwater and groundwater as required by permit and regulation.

- "On multiple occasions Recology has been cited by the city or county for excessive off-site odor. During an inspection in 2006, the Local Enforcement Agency suspended operations at a Recology plant due to the creation of a public nuisance and a potential health hazard. This suspension was not appealable."

RESPONSE: This statement is inaccurate. While the South Valley Organics composting operation did get a violation notice in 2006, operations were never suspended. Nuisance conditions were remedied in cooperation with the local enforcement agency and operations brought into conformance with all permit and regulatory requirements.

C. Public Notice.

The opponents argue and have circulated incorrect information that the City failed to follow its notice requirements. Nothing could be further from the truth. The file before the City Council demonstrates that the City gave the required public notice of the Hearings Officer hearing and that the applicant correctly posted the site prior to that hearing. The Hearings Officer held a public hearing and offered those in attendance the opportunity to keep the record open and, in fact, kept the record open for two (2) additional days to allow the applicant to propose an additional condition of approval in which it proposed to respond to complaints. I have attached a copy of the applicant's letter to the Hearings Officer.

D. Characterization as a "Garbage Dump."

The opponents have characterized this application as a "garbage dump." They know that this is hyperbole and they have fostered this lie for the unfortunate purpose of scaring people. This is not a garbage dump; it is a transfer station where waste remains a short period of time before it is transported off-site. That is what the applicant applied for, that is what the staff recommended approval of and that is what the Hearings Officer approved.

E. Impact on Property Values.

It is impossible to see how home values could be affected by this application (aside from the fact that this is not a relevant approval criterion) because this site is not visible from homes to its south, north, east or west. Moreover, the industrial park has existed for years and the existing

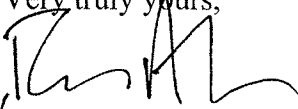
Mayor Sam Adams
July 27, 2011
Page 35

recycling facility has existed for four (4) years. There is no substantial evidence that there is any connection between values in this property.

8. CONCLUSION.

For the reasons explained herein and on the record, the City Council should deny the appeal and affirm the decision of the Hearings Officer to approve the Applications for the Facility. Recology reserves the right to submit additional evidence and argument in accordance with the adopted open record schedule.

Very truly yours,


for Michael C. Robinson

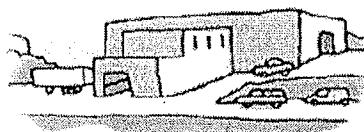
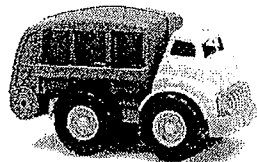
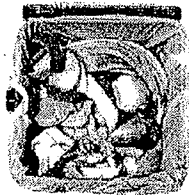
Enclosures

cc: Ms. Karla Moore-Love (w/encls.) (via hand delivery)
Ms. Sheila Frugoli (w/encls.) (via hand delivery)
Mr. David Dutra (w/encls.) (via email)
Mr. Peter Branda (w/encls.) (via email)
Ms. Ame LeCocq (w/encls.) (via email)
Ms. Erin Merrill (w/encls.) (via email)
Mr. Tom Rask (w/encls.) (via email)

EXHIBIT LIST

- Exhibit A:** Fact sheet about Recology reload facility
- Exhibit B:** Correspondence with counsel for appellants
- Exhibit C:** Secretary of State records for Springwater Trail Preservation Society
- Exhibit D:** Sample City of Portland Land Use Review application form
- Exhibit E:** Application narrative
- Exhibit F:** City staff report to Hearings Officer
- Exhibit G:** Hearings Officer's decision
- Exhibit H:** Nuisance Mitigation Plan
- Exhibit I:** Floodplain map (source: portlandmaps.com)
- Exhibit J:** Aerial photo of 1996 flooding
- Exhibit K:** Foster Road organics receiving system design components
- Exhibit L:** Letter from Holtech Civil and Environmental Engineering LLC
- Exhibit M:** Letter from Compost Design Services and resume of Jeff Gage
- Exhibit N:** Operations Plan
- Exhibit O:** Letter from Paramount Pest Control, Inc.
- Exhibit P:** Response to Shaw Environmental Report
- Exhibit Q:** Foster Road facility complaint log
- Exhibit R:** Nature's Needs facility complaint log
- Exhibit S:** Memo from Kittelson & Associates, Inc. (July 21, 2011)
- Exhibit T:** Draft Good Neighbor Agreement prepared by David Hyde of Lents Neighborhood Association
- Exhibit U:** Sample Good Neighbor Agreement
- Exhibit V:** Photos distributed at neighborhood meeting
- Exhibit W:** Neighborhood meeting surveys
- Exhibit X:** Letter from Jesse Hunter
- Exhibit Y:** Biofilters for Odor Control by Stearns & Wheler
- Exhibit Z:** Letter from Larry Wilkins regarding Metro Central Transfer Station

A



The Facts about our Foster Road reload station

Claims	Facts
"...Recology is asking the City of Portland for permission to process rotten food and meat..."	We are asking to expand current operations to accept pre- and post-consumer food waste for reloading and transporting off site daily.
"...piles of rotting, smelly food waste in our neighborhood."	Food waste will be received indoors in a controlled environment for immediate reloading.
"It will attract flies, rats and other dirty vermin – placing our families' health at risk."	The material will not remain on site long enough to attract vermin. Any material remaining overnight will be covered with a bio-filter. Pest control inspections will occur.
"...up to 400 trips each day..."	Our operating permits allow only 35 trips daily.
"Just imagine how polluted our community will be the next time Johnson Creek floods!"	This site is located above the 100-year floodplain. Recology has agreed to submit a flood response plan as a condition of approval.
"This will be devastating to our home values!"	We will be operating in an existing industrial site that has been zoned this way for decades.
"...a special deal between City officials and a San Francisco-based garbage company."	There is no deal, just a land-use application to expand current operations.
"Recology's proposed plan fails to include critical components:"	The City's hearings officer who heard all the evidence deemed it complete and sufficient.
"Their reputation is so bad that they changed their name from Norcal."	Our name change resulted from expansion into areas of service outside Northern California.



Robinson, Michael C. (Perkins Coie)

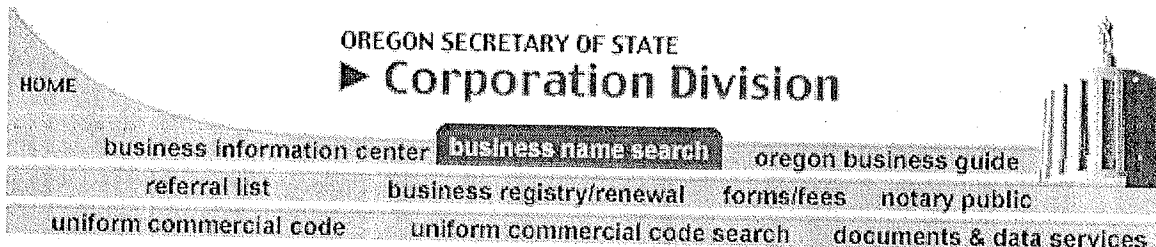
From: Robinson, Michael C. (Perkins Coie)
Sent: Thursday, May 26, 2011 8:48 AM
To: 'ddutra@recology.com'; 'bruce.walker@portlandoregon.gov'; Robinson, Michael C. (Perkins Coie)
Subject: Foster Road Appeal; Call to Opponents' Attorney, Tom Rask

I just left Tom another voice mail message asking if he and his client would be interested in meeting with us to learn more about the project. I first called him on Thursday, May 19 and then sent him an e-mail on Tuesday, May 24 asking if he and his client would be interested in a meeting. Mike

4

Robinson, Michael C. (Perkins Coie)

From: Robinson, Michael C. (Perkins Coie)
Sent: Monday, July 11, 2011 2:52 PM
To: Robinson, Michael C. (Perkins Coie)
Subject: Emailing: Business Registry Business Name Search.htm



Business Name Search

New Search	Printer Friendly	Business Entity Data				07-11-2011 14:49
Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
770721-98	DNP	ACT	OREGON	05-09-2011	05-09-2012	
Entity Name	SPRINGWATER TRAIL PRESERVATION SOCIETY					
Foreign Name						
Non Profit Type	MUTUAL BENEFIT					

[New Search](#)

[Printer Friendly](#)

Associated Names


Please click [here](#) for general information about registered agents and service of process.

Type	AGT REGISTERED AGENT	Start Date	05-09-2011	Resign Date	
Name	THOMAS	R	RASK	III	
Addr 1	520 SW YAMHILL ST STE 600				
Addr 2					
CSZ	PORTLAND	OR	97204		Country UNITED STATES OF AMERICA

New Search		Printer Friendly		Name History		
Business Entity Name			Name Type	Name Status	Start Date	End Date
SPRINGWATER TRAIL PRESERVATION SOCIETY			EN	CUR	05-09-2011	

Please read before ordering Copies.

New Search	Printer Friendly	Summary History			
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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ARTICLES OF INCORPORATION	05-09-2011		FI	Agent	

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For comments or suggestions regarding the operation of this site,
 please contact : corporation.division@state.or.us





City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 • 503-823-7526 • www.portlandoregon.gov/bds



Land Use Review Application

File Number: _____

FOR INTAKE, STAFF USE ONLY

Date Rec _____ by _____

☐ Type I ☐ Type II ☐ Type IIx ☐ Type III ☐ Type IV

LU Reviews _____

[Y] [N] Unincorporated MC

[Y] [N] Flood Hazard Area (LD & PD only)

[Y] [N] Potential Landslide Hazard Area (LD & PD only)

Qtr Sec Map(s) _____ Zoning _____

Plan District _____

Neighborhood _____

District Coalition _____

Business Assoc _____

Related File # _____

APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.

Development Site

Address or Location _____

Cross Street _____ Sq. ft./Acreage _____

Site tax account number(s)

R _____ R _____ R _____

R _____ R _____ R _____

Adjacent property (in same ownership) tax account number(s)

R _____ R _____ R _____

Describe project (attach additional page if necessary) _____

Describe proposed stormwater disposal methods _____

Identify requested land use reviews _____

• Design Review - For new development, provide project valuation.

\$ _____

For renovation, provide exterior alteration value.

\$ _____

AND provide total project valuation.

\$ _____

• Land Divisions - Identify number of lots (include lots for existing development).

New street (public or private)?

☐ yes ☐ no

continued / over

1

Applicant Information

- Identify the primary contact person, applicant, property owner and contract purchaser. Include any person that has an interest in your property or anyone you want to be notified.
- For all reviews, the applicant must sign the Responsibility Statement.
- For land divisions, all property owners must sign the application.

PRIMARY CONTACT, check all that apply ☐ Applicant ☐ Owner ☐ Other _____

Name _____ Signature _____

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply ☐ Applicant ☐ Owner ☐ Other _____

Name _____ Signature _____

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply ☐ Applicant ☐ Owner ☐ Other _____

Name _____ Signature _____

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply ☐ Applicant ☐ Owner ☐ Other _____

Name _____ Signature _____

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Responsibility Statement As the applicant submitting this application for a land use review, I am responsible for the accuracy of the information submitted. The information being submitted includes a description of the site conditions. I am also responsible for gaining the permission of the owner(s) of the property listed above in order to apply for this review and for reviewing the responsibility statement with them. If the proposal is approved, the decision and any conditions of the approval must be recorded in the County Deed Records for the property. The City of Portland is not liable if any of these actions are taken without the consent of the owner(s) of the property. In order to process this review, City staff may visit the site, photograph the property, or otherwise document the site as part of the review. I understand that the completeness of this application is determined by the Director. By my signature, I indicate my understanding and agreement to the Responsibility Statement.

Print name of person submitting this application _____

Signature _____

Phone number _____ Date _____



CITY OF PORTLAND, OREGON - BUREAU OF DEVELOPMENT SERVICES

1900 SW Fourth Avenue, Portland, Oregon 97201, www.portlandoregon.gov/bds



Land Use Review Application Checklist

LUR Application Materials: (LUR staff, check all that apply)

Forms

- ☐ Land Use Review Application Form
- ☐ Procedure description and other information
- ☐ Approval Criteria for the following land review:
 - ☐ Adjustment Review
 - ☐ Conditional Use Review,
 - ☐ Design Review
 - ☐ Environmental Review,
 - ☐ Greenway Review
 - ☐ Historic Design Review,
 - ☐ Zoning Map Amendment

Handouts

- ☐ Sample Site Plan (Residential)
- ☐ Landscaping Code; Chapter 33.248
- ☐ Parking Code; Chapter 33.266
- ☐ Fee Schedule
- ☐ _____
- ☐ _____
- ☐ _____

Submitting the Application

Bring the completed application to the Development Services Center, on the first floor of 1900 SW Fourth Ave. A city planner will review the application, answer any questions you may have and prepare a receipt for the filing fee that must be submitted at the same time as the application.

If you have questions about the application or the application process, please call the Development Services Center at 503-823-7526. A planner will return your call. Visit the Development Services Center (DSC), Tuesday - Friday: 8:00 am to 3:00 pm, closed Mondays.

Items that MUST be submitted with the application

1. ☐ One copy of the completed and signed **Land Use Review Application**.
2. ☐ Two copies of the written statement that describes how your proposal meets the **Approval Criteria** for your request.
3. ☐ Five copies of the **site plan**, utility plans and landscape plans drawn to scale, and one 8.5 x 11 inch reduction suitable for photocopying of all plans.
4. ☐ Two copies of **building elevation drawings**, one drawn to scale, and one copy reduced to 8.5 x 11 inches, suitable for photocopying. These drawings must demonstrate how the proposal meets the approval criteria. For Design Review, a minimum of two copies of full size plans to scale, and two 8.5 x 11 inch copies of all elevation drawings and relevant details.
5. ☐ One copy of photographs that are essential to the proposal and demonstrate how the proposal meets the approval criteria.
6. ☐ Two copies of the information required by the specific land use review such as documentation of compliance with the off-site impact standards, upgrades to non-conforming development, or traffic and parking studies per the pre-application notes.
7. ☐ One copy of the notes from the pre-application conference, if applicable.
8. ☐ Cash, check, credit card, or money order for the required filing fee.

For more information visit or call the Planning and Zoning staff at the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526

For Portland Zoning Code visit www.portlandonline.com/zoningcode

Information is subject to change.

E

BEFORE THE CITY OF PORTLAND

LAND USE HEARINGS OFFICER

In the Matter of an Application by
Recology Oregon Material Recovery, Inc.
("Recology") for a Conditional Use Permit
and Four (4) Adjustments to Establish a
Waste-Related Use with an On-Site Retail
Operation Pursuant to 33.815.220, on a Site
in the Heavy Industrial ("HI") Zoning
District at 6400 SE 101st Avenue (Property
Identification Nos. R104979, R215712,
R215713, R336673, R336811 and
R336871)

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW IN SUPPORT
OF THE APPLICATION**

I. FACTS.

A. Proposal.

This Site is presently used as a waste related facility. The facility is licensed by Metro (Solid Waste Facility License No. L036-09) and the Oregon Department of Environmental Quality ("DEQ") (Permit No. 1369). It is a permitted use with non-conforming development. The site currently accepts non-food waste materials for recycling. Because changes to the Site are proposed, conditional use approval is required. PCC 33.815.030.

This proposal will utilize the existing Site and its improvements and will allow the acceptance of food waste. The food waste will be mixed with yard and green waste currently accepted at the Site. The food waste will be visually examined and non-compostable materials will be removed from the compost stream inside the existing building. Compostable materials will be loaded onto trucks for shipment to an off-Site composting facility. The proposal also includes the installation of a small retail area [less than three thousand (3,000) square feet] for compost sales to the public.

B. Site Location and Map Designations.

The Site is located at 6400 SE 101st Avenue. **Exhibit 1** shows the location of the Site, its zoning, Heavy Industrial ("IH"), and a vicinity map. **Exhibits 2A and 2B** are aerial photographs of the Site. The leased Site, which is the subject of this application, contains 4.1 acres and is part of a larger lot containing 27.8 acres. The IH zoning is consistent with the Industrial Sanctuary ("IS") Comprehensive Plan map designation. No overlay zones are located on the Site.

C. Surrounding Uses and Access to the Site.

The Site is surrounded by IH-zoned property. To the west across SE 101st Avenue is a pallet recycling facility, a cement manufacturing facility, a truck company and a truck shop. To the south is a truck and equipment parking area. To the north is an industrial building. To the east are other industrial uses.

The Site is reached by SE 101st Avenue from its intersection with SE Foster Road. SE Foster Road has five (5) lanes and SE 101st Avenue has two (2) lanes. The intersection is signalized. A sidewalk extends from the intersection with SE Foster Road on both sides of SE 101st Avenue across the Springwater Trail. A bike lane exists on both sides of SE 101st Avenue and it is signed "no parking" north of the Springwater Trail. The land uses on SE 101st Avenue south of SE Foster consist of industrial uses.

D. Current and Proposed Use and Development of the Site.

The Site is currently used by Recology to accept dry, non-putrescible recyclable materials. Acceptable recyclable materials currently received at the Site include, but are not limited to, cardboard and mixed waste paper, metals, plastics, yard debris, wood, dry asphalt, construction and demolition waste (concrete, rock, brick), land clearing debris, mixed roofing waste, gypsum wallboard (untreated and unpainted), electronic waste and Styrofoam. With the exception of wood, yard debris, metal, sods, soils, and concrete, rock and brick, all mixed dry

solid waste materials are managed within an enclosed and covered building. The materials are received at the Site, sorted and then safely loaded for transport to an off-site location.

The Site is fully developed. The Site is level. The entire Site contains an asphalt surface. The entire Site is surrounded by a six (6) foot high chain link fence. (**Exhibit 2C**). Access to the Site is through a fifty (50) foot wide gate. No additional buildings are proposed by this application.

Two (2) buildings are on the Site. The smaller of the two (2) buildings is the scale house (also containing an office) and is adjacent to the scale. The larger building, known as the Material Recovery Facility ("MRF") building (Building #4A), is a shared building with another off-site user (the building is physically divided between the two (2) users).

The MRF building contains approximately 45,960 square feet and is thirty one (31) feet high. **Exhibit 3** shows the Site plan and **Exhibit 4** shows the MRF building's interior floor plan. No exterior changes to the MRF building are proposed except for the addition of larger entry doors and the installation of skylights. **Exhibit 5** shows the MRF building's elevation.

The interior of the MRF building will be redesigned to include a break room, restrooms, offices, a tipping floor for incoming materials and an area designated for the receipt of residential and commercial organic (food) waste. A truck repair facility will be removed. A wastewater collection system will be installed through which liquids will pass before collection in a poly tank. The liquids will then either be disposed of off-site or sprayed on organic waste, if the liquid will not create offensive odors. (**Exhibit 3, sheets C1.0 and C2.0**).

Trucks arriving at the Site will enter the MRF building and discharge their dry recyclable materials onto the sorting floor. No tipping or handling of organics waste will occur outside of the MRF building. The MRF building's feature will include an organics tip floor with a negative aeration system equipped with biofilters and a leachate collection system. The food waste will be sorted for loading onto other trucks for shipment to off-site composting facilities. Food waste

materials will arrive at a separate entrance to the MRF building, be sorted and be transported off-site in about twenty four (24) hours to forty eight (48) hours. Rapid sorting within two (2) days will control offensive odors.

The negative aeration system will also ensure odor control. Air from the tip floor will be directed to a biofilter system to control odor. Liquids will be routed through a leachate collection system before disposal, as described above.

Traffic circulation on the Site will be redesigned to maximize traffic flow and provide adequate queuing storage for trucks when needed.

E. Current and Proposed Operations on the Site.

The Site currently has about ten (10) employees. This proposal will increase that number to eleven (11) employees.

The Site's operating hours will not change from 7:00 a.m. – 5:00 p.m., Monday – Friday and 8:00 a.m. – 5:00 p.m. on Saturday. Hauler deliveries of recyclable materials to the Site may occur at any time during operating hours. The general public may drop off and purchase compost materials at any time during operating hours.

The addition of food waste to the Site will add about forty five (45) new truck trips to and from the Site. Thirty five (35) of the new truck trips will be deliveries of food waste materials to the Site and ten (10) of the new truck trips will transport food waste from the Site.

The Site currently receives a maximum of about 200 tons of waste per day, or about 1,200 tons per week. The addition of food waste will add about 250 tons of food waste per day, or about 1,500 tons per week. After approval of this application, the Site will receive about 450 tons per day of all types of materials, or about a total of 2,700 tons weekly.

F. Applicable Approval Criteria.

1. Conditional Use Approval Criteria for a Waste-Related Use in the IH Zone.

The proposed addition of food waste requires a conditional use in the IH zone (*see* Table 1.4-1, "Waste-Related Uses"). Waste-related uses are subject to Note 8 in PCC 33.140.100.B, "Limited Uses." Note 8 provides that all waste-related uses are conditional uses, unless three (3) conditions are met, in which case they are allowed by right. In this case, the use is a conditional use because the three (3) conditions necessary to allow the use by right are not met.

The applicable approval criteria for the conditional use permit are:

- 33.815.220(A)-(I), "Mining and Waste-Related" uses.
- 33.254, "Mining and Waste-Related Uses," is applicable to this application through 33.815.220.F.3.
- 33.262, "Off-Site Impacts," is applicable to this application through 33.254.060.A.

2. Adjustment Approval Criteria for Four (4) Adjustments.

The relevant approval criteria for adjustments to PCC Chapter 33 requirements are found in Chapter 33.805. The four (4) required adjustments are shown below:

- 33.254.030, "Location and Vehicle Access." This criterion restricts access for waste-related uses to Major City Traffic Streets. Because this existing use accesses a Local Service Traffic Street, an adjustment to this standard is required.
- 33.254.080.A. and B., "Setbacks, Landscaping and Screening." Three (3) variances to this section are required. Subsection A. requires a one hundred (100) foot setback to property lines and streets abutting an I zone. The existing scale house is 55.7' from SE 101st Avenue and the existing MRF building is 69.5' from the street. Subsection B. requires landscaping and screening to the L1 standard.

Finally, Subsection B. also requires a six (6) foot high fence on the interior of the one hundred (100) foot setback. A six (6) foot high fence exists on the Site but is not within the interior side of the setback on SE 101st Avenue.

3. Retail Use for Sale of Compost Materials to the Public.

Retail uses are permitted outright if the square footage of the floor area is no more than three thousand (3,000) square feet. 33.140.100.B.6(a). The proposed retail use contains less than 3,000 square feet and is a permitted use on this Site.

II. APPLICABLE APPROVAL CRITERIA.

A. For conditional use permit: 33.815.220, "Mining and Waste Related Uses."

1. Relevant Approval Criteria.

"A. There are adequate nearby lands available for the development of more intense industrial uses;"

RESPONSE: Adequate nearby lands include the lands on either side of SE 101st Avenue, south of SE Foster Road. The lands are currently devoted to intense industrial uses. Because this use is occurring on an existing Site devoted to the receipt and shipment of recyclable materials and will be conducted within an existing building on a fully developed Site, this additional use does not remove lands available for the development of more intense industrial uses.

This criterion is satisfied.

"B. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;"

RESPONSE: This application will allow the acceptance of organic food waste at the Site, which will be reloaded inside the MRF building for transport to an off-site composting facility. The proposed use will not significantly alter the overall character of the area because it consists of activities inside an existing building with trucks coming to and from a fully

developed Site. There will not be a significant increase in the number of trucks coming to the Site. Further, this Site is less than fifteen percent (15%) of the larger lot on which it is located. This application will not alter the overall character of the area based on its proportion of the industrial uses in the area or on the larger lot.

This criterion is satisfied.

"C. There will be no significant health or safety risks to nearby uses;"

RESPONSE: This conditional use permit will not cause significant health or safety risks to nearby uses. Potential health or safety risks include odor, contaminated stormwater and traffic impacts. Odor is controlled by an aerated floor with a negative air system. Leachate will be collected and disposed of off-site. Liquids are treated prior to entering the City's system.

The addition of this use will not cause a safety risk because of increased traffic. Table 4 in the Transportation Impact Analysis ("TIA") (**Exhibit 6**) shows that the proposed use will generate approximately 90 additional daily trips, with 15 of those trips in the weekday a.m. peak hour and 5 of those new trips in the weekday p.m. peak hour.

About 45 new truck trips to and from the Site will occur between the hours of 8:00 a.m. and 4:00 p.m., with about 35 of these trucks delivering food waste (mixed with organic waste) and approximately 10 semi-trucks taking the waste to an off-site composting facility (TIA at page 8).

The TIA also examined the crash history at the intersection of SE Foster Road and SE 101st Avenue and found that there were only four (4) crashes at this intersection during a five (5) year study period (TIA at page 7).

The TIA also examined the crash history at the Springwater Trail crossing at SE 101st Avenue. The TIA found no bicycle or pedestrian crashes at this crossing during a five (5) year period. (TIA at page 7, Table 3).

The City can find that this criterion is satisfied.

"D. There will be no significant detrimental environmental impacts to any nearby environmentally sensitive areas;"

RESPONSE: There is no nearby environmentally sensitive area on this Site (*see* Exhibit 1).

"E. The proposed use adequately addresses potential nuisance-related impact such as litter;"

RESPONSE: The potential nuisance-related impacts include litter, dust, noise, odor and vector control. The applicant will control odor through an aerated floor with a negative air system with the air directed to a biofiltration system. Leachate run-off will be controlled and cleaned through the use of a biofiltration system, which will minimize any stormwater impacts. Because the waste is received, sorted and transloaded inside the existing MRF building, dust and noise outside the MRF building will be minimal. Vector control is accomplished through maintenance of sanitary conditions inside the MRF building and on the Site and quick sorting of the received waste and transloading for off-site delivery.

The City can find that this criterion is satisfied.

"F. Public Services."

"1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;

2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

3. **Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services."**

RESPONSE: SE 101st Avenue is classified as a Local Service Traffic Street, a Local Service Transit Street, a Local Service Bikeway, a Local Service Walkway, a Truck Access Street and a Minor Emergency Response Street. The TIA concludes that the street is capable of accepting the additional traffic created by this application (TIA at pages 12 and 13).

The intersection of SE Foster Road and SE 101st Avenue functions at level of service "A" and the Site driveway intersection also functions at level of service "A" (TIA, figure 5 at page 11). As the TIA explains, level of service "A" is the highest possible level of service at intersections and easily meets the City's accepted performance standards.

Public services are adequate for water supply, police and fire protection services are capable of serving the proposed use, and proposed sanitary waste and stormwater disposal systems are acceptable to BES. A new water line has been installed to the street so fire protection will be adequate. A sanitary sewer storm line and a sanitary waste line serve the Site. (Exhibit 3). Two (2) fire hydrants are located immediately adjacent to the building, one on the west and one on the south.

The two (2) nearest fire stations to this Site are Station 11 (Lents) at 5707 SE 92nd Avenue and Station 29 (Gilbert) located at 13310 SE Foster Road. (Exhibit 3A).

The City can find that this criterion is satisfied.

"G. The proposal complies with the regulations of Chapter 33.254, "Mining and Waste-Related Uses;"

RESPONSE: Chapter 33.254 is addressed below.

"H. There is a reclamation or redevelopment which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished;"

RESPONSE: This criterion is inapplicable to this application because it does not propose a proposed mining or landfill use.

"I. Public benefits of the use outweigh any impacts that cannot be mitigated;"

RESPONSE: The City can find that all potential impacts are mitigated. The public benefits of approving this use include the implementation of the City of Portland's food waste composting program. Sites must be provided within the City of Portland to which waste haulers can deliver food waste. Because the composting occurs off site, there must be adequate facilities to separately accept the food waste from other non-compostable waste and then transport the food waste to off-site composting facilities.

The City can find that this criterion is satisfied.

2. Conclusion for 33.815.220.

The City can find that the relevant approval criteria for a waste-related conditional use are satisfied.

B. Chapter 33.254, "Mining and Waste-Related Uses."

1. Relevant Approval Criteria.

"A. 33.254.020, "Limitations."

1. Accessory uses. Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.

2. Hazardous wastes. The disposal of hazardous wastes, as defined by OAR 340.100 to 340.110, is prohibited."

RESPONSE: This section prohibits the disposal of hazardous waste as defined by OAR Chapter 340.100-.10. The application does not propose to receive hazardous waste at this Site.

The City can find that this criterion is satisfied.

"B. 33.254.030, "Location and Vehicle Access."

Uses must be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts, as designated in the Transportation Element of the Comprehensive Plan."

RESPONSE: This criterion requires that the use be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts. This existing use is on a Local Service Traffic Street. Therefore, the applicant will request an adjustment to this criterion.

"C. 33.254.040.A.-D., "Operations."

1. On-site queueing. The site layout must include adequate areas to accommodate the peak number of vehicles expected to come to the site at any one time.
2. Processing of waste products. In the case of Waste-Related uses other than landfills and composting operations, all activities relating to the receiving, sorting, processing, storage, transfer, and shipping of wastes must take place entirely within enclosed structures. The transfer of waste products from one vehicle or container to another vehicle or container and the cleaning of such vehicles or containers must be done within a containment area designed to ensure that waste materials will be confined so as to not enter the groundwater or any water body.
3. Liquid waste pretreatment. The use, if other than a sewage treatment facility, must provide pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. The pretreatment must meet the standards of the Bureau of Environmental Services.
4. Posted information. A sign must be posted near the entrance to the site, stating the telephone number(s) where a representative of the use may be reached at all times."

RESPONSE: 33.254.040.A requires on-site queuing. The Site layout (**Exhibit 3**) includes an adequate area to accommodate the peak number of vehicles expected to arrive at the Site at any one time.

33.254.040.B requires that the receiving, sorting, processing, storage, transfer and shipping of waste must take place entirely within an enclosed structure. All of this activity is proposed to be within the existing MRF building.

This section also requires that the transfer of waste products from one vehicle to another and the cleaning of the vehicles must be done within a containment area designed to ensure that waste materials will be confined so as not to enter the groundwater or any water body. This application proposes to conduct all of the waste transfers within a containment area (**Exhibit 5**) inside the MRF building.

33.254.040.C requires the pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. Any run-off from collected waste will be handled inside the MRF building and treated by a biofiltration system. Stormwater from the Site is separately drained to a pond serving the larger industrial park and is then discharged to the City's system.

33.254.040.D requires posted information near the entrance of the Site providing a phone number where a representative of the use may be reached at all times. The Site contains the required sign at the scale house.

This criterion is satisfied.

"D. 33.254.050, "Traffic Impact Study."

"A traffic impact study must be submitted for the proposed use. As part of the study, measures must be proposed for mitigating traffic impacts resulting from vehicles going to and from the site. The study must also include a plan and mechanisms to ensure that traffic, especially trucks, travel primarily on truck streets or Major City Traffic

Streets when near the site. The traffic study must include information on proposed access points, hours of operation, types of vehicles, and number of trips."

RESPONSE: The TIA is **Exhibit 6** to this application. The TIA examined whether there would be a requirement for mitigation of traffic impacts resulting from vehicles going to and from the Site. The TIA includes information on proposed access point, hours of operation, types of vehicles, and number of trips. The TIA did not identify such impacts nor the need for mitigation. (TIA at page 13).

This criterion is satisfied.

"E. 33.254.060.A.-C., "Nuisance Mitigation Plan."

"The applicant must submit a mitigation plan that addresses potential nuisance impacts which might be created by the proposed use. The plan must include the following components:

- 1. Off-site impacts. The plan must document that the use will comply with the off-site impact standards stated in Chapter 33.262;**
- 2. Litter. For Waste-Related uses, the plan must address litter generated on the site and litter along roadways leading to the use that is generated by vehicles coming to the site. The plan must also address illegally dumped waste products near the site. The plan must provide for regular litter removal. The plan must also include means to limit litter from vehicles coming to site; and**
- 3. Dust, mud, and vector control. The plan must provide mechanisms to limit impacts from dust, mud, and disease carrying organisms such as rats and mosquitoes."**

RESPONSE: 33.254.060.A requires a plan that documents how the use will comply with the off-site impact standards stated in Chapter 33.262. This chapter is addressed below.

33.254.060.B requires that the application include a plan to address litter generated on the Site and along the roads leading to the Site.

The plan proposed by applicant is as follows. First, all waste will be off-loaded inside the building and reloaded inside the building for transportation to off-site composting facilities. No waste will be offloaded outside the building. Second, the applicant will agree to inspect the road leading to its facility for waste generated by vehicles coming to its facility and to collect and remove such litter. The applicant will instruct truck operators and the public coming to the Site in writing not to illegally dump waste products near the Site. Finally, the applicant will instruct those coming to the Site to require that the waste is covered as the trucks come to the Site.

33.254.060.C requires a plan provide mechanisms to limit impacts from dust, mud, and disease carrying organisms, such as rats and mosquitoes. The Site is fully paved and unloading and loading of the recycled materials occurs inside the MRF building. Therefore, there will be no dust generated. The applicant will regularly check the Site and the street leading to the Site for mud. Finally, management of the incoming organics food waste by ensuring that they are generally removed within twenty four (24) to forty eight (48) hours will minimize vector issues.

This criterion is satisfied.

"F. 33.254.080.A.-B., "Setbacks, Landscaping, and Screening."

"Waste-Related uses are subject to the following setback, landscaping, and screening requirements. Mining uses are subject to State requirements for setbacks, landscaping and screening.

1. Setback distance. Waste-Related uses must be set back 100 feet from all property and street lot lines that abut C, E, or I zones. A 200 foot setback is required along all property and street lot lines that abut OS or R zones.

2. Landscaping and screening requirements. The setback must be landscaped to at least the L1 standard. A fence at least 6 feet high must be provided on the interior side of the setback. The fence must be screened by a high hedge meeting the L3 standard. The landscaping standards are stated in Chapter 33.248, Landscaping and Screening. In

addition, gates with fencing at least 6 feet high must be provided across all entrances. The property owner must maintain the fencing and gates in good repair."

33.254.080.A. requires that waste-related uses must be set back 100 feet from all property and street lines that abut an I zone. Because this use is on a leased portion of a much larger lot, the only setbacks abut an I zone. The only 100 foot setback required is from the street lot line on the west side of the Site that abuts the IH zone.

Two (2) buildings are located within the 100 foot set-back. The MRF building used is 55.7 feet from the existing street lot line. The scale house building is 69.5 feet from the street lot line. Therefore, both of these existing structures are within the 100 foot setback requirement. This application requests an adjustment to this section for both structures.

33.254.080.B. describes landscaping and screening standards. The only relevant setback for this Site is the setback located on SE 101st Avenue. This section requires a landscape setback at least to the L1 standard with a fence six (6) feet high and a high hedge meeting the L3 standard. The setback along SE 101st Avenue does not comply with this requirement. The setback on SE 101st Avenue contains a six (6) foot high chain link fence but it is within the setback. This application requests an adjustment to this section for the L1 landscaping standard and the fence within the setback.

"G. 33.254.090, "Activities in Required Setbacks."

"Extraction, movement, or stockpiling of mineral and aggregate resources or the disposal or storage of waste products within a required setback is prohibited."

RESPONSE: This section applies only to mineral and aggregate resources and is, therefore, inapplicable to this application.

"H. 33.254.100, "Underground Utilities."

RESPONSE: This criterion applies only to mining or landfill sites and is, therefore, inapplicable to this application.

2. Conclusion for 33.254..

The City can find that the relevant approval criteria in Chapter 33.254 are satisfied.

C. Chapter 33.262, "Off-Site Impacts."

1. Relevant Approval Criteria.

"A. 33.262.030, "Exemptions."

"The off-site impact standards do not apply to machinery, equipment, and facilities which were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site."

RESPONSE: This chapter does not apply to machinery, equipment and facilities which were at the Site and in compliance with the existing regulations at the effective date of this regulation. This section further provides that any new or additional machinery, equipment and facilities must comply with the standards of this chapter. The only new machinery or equipment outside of the existing structure that is proposed to be installed as part of this application is the small fan associated with the negative aeration system. The primary existing structure (the MRF Building) has been at this Site for a number of years. The structure will not be expanded through this application.

"B. 33.262.050, "Noise."

"The City noise standards are stated in Title 18, Noise Control. In addition, the Department of Environmental Quality has regulations which apply to firms adjacent to or near noise sensitive uses such as dwellings, religious institutions, schools, and hospitals."

RESPONSE: The operation of this Site has and will continue to satisfy Title 18, "Noise Control." The Site is not subject to additional Oregon Department of Environmental Quality ("DEQ") administrative regulations regarding noise adjacent to noise sensitive uses such as

dwellings, religious institutions, schools and hospitals because this Site is not within the radius of such noise sensitive uses.

The City can find that this criterion is satisfied.

"C. 33.262.060, "Vibration."

"Vibration standard. Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.

Exceptions. Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

Measurement. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration."

RESPONSE: This proposal will not produce continuous, frequent or repetitive vibrations which exceed the threshold described in PCC 33.262.060.A.

This criterion is met.

"D. 33.262.070, "Odor."

"Odor standard. Continuous, frequent, or repetitive odors may not be produced. The odor threshold is the point at which an odor may just be detected.

Exception. An odor detected for less than 15 minutes per day is exempt."

RESPONSE: This application will not produce continuous, frequent or repetitive odors.

This criterion is satisfied.

"E. 33.262.080, "Glare."

"Glare standard. Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly,

or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.

Strobe lights. Strobe lights visible from another property are not allowed."

RESPONSE: This application will not cause glare nor use strobe lights. Therefore, this criterion is satisfied.

2. Conclusion for 33.262.

The City can find that this chapter is either inapplicable to this application pursuant to PCC 33.252.030 or, if applicable, this application satisfies the relevant requirements of this Chapter.

D. Chapter 33.805, "Adjustments."

This section addresses the relevant approval criteria for four (4) variances.

1. Adjustment to 33.254.030, "Location and Vehicle Access." (FIRST ADJUSTMENT)

The standard to be adjusted requires that vehicle access for a waste-related use be restricted to Major City Traffic Streets or to streets in Freight Districts. This Site has access to only a Local Service Traffic Street. The regulation to be adjusted is not an ineligible regulation under PCC 33.805.030.B.

a. Approval Criteria under 33.805.040.A.-F.

"A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified."

RESPONSE: The purpose of the regulation to be modified is to restrict traffic from waste-related uses to a higher order street or a Freight District. In this case, however, this is an existing use that has been located at this location on this street for a number of years. Further, the TIA demonstrates that SE 101st Avenue and its intersection with SE Foster Road is more

than capable of accommodating increased traffic from this proposed use. Therefore, the City can find that the adjustment will equally or better meet the purpose of the regulation to be modified.

"B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area or, if in an OS, C, E or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area."

RESPONSE: The Site is located in an I zone. The proposal is consistent with the classification of the adjacent street and desired character of the area. It is consistent with the classification of the adjacent street because it has been served by this street for a number of years, and the TIA demonstrates that the street is fully capable of accommodating the proposed traffic from the changed use. Second, it is consistent with the desired character of the area. The desired character of the area is an intense industrial area with a number of industrial uses, including this existing use. The City can find that this criterion is satisfied.

"C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone."

RESPONSE: The IH zone is one of three (3) zones that implements the Industrial Sanctuary ("IS") map designation in the City's acknowledged Comprehensive Plan. The IH zone provides areas where all kinds of industries may locate, including those not desirable in other zones due to their objectionable impacts or appearance. This application requires four (4) adjustments. The City can, however, find that the cumulative effects of the adjustments is a project which is still consistent with the purpose of the IH zone. As noted above, the IH zone is intended to accommodate objectionable or unattractive uses. This use is appropriately located in the IH zone whereas it would not be appropriately found in other zoning districts where it might be considered objectionable or unattractive.

The City can find that this criterion is satisfied.

"D. City-designated scenic resources and historic resources that are preserved."

RESPONSE: No City-designated scenic resources or historic resources are affected by this application.

"E. Any impacts resulting from the adjustment are mitigated to the extent practicable."

RESPONSE: No foreseeable impacts will result from this adjustment. SE 101st Avenue already accommodates the existing use and the TIA demonstrates that it can accommodate the additional traffic expected to be generated from the conditional use permit. The City can find that this criterion is satisfied.

"F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;"

RESPONSE: This Site is not in an environmental zone.

b. Conclusion for first adjustment.

The City can find that the criteria for this adjustment are satisfied.

2. Adjustment to 33.254.080.A., "Setback Distance." (SECOND ADJUSTMENT)

This standard requires a 100-foot setback from all street lot lines that abut an I zone. In this case, the existing MRF building is within 55.7 feet of the street lot line where it abuts an I zone and the scale house is setback 69.5' from the street. Therefore, an adjustment to the setbacks for both structures is required to this section.

This regulation is not an ineligible regulation for an adjustment under 33.805.030.B.

a. Approval Criteria under 33.805.040.A.-F.

"A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;"

RESPONSE: The City can find that granting the adjustment will equally or better meet the purpose of the regulation to be modified. The purpose of the regulation is to provide a setback from uses in the I zone. However, in a case such as this where two (2) existing buildings have been located within the 100-foot setback for a number of years, those buildings can be found not to impair or otherwise negatively impact the similar industrial uses in the surrounding area. Therefore, this criterion is satisfied.

"B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area;"

RESPONSE: The proposal will be consistent with the classification of the adjacent street and the desired character of the area for the reasons explained below. The City can find this criterion is satisfied.

"C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone;"

RESPONSE: The City can find that the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district as explained above.

"D. City-designated scenic resources and historic resources are preserved;"

RESPONSE: No City-designated scenic resources or historic resources are impacted by this application.

"E. Any impacts resulting from the adjustment are mitigated to the extent practical;"

RESPONSE: No impacts require mitigation.

"F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;"

RESPONSE: This Site is not in an environmental zone.

b. Conclusion for second adjustment.

The City can find that the criteria for this adjustment are satisfied.

3. Adjustment to 33.254.080.B, "Landscaping and Screening Requirements." (THIRD ADJUSTMENT)

The Site does not contain the perimeter required landscaping and screening. It is impractical to install the landscaping on this Site because it is part of a larger, existing industrial park. This section requests an adjustment to this requirement.

This regulation is not ineligible for adjustments under 33.805.030.

a. Approval Criteria under 33.805.040.A.-F.

"A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;"

RESPONSE: Granting the adjustment will equally or better meet the purposes of the regulation to be modified. The purpose of the regulation is to require landscaping and screening requirements for an objectionable use. However, all of the objectionable aspects of this use are conducted indoors and this Site is fully surrounded by other intense industrial uses.

Therefore, this criterion is satisfied.

"B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E or I zone, the proposal

will be consistent with the classifications of the adjacent streets and the desired character of the area;"

RESPONSE: The proposal will be consistent with the classifications of the adjacent streets and the desired character of the area, as explained above.

"C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone;"

RESPONSE: The cumulative effect of the adjustment results in a project that is still consistent with the overall purpose of the area as explained above.

"D. City-designated scenic resources and historic resources are preserved;"

RESPONSE: No City-designated scenic resources and historic resources are impacted by this application.

"E. Any impacts resulting from the adjustment are mitigated to the extent practical;"

RESPONSE: No impacts resulting from the adjustment require mitigation.

"F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;"

RESPONSE: This Site does not contain an environmental zone.

b. Conclusion for third adjustment.

The criteria for this adjustment are satisfied.

4. Adjustment to 33.254.080.B., "Landscaping and Screening Requirements."

(FOURTH ADJUSTMENT)

This criterion requires that a fence at least 6 feet high be provided on the interior side of the setback. Exhibit 2C to the application shows that a fence is located along the street line of the property but is not within the interior side of the 100 foot setback. The applicant, therefore,

requests a variance to this criterion. This criterion is not an ineligible regulation under 33.805.030.

a. **Approval Criteria Under 33.805.040.A.-F.**

"A. "Granting the adjustment will equally or better meet the purpose of the regulation to be modified;"

RESPONSE: The purpose of this regulation is to have a buffer area between the setback and the street. However, because this is an existing Site where the entire surface is paved and used for circulation, a fence on the interior setback would be impracticable. The existing fence and gate at the street edge serves the purpose of providing security for the Site, maintaining operations inside the Site and confining litter to the Site.

The City can find that this criterion is satisfied.

"B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area;"

RESPONSE: The proposed adjustment is consistent with the classification of the adjacent street and the desired character of the area. The Local City Traffic Street is solely used for purposes of reaching the industrial area. The desired character of the area is that of an intense industrial area, consistent with the IS Comprehensive Plan map designation. Having the fence on the outside rather than the interior of the setback does not detract from either the classification of the adjacent street or the desired character of the area.

This criterion is satisfied.

"C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone;"

RESPONSE: The cumulative effects of the adjustments result in a project which is still consistent with the overall purpose of the zone because this is an existing use where the adjustments do not detract from the purpose of the IH zoning district.

This criterion is satisfied.

"D. City-designated scenic resources and historic resources are preserved;"

RESPONSE: No City-designated scenic resources or historic resources are impact by this application.

This criterion is satisfied.

"E. Any impacts resulting from the adjustment are mitigated to the extent practical;"

RESPONSE: There are no impacts resulting from this adjustment which require mitigation.

This criterion is satisfied.

"F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;"

RESPONSE: This Site does not contain an Environmental Zone.

b. Conclusion for fourth adjustment. The criteria for this adjustment are satisfied.

E. Retail Use in Conjunction With a Waste-Related Use.

RESPONSE: The application proposes a small retail area consisting of less than 3,000 square feet (**Exhibit 3**). The retail area is an outdoor area where the public may purchase compost. 33.140.100.B.6 provides that retail sales and services with up to 3,000 square feet per use are allowed per site. No additional approval criteria are relevant to this part of the request.

The City can find that a less than 3,000 square foot area for retail sales of compost is permitted outright in the IH zoning district.

III. CONCLUSION.

For the reasons contained in this application, the applicant respectfully requests that the Hearings Officer approve this conditional use permit with reasonable conditions of approval.



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
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www.portlandonline.com/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 10-194818 CU AD
PC # 10-152033

REVIEW BY: Hearings Officer

WHEN: April 6, 2011 at 10:00 AM

WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

BUREAU OF DEVELOPMENT SERVICES STAFF: SHEILA FRUGOLI / SHEILA.FRUGOLI@PORTLANDOREGON.GOV

GENERAL INFORMATION

Representatives: Michael Robinson, Attorney
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Portland, OR 97209-4128
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1310 Main Street
Vancouver, WA 98660

Applicant: Dave Dutra
Recology Oregon Material Recovery, Inc.
4044 N Suttle Rd
Portland, OR 97217

Recology Oregon Material Recovery, Inc.
50 California St 24th Floor
San Francisco, CA 94111

Owner: Kevin Loftus
Jameson Partners LLC
2495 NW Nicolai St
Portland, OR 97210

Site Address: 6400 SE 101ST AVE

Legal Description: BLOCK 4 INC PT VAC STS LOT 1-10 LAND & IMPS SEE R624825
(R022400261) MACH & EQUIP, AMBOY; BLOCK 11 TL 6500 SPLIT MAP
R215713 (R551002240), MCKINLEY PK; BLOCK 11&12 TL 5100 SPLIT
MAP R215712 (R551002230), MCKINLEY PK; TL 100 70.21 ACRES LAND
& IMPS SEE R606684 (R992222591) MACH & EQUIP SPLIT MAP R336871
(R992222590), SECTION 21 1S 2E; TL 3200 19.55 ACRES, SECTION 22 1S

FROM CONCEPT TO CONSTRUCTION

EXHIBIT F

2E; TL 100 7.58 ACRES SPLIT MAP R336673 (R992211480), SECTION 22
 1S 2E, SECTION 21 1S 2E, TL 400 6.21 ACRES

Tax Account No.: R022400260, R551002230, R551002240, R992211480, R992221570,
 R992222590, R992211990

State ID No.: 1S2E21AA 02100, 1S2E16DD 06500, 1S2E15CC 05100, 1S2E21A
 00100, 1S2E22BB 03200, 1S2E22BC 00100, 1S2E21A 00400

Quarter Section: 3740

Neighborhood: Lents, contact David Hyde at 503-772-1376

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin

Zoning: IH, Heavy Industrial and the EG, General Employment zones; c,
 Environmental Conservation, p, Environmental Protection and ,b, Buffer
 Overlay zones.

Case Type: CU AD, Conditional Use Review and Adjustment Review

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of
 the Hearings Officer can be appealed to City Council.

Proposal: The applicant wishes to begin to accept food waste at the site for recycling. Recology, Oregon Material Recovery currently leases a portion of the site for its recycling operations. Currently landscape materials and wood debris, as well as building materials and other dry, non-perishable materials, are accepted at the Recology facility for recycling. The food waste will be mixed with yard and other green waste and delivered to the site via garbage collection trucks, approximately 35 trucks per day. Blended food waste and landscape material will also be accepted from private self-haulers and the general public.

The food waste material will be unloaded inside the existing large industrial building. Inside the building, the material will be sorted and mixed with yard and other wood waste materials that are currently accepted at the site. The compostable material will be loaded onto semi-trucks, approximately 10 per day, for shipment to an off-site composting facility. The organic materials (food and landscaping waste) will be stored inside the building for no more than a 48-hour period before it is hauled to another site. The applicant intends to install a biofilter aeration system to control odors inside the building. Also inside the building, the applicant will install a drain system to collect and contain liquids (leachate) from the food waste materials. The leachate will be transported off site. The facility will also include a 3,000 square foot exterior area for Retail Sales of exterior landscape-type materials such as compost, soil, mulch and gravel. The facility will operate 7 am – 5 pm, Monday – Friday and 8 am to 5 pm, on Saturday. No new exterior improvements, alterations are proposed at the site.

An Adjustment is requested to waive the requirement that vehicle access to the site be provided from a designated Major City Traffic Street. Access to the facility is from SE Foster, onto a private street, vacated SE 100th Avenue. A Type III Conditional Use Review is required because food waste recycling is classified as a Waste-Related Use. An Adjustment Review is needed to vary from an applicable development standard.

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.815.202, A-I, Conditional Use Review for Waste-Related Use
- 33.805.040, A-F, Adjustment Review

ANALYSIS

Site and Vicinity: The Jameson property, historically known as the "Freeway Land" site, is situated between SE Knapp Street and the Springwater Corridor trail, along the east side of Interstate 205 in Southeast Portland. Overall the site area covers over 100 acres. The current application, to establish a Waste Related Conditional Use will be sited in a 6.2 acre lease area located approximately in the center of the site. The lease area includes a portion of an existing warehouse-type building, a small modular office building, truck weight scales, and exterior work area including a large landscaping debris stockpile. A tall chain link fence follows the entire boundary of the lease area. There are two gates providing access onto the facility.

The interior portion of the Freeway Land site, north and south of Johnson Creek, is currently used for industrial purposes, and is developed or occupied by exterior material stockpiles, construction equipment storage area and industrial buildings. The site is occupied by a myriad of industrial business and uses—Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales and Industrial Service uses. There are approximately 5 buildings on the site. The industrial uses/activities are largely done outside of structures, i.e., exterior development. A vegetated hillside, with primarily trees and ground cover, defines the southern edge of the site.

SE Foster Blvd at SE 101st Avenue provides access to the site. Access to the site crosses through a privately-owned lot that is located on the north side of SE Woodstock and then through the City-owned Springwater Corridor, via an easement. The Springwater recreational trail corridor follows the northern boundary of the site. The corridor is approximately 100 feet wide and developed with a paved pathway. The channel of Johnson Creek runs through the site. A 2-lane bridge spans over the creek, providing passage into the site.

The I-205 Interstate Freeway, is located within approximately a 400 foot wide public right-of-way and is located on the west side of the site. The freeway creates a significant physical barrier for the residential development that is located west of the freeway. Immediately north of the site and west of SE 100th Avenue is another residential area, developed with primarily single dwelling residences. East of SE 100th Ave, along SE Foster, the area is developed with a mix of employment, commercial and industrial uses. North of SE Foster, near NE 103rd Avenue is a 16.8 acre industrial site used for auto salvage and wrecking. Directly east of the site there are numerous large vacant lots. Many are City-owned and zoned as Open Space. The Bureau of Environmental Services has implemented projects to: (1) improve fish habitat within Johnson Creek, (2) increase flood storage capabilities of the Johnson Creek floodplain, and (3) restore and enhance wetland and non-wetland riparian plant communities and habitats.

SE Knapp, which is elevated above the Jameson site, abuts the southern edge of the site. Because of the dense vegetation, SE Knapp is not visible from the Recology site. There is continuous vegetation along the south side of the site. A tall chain link fence follows the south property line. There is a locked gate and gravel "pull-out". The applicant states that the gate is only opened for emergency access. Directly across SE Knapp, there is a 6.2 acre site that is residentially zoned, but vacant. The site is heavily vegetated and has a creek that descends from above the hillside into a culvert at SE Knapp. The site is also owned by Jameson Partners. Further south, up the hill is the Mt. Scott residential area. The area includes single-dwelling residences, church sites, a neighborhood park and a residential group living treatment facility.

Zoning: The site is within the IHc, Heavy Industrial zone with an Environmental Conservation (c) overlay zone and EG2cp, General Employment 2 zone with Environmental Conservation (c) and Environmental Protection (p) overlay zones. This site also is within the Johnson Creek Basin Plan District and has a Comprehensive Plan designation of EXd – Central Employment with a Design Overlay Zone.

The IH zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The Recology lease area is within the IH zone. Waste-Related Uses require Conditional Use Review approval in this zone.

The EG2 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial or industrially-related uses. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. Waste-Related Uses require Conditional Use Review approval.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. Note that these regulations apply only to areas within the Environmental Conservation ("c") or Environmental Protection ("p") zoning designation. The proposal is not located within an Environmental overlay zone.

The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is applied to provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

The Johnson Creek Basin Plan District provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

Land Use History: City records indicate that prior land use reviews include the following:

- **CU 66-76:** Request by previous property owner for a Conditional Use permit to: comply with Chapter 7 of the Building Code; place fill in excess of 1,000 cubic yards; and landscape the site (application determined to be unnecessary).
- **CU 83-79:** Request by previous property owner for a Conditional Use permit for a 50,000 cubic yard fill and excavation along Johnson Creek, widening creek bed, filling abandoned log ponds approved.
- **LUR 94-00842 ZC EN AD:** Request by previous property owner for approval of a zone change for the environmental zone boundary along Johnson Creek; approval of a zone change for the environmental zone boundary along the south side of the property at the toe of slope for Mt. Scott; approval of environmental review to allow truck parking and maneuvering in the transition area along Johnson Creek; approval of an adjustment to allow removal of trees; approval of modification to an environmental zone boundary on the eastern portion of the site.
- **LUR 98-00095 NU:** Case withdrawn on March 3, 1998 for establishment of a nonconforming use situation per LUR 94-00842 ZC EN AD.
- **LU 03-113394 ZC:** Approved on April 21, 2003 for map error correction related to LUR 94-00842 ZC EN AD.
- **LU 06-133094 EN AD:** Approved with conditions on Dec. 29, 2006 for an Environmental Review for excavation of soils in the 100 year floodplain near Johnson Creek, within the

Environmental Conservation and Protection Overlay zones; and an Adjustment Review to remove trees during grading activities for resource enhancement.

- **LU 07-107637:** Approved with conditions on April 12, 2007, a Nonconforming Status Review.
- **LU 07-116137 EN:** Approved with conditions on Oct. 31, 2007 for Environmental Review of excavation, gravel and pavement removal, and restoration with native plants.
- **LU 09-137528 EN:** Approved an Environmental Review for a modification of the Environmental Conservation and Environmental Protection overlay zones.

Agency Review: A "Request for Response" was mailed **February 7, 2011**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.5)
- Life Safety Review Section of BDS (Exhibit E.5)
- Bureau of Parks-Forestry Division (Exhibit E.5)

The **Bureau of Environmental Services** responded with no objections to the Conditional Use review request to allow food waste to be accepted at the site. BES Source Control requirements will apply at building permit review. (Exhibit E.1).

The **Portland Bureau of Transportation** responded with the following comment: Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

The existing uses at the site generate 290 trips, with 15 occurring in the AM peak hours and 5 occurring in the PM peak hour. Retail sales currently occur at this site with most transactions occurring during the weekend. For the purposes of this analysis, the applicant has assumed that the revised site will experience increased weekday retail sales. Based on conversations with Recology, it is anticipated that there could be up to ten sales transactions on a typical weekday associated with soil amendment sales. It is likely that some of these transactions will be made by customers dropping off recycling materials (thereby already accounted for in the original transportation assessment letter). Further, these transactions will most likely occur throughout a typical day. However, to be conservative with the regional intersection operations, we have assumed that approximately half of these transactions would occur during the weekday a.m. peak hour and the other half would occur during the weekday p.m. peak hour. The expanded use including the soil amendment sales will result in 400 daily trips, with 40 occurring in the AM peak hour and 20 in the PM peak hour. Of those 110 increased daily trips, it is expected that 90 (45 in/45 out) will be trucks and 20 (10 in/10 out) will be vehicles related to the proposed soil amendment sales. The peak hours are not anticipated to occur at the peak hours of bicycle/pedestrian uses of the Springwater Trail.

Manual turning movement counts, conducted by the applicant's traffic consultant, were taken at the SE Foster Road and SE 101st Avenue intersection and site access driveway in September 2010. The counts were taken at typical peak periods. Also counts were taken at the Springwater Corridor crossing. The consultant found that peak weekday vehicular activity along SE 101st Avenue occurs between 10:00 am and 2:00 pm, while peak Springwater Trail use occurs between 3:30 and 5:30 pm. The consultant concluded that the intersection of SE Foster and 101st Avenue, the Springwater Trail and the site's driveway are all expected to continue to operate acceptably at Level of Service A, even with the additional traffic generated by the proposed use.

The Bureau of Development Services received an email from a neighbor bordering the southern boundary of the site on SE Knapp Street. A concern was expressed that additional truck traffic on this street would negatively impact neighborhood livability. There appears to be access to the proposed site from a locked gate entrance on SE Knapp. In discussions with the applicant, they would not object to a condition of approval that prohibits access to the site from SE Knapp Street by Recology-owned vehicles. The applicant would also not object to a condition of approval that Recology notify in writing all companies they have business with that will have vehicles coming to the site to direct their drivers not to use SE Knapp Street to access the site. Since the traffic study prepared for this report already assumed Recology related trips would not be using SE Knapp Street to access the site, all adequacy of transportation facilities criteria remain valid. (Exhibit E.2)

Neighborhood Review: A **Notice of Public Hearing** was mailed on **March 14, 2011**. At the completion of this staff report, two written responses have been received from notified property owners in response to the proposal.

In an e-mail letter, nearby property owners responded to the information included in the posting notice with the following concerns:

Livability Issues: A food waste recycling plant is liable to attract vermin (rats and seagulls, for instance). These pests would be in close proximity to existing homes, a church (the Mt. Scott Church of God), and a park (Playhaven Park). Children and families frequent these locations and an increased presence of vermin would present health dangers.

We have concerns about potential objectionable odors emanating from a food waste recycling plant. Uncontrolled odors have the potential to make adjacent residences unpleasant to live in. We want to be able to enjoy our decks in summer without a pervasive odor of decomposing food.

Increased heavy machinery traffic is proposed, with an estimate of 45 garbage collection trucks coming in and out of the facility each day. This property has two areas of ingress and egress; one is off Foster Blvd. and the other is off Knapp Street. If the Knapp Street entrance is used, it will create congestion on a road that currently only residents use to access their homes. Additionally, with the new Max stop at Flavel, many pedestrians use Knapp, which has no sidewalks and some areas with virtually no shoulder, to walk to the Max stop. Large trucks using this winding street have the potential to injure pedestrians who have limited space to walk. We ask that, should this land use be permitted, there be a specific restriction that Knapp Street is not to be used by trucks going to or from the food waste station.

Environmental Issue: The facility is in close proximity to Johnson Creek and lies within the Johnson Creek Basin Plan District. What potential environmental impact will this food waste recycling station have on Johnson Creek? What protections will be given to the ecology here to insure that native plants and animals will be protected and the environment preserved? None of the documents relating to this land use request speaks to this.

Fiscal Impact: Neighbors are concerned about the financial impact on our property. We believe that a facility of this nature will drive our property values down in an already difficult economic time. We cannot afford this to happen and ask the City of Portland to be sensitive to these concerns.

In conclusion, we do not believe that this is an appropriate place to have a facility of this nature. It is too close to residences and brings with it many concerns about negative

impacts on livability as well as potential environmental concerns for Johnson Creek. We ask that the City of Portland deny this request. (Exhibit F.1)

Also in response to the posting notice information, a nearby neighbor raised the following concerns:

- We have been told the rotting food waste would be restricted to inside buildings; but wonder what would happen if indoor space was full at times? Is the building airtight to harvest the methane and other greenhouse gases or would they at times blow about our homes? Wouldn't the smell be about the same as a pig raising area?
- We worry about rats being able to find ways to eat the food waste. No building is totally safe from rats. We do not have any current smell or rat problems, and fear rats around our homes and children. More food = higher rat populations. You put out the food and they will come!
- The road that the 45 trucks/day will travel has blind corners and a steep grade. Having people travel way too fast has been a long term problem. The lower end is flat and can let people slow down to turn onto Mt. Scott Dr. This has been a lifesaver so far, but that flat area is where the 45 trucks/day (450 truck trips per week if none are done weekends) would be traveling. Likely some of those trucks would be traveling in the dark hours; adding risk. This issue has been raised before and kept trucks from gate for previous users/owners of the property.
- There is a creek that overflows many years across the street, near the gate. We fear pollution harming the creek and creek water adding to traffic risk.
- We need a system whereby neighbors could cheaply and easily regain lost property values, health and home damages, and discomfort due to this new proposed business expansion.
- First let me apologize for not citing the zoning codes which apply as they were not published with the proposal and I was unable to download either the 33.800 codes or the full codes. Both downloads gave a response of being a damaged file, unrepaired. This lack of informational access needs fixed by allowing longer for us to check the issues out.
- I am a local neighbor to the project and have been talking to about 20 other property owners in the area, to give you this response. Lack of time limited me from talking to more, as the only notice we have got has been the (4) signs on the back road. No mailing, no notice to the Playhaven Park neighbor ass., has been received to date. Yet feedback is set due by today.
- The lack of access to notice of this project for the neighbors, and having the zoning rules unreadable online; along with the meeting time and date being set for when working people could not be present, leaves some of us wondering if this is a case of insiders and city employees unfairly manipulating the system; to exclude us.
- We would like to know which elected/hired city employees are in favor of this project, and their reasons.(Exhibit F.2)

Staff Response: *The concerns raised regarding traffic and nuisance impacts will be discussed below under relevant approval criteria. The issues raised about lack of notification and unreasonable timelines are noted. However, the Zoning Code required public notification requirements have been followed and met. A Request for Response was mailed to City agencies and the Lents Neighborhood Association on February 7, 2011. Comments were requested by March 7, 2011. The applicant installed 5 posting boards along the public street frontages of the site and one at the SE 101st entrance on March 5, 2011. A public notice that invites interested persons to attend the public hearing and/or send written comments to the Hearings Officer was mailed on March 14, 2011, over 3*

weeks in advance of the hearing. The public notice was mailed to owners of property that is located within 400 feet of the site. Hearings before the Hearings Officer are only scheduled during the day. Finally, all public and City agency comments sent to BDS staff are included in the file. The file is a public record and available for review.

ZONING CODE APPROVAL CRITERIA

Conditional Uses

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.220 Mining and Waste Related These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

- A. There are adequate nearby lands available for the development of more intense industrial uses;

Findings: The site is located in the EG2, General Employment and IH, Heavy Industrial zones, which allows a mix of uses with a strong industrial orientation. The proposed Waste-Related Use will be located within a lease boundary which is located in the southeast quadrant of the site and is zoned IH. Of the approximate 100 acre site, only 6.2 acres will be dedicated to a Waste-Related Use. The remainder of the site will continue to be used for industrial and employment purposes. Further the properties to the north contain employment and industrial activities.

The mixture of food waste and landscape materials will be delivered to the site for sorting and blending in an existing building. No new development is needed to accommodate the waste material and associated activities. There will be no permanent impacts to the site. As explained under criterion F below, the transport of the waste material to and from the site will not adversely impact the transportation system. When the activity is discontinued, the building and land will be available for other industrial use. In both the short and long term, there is adequate adjacent lands available for development of more intense industrial uses. Therefore, this criterion is met.

- B. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;

Findings: As stated above, most of the site will continue to be available for industrial uses. At the closest point, Recology's lease boundary is at least 190 feet from the site's south property line. A six-foot tall chain-link fence has been installed to follow the lease boundary area, providing separation of the Waste-Related Use and the other industrial activities on the site. The waste-related and recycling operation will not stand out visually or operationally from other uses on the site. There is a large construction material storage area, a landscape material exterior sales facility and numerous salvage and recycling facilities.

Section 33.254.040.D requires the posting of a sign near the entrance of the Waste-Related Use. The sign must give contact information—a telephone number and representative name. The Recology facility is located within a large 100 acre. The “self-haulers” and general public who wish to utilize the Recology services could easily get lost. To reduce confusion and conflict with other truck and industrial traffic, staff recommends a condition be imposed that requires the applicant to provide clear directional maps in information made available to customers and commercial haulers. Also, two signs, one at each gate to the facility must be installed. The sign must include contact information and a telephone number so that a Recology representative may be contacted at any time.

According to the submitted traffic report, prepared by Kittelson and Associates (Exhibits A.2 and A.6) the trucks—commercial garbage haulers and Recology trucks, the homeowners and small “self-haulers” and other vehicle traffic associated with activities at the facility will not overwhelm the street system. Kittelson reports that peak traffic occurs between 7:00 and 8:00 am, weekday at SE Foster and SE 101st. The existing uses at the site generate 290 trips, with 15 occurring in the AM peak hours and 5 occurring in the PM peak hour. Retail sales currently occur at this site with most transactions occurring during the weekend. The expanded use including the soil amendment sales will result in 400 daily trips, with 40 occurring in the AM peak hour and 20 in the PM peak hour. Of those 110 increased daily trips, it is expected that 90 (45 in/45 out) will be trucks and 20 (10 in/10 out) will be vehicles related to the proposed soil amendment sales. The peak hours are not anticipated to occur at the peak hours of bicycle/pedestrian uses of the Springwater Trail.

In summary, this proposal will not significantly alter the overall industrial character of the area because additional traffic will be minimal and the transfer/processing of waste materials will occur within a building. To direct customers to the food waste facility, conditions will require directional maps be included in Recology’s information to customers and the commercial haulers. And, Recology must install two signs, one at each gate. With compliance with these conditions, this approval criterion is met.

- C. There will be no significant health or safety risk to nearby uses;

Findings: Generally, Waste-Related uses have operational and physical features that could create potential health or safety risks to nearby uses, such as noxious odors, excessive noise, air and water pollution and traffic issues. In letters mailed to staff, nearby residents raised concerns that noxious odors, attraction of disease-carrying birds and mammals and additional traffic would negatively affect the adjacent residential area.

A response to the possible impacts is provided below.

Odor: The food waste and yard debris will be off loaded from trucks and vehicles inside the building. The organic material will be stored in the building no more than a 48-hour period before getting transported offsite. Odors will be controlled in the building with the installation of an aerated floor and negative air system. The applicant intends to install a biofilter system. Specifically, the system entails vent holes being drilled in the floor of the building. A fan will be used to pull the air into the holes, into pipes that then lead to a biofilter. The biofilter is comprised of wood chips which are used to scrub the odor. Also, the liquid by-product from the waste material, aka leachate, will be collected and piped into a tank and transported off site. Staff recommends conditions that require the installation of the biofilter and leachate collection systems.

Disease-Carry Vector: Because the food waste material will be off loaded inside a building and will not be exposed to the outdoors at the site, there will be less likelihood of the facility attracting insects or rodents, such as rats. The building has roll-up doors that can be closed

when loading activities are not occurring. A fully enclosed space allows employees to monitor and manage pests.

Noise: The sound of garbage truck off-loading and other distribution activities will be minimal given that the facility will be located at least 200 feet from adjacent sites and the truck loading activities will be limited to daytime operating hours—7 am to 5 pm, Monday through Friday and Saturdays 8 am to 5 pm. Noise from this facility will not differ or exceed the noise generated by other truck and material loading activities located at the Jameson site.

Dust/Air Pollution: All traffic areas of the site and the composting area are paved. The site currently accepts yard debris. The transfer of food waste inside a building will not generate additional dust.

Stormwater/Water Pollution: Because the applicant is proposing no new development or exterior changes, BES has determined that the proposal will not impact the existing stormwater system and/or the Johnson Creek resources. To address BES Source Control requirements a condition will require containment and off-site disposal of leachate waste. Stormwater from impervious surface drains to numerous existing catch basins which lead to a detention pond, located on the west side of the site.

Traffic Impacts and Safety: The application addressed possible traffic capacity and safety issues. The applicant's traffic consultant reports that the expanded use including the retail sale of soils and landscape materials will result in 400 daily trips, with 40 occurring in the AM peak hour and 20 in the PM peak hour. Of those 110 increased daily trips, it is expected that 90 (45 in/45 out) will be trucks and 20 (10 in/10 out) will be vehicles related to the proposed soil amendment sales. The peak hours are not anticipated to occur at the peak hours of bicycle/pedestrian uses of the Springwater Trail. Manual turning movement counts, conducted by the applicant's traffic consultant, were taken at the SE Foster Road and SE 101st Avenue intersection and site access driveway in September 2010. The counts were taken at typical peak periods. Also counts were taken at the Springwater Corridor crossing. The consultant found that peak weekday vehicular activity along SE 101st Avenue occurs between 10:00 am and 2:00 pm, while peak Springwater Trail use occurs between 3:30 and 5:30 pm. The consultant concluded that the intersection of SE Foster and 101st Avenue, the Springwater Trail and the site's driveway are all expected to continue to operate acceptably at Level of Service A, even with the additional traffic generated by the proposed use. The traffic consultant found that over a recent 5-year period there were only four vehicle crashes reported at the SE Foster Road and SE 101st Avenue intersection and at the Springwater Trail crossing there were no vehicular/pedestrian/bicycle related crashes.

In summary, impacts from the Recology facility are expected to be minimal, with no significant health or safety risk to nearby uses. To control odors and water quality impacts, conditions will require the retrofitting of the building to install the aeration system and leachate collection system. Through compliance with conditions, this criterion is met.

- D. There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas;

Findings: Environmentally-sensitive areas, designated with the Environmental Conservation or Environmental Protection overlay zone, run through the site and abut the site to the south and east. The designations follow the Johnson Creek waterway. In the letters mailed to staff, nearby residents also noted concern that the proposal could harm Johnson Creek and associated natural features and wildlife.

The Recology lease area is located at least 800 feet from the environmentally designated waterway and at least 100 feet from the tree covered hillside on the southern edge of the site. Vehicle access to the Recology facility will be provided on an existing internal roadway that crosses, via a bridge, over the environmental overlay zones. No new development is proposed within the environmental zones.

As noted under subsection C above, environmental impacts in the way of vector attraction, dust, and stormwater runoff will be minimal or nonexistent. Therefore, this criterion is met.

- E.** The proposed use adequately addresses potential nuisance-related impacts such as litter;

Findings: The food waste materials will be delivered to a building. Inside the building, trash (nonorganic waste) will be separated from the other material. The trash will be collected and hauled to a landfill. All waste will be off-loaded and processed inside the building. The applicant intends to regularly inspect the internal road leading to the facility for litter. The applicant will instruct those coming to the site that the waste must be covered and not dumped illegally near the site. Possible nuisances such as vector attraction and odor are addressed above. This criterion is met.

- F.** Public services.

1. The proposed use is in conformance with either the street designations shown in the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access requirements; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

Findings: The site directly fronts SE 100th and SE 103rd Avenues, which both terminate at the site. SE 101st provides a connection from SE Foster Blvd and SE Woodstock. SE 101st terminates north of the site at SE Woodstock. However, the primary vehicle entrance to the site is provided via easements through tax lot 6600 and the Springwater Corridor. The Springwater Corridor, a public bicycle and pedestrian off-road path abuts most of the site's northern property line. SE Knapp St. follows most of the site's southern property line. A tall chain link fence and locked gate restricts access at SE Knapp.

The Transportation Element of the Comprehensive Plan designates the abutting and nearby streets as follows:

Rights-of-Way	Traffic Classification	Transit Classification	Bicycle Classification	Pedestrian Classification
SE Foster Blvd	Major City Traffic Street	Major Transit Priority Street	City Bikeway	City Walkway
SE Woodstock Blvd	Local Service	None	Local	Local
SE 100 th Ave	Local Service	None	Local	Local
SE 100 th Ave	Local Service	None	Local	Local
SE 103 rd Ave	Local Service	None	Local	Local
SE Knapp St.	Local Service	None	Local	Local

The site is not within a designated Freight District. The applicant is requesting an Adjustment to standard 33.254.030, see below. Waste-related uses are required to be located so that vehicle access is from a Major City Traffic Street or to streets within a designated Freight District.

The Portland Bureau of Transportation (PBOT) has reviewed the applicant's transportation analysis (Exhibits A.2 and A.6) and has no concerns. As outlined in the applicant's response, and summarized above, under criterion C, the proposed new Waste-Related use is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with the street designations. The transportation system is capable of supporting the additional traffic that is estimated to be generated by the use. SE 101st Avenue and SE Foster Road can support the new use from a capacity, safety, and access standpoint. The use is not anticipated to have any detrimental impacts on the overall safety of the Springwater Trail crossing at SE 101st Avenue.

PBOT staff note that the acceptance of food waste at the Recology facility could generate no more than 90 new truck trips (45 in, 45 out), and 20 new vehicle trips (10 in, 10 out) related to the sale of soil amendments over the course of a typical weekday. The arrival/departure patterns of these additional truck trips are anticipated to be spread throughout the normal business hours. The presence of the stop-control on the SE 101st Avenue approaches, the slow travel speeds along SE 101st Avenue, the effectiveness of the design of the existing crossing location, the lack of any historical safety issues, and the relatively minimal increase in traffic all suggest that the expanded use will have no significant impact to pedestrians and bicyclists using the trail.

To address neighbors concerns regarding additional truck traffic impacting the residential area located south of the site, PBOT staff recommends a condition be applied to truck traffic associated with Recology. If, in the future, the owners of the site obtained access from SE Knapp, the condition will restrict Recology trucks from using SE Knapp. Furthermore, the applicant must notify in writing all companies including the commercial haulers that SE Knapp may not be a route taken to the site.

Through compliance with the condition that restricts future access to the Recology facility, this criterion is met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Police Bureau received notice of the proposal and did not raise issues or objections. Both the Fire and Water Bureaus have reviewed the proposal and will not require any additional water service-related improvements. The Recology facility has an existing 1" metered service which has a billing address of 10010 SE Woodstock Blvd that provides water to this location from the existing 12" CI water main in SE 100th Ave. The Fire Bureau has reviewed the proposal and has no concerns.

The Bureau of Environmental Services has reviewed the proposed improvements and has no objections. Source control requirements must be met for the building permit. To address water quality requirements and reduce noxious odors, a condition will require the installation of a leachate collection and containment system. The liquid waste will be taken off site for disposal.

Based on the comments from City bureaus representatives, this criterion is met.

- G. The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related Uses;

Findings: The regulations of Chapter 33.254 and discussion of how the proposal addresses them are as follows:

33.254.020 Limitations

- A. **Accessory uses.** Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.
- B. **Hazardous wastes.** The disposal of hazardous wastes, as defined by OAR 340.100 to 340.110, is prohibited.

Findings: The proposed use involves the acceptance of food (organic) waste that is sorted and blended with landscape materials and then transported to another site for composting. The proposal does not involve mining activity or disposal of hazardous waste. This development standard is therefore met.

33.254.030 Location and Vehicle Access Uses must be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts, as designated in the Transportation Element of the Comprehensive Plan.

Findings: This application includes a request for an Adjustment to this standard. As noted under criterion 33.815.220.F1 and 2 above, the site does not have direct access from a street that is a designated Major City Traffic Street or is within a designated Freight District. SE 101st Avenue provides a connection from SE Foster Blvd and SE Woodstock. SE 101st terminates north of the site at SE Woodstock. The primary vehicle entrance to the site is provided via easements through tax lot 6600 and the Springwater Corridor. The roadway that runs through the site in a north/south direction is not a public street. See the findings under Adjustment Review criteria, below.

33.254.040 Operations

- A. **On-site queuing.** The site layout must include adequate areas to accommodate the peak number of vehicles expected to come to the site at any one time.

Findings: The Recology facility is located within a lease boundary in approximately the center of the 100 acre site. The applicant submitted a traffic impact study to assess the adequacy of transportation services. Currently the site generates approximately 290 trips per day. The Waste-Related use will generate 110 additional trips per day. The applicant anticipates 35 garbage trucks coming to the site to dump loads and 10 semi-truck trips hauling away the processed food waste to the off-site composting facility. At peak AM, the facility would generate 40 trips. Such a number can easily be accommodated on the private internal road. The Bureau of Transportation has reviewed the analysis and concluded that the transportation system is adequate to support the proposed use.

- B. **Processing of waste products.** In the case of Waste-Related uses other than landfills and composting operations, all activities relating to the receiving, sorting, processing, storage, transfer, and shipping of wastes must take place entirely within enclosed structures. The transfer of waste products from one vehicle or container to another vehicle or container and the cleaning of such vehicles or containers must be done within a containment area designed to ensure that waste materials will be confined so as to not enter the groundwater or any water body.

Findings: The food waste will be unloaded from trucks and vehicles, sorted and temporarily stored inside a fully enclosed building. The organic material will then be transferred to an off-site location for decomposition into compost. If vehicles are cleaned, it will occur within

the building. A drain and piping system that collects the leachate liquid will be required to be installed in the building. The residual liquid waste will be removed from the site. A condition will require the installation of the liquid waste collection facility. With compliance with the condition, the proposal will comply with this standard.

- C. Liquid waste pretreatment.** The use, if other than a sewage treatment facility, must provide pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. The pretreatment must meet the standards of the Bureau of Environmental Services.

Findings: As stated above, the residual liquid from the food waste will be contained and removed from the site. Surface stormwater will be directed to a detention pond located on the west side of the site. The Bureau of Environmental Services (BES) has reviewed the proposal and finds no concerns. This standard is met.

- D. Posted information.** A sign must be posted near the entrance to the site, stating the telephone number(s) where a representative of the use may be reached at all times.

Findings: A condition will require the installation of two signs, one at each gate of the facility. The signs must include the necessary contact information.

33.254.050 Traffic Impact Study A traffic impact study must be submitted for the proposed use. As part of the study, measures must be proposed for mitigating traffic impacts resulting from vehicles going to and from the site. The study must also include a plan and mechanisms to ensure that traffic, especially trucks, travel primarily on truck routes or major City traffic streets when near the site. The traffic study must include information of proposed access points, types of vehicles, and frequency of trips.

Findings: As discussed under criterion 33.815.220.F, the applicant's consultant—Kittelson and Associates submitted a traffic impact study to assess the adequacy of transportation services. The study analyzed the SE Foster and SE 101st intersection and the crossing over the Springwater Trail. The Bureau of Transportation Engineering and Development has reviewed the analysis and concluded that the transportation system is adequate to support the proposed use.

33.254.060 Nuisance Mitigation Plan The applicant must submit a mitigation plan that addresses potential nuisance impacts which might be created by the proposed use. The plan must include the following components:

- A. Off-site impacts.** The plan must document that the use will comply with the off-site impact standards stated in Chapter 33.262;

Findings: Below, are the regulations of 33.262 and discussion of how the proposal addresses them:

33.262.050 Noise The City noise standards are stated in Title 18, Nuisance Abatement and Noise Control. In addition, the Department of Environmental Quality has regulations which apply to firms adjacent to or near noise sensitive uses such as dwellings, religious institutions, schools, and hospitals.

Findings: Noise generated by the food waste processing operation will be primarily in the form of truck and vehicles used for the delivery and removal of the waste-related product. The trucks and equipment are similar to that used by many nearby industrial uses. Equipment will meet noise standards stated in Title 18, Nuisance Abatement and Noise Control. This standard will be met.

33.262.060 Vibration

- A. Vibration standard.** Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.
- B. Exceptions.** Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.
- C. Measurement.** Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

Findings: This proposal does not involve activities such as manufacturing or demolition that requires heavy pounding or breaking of materials and therefore will not create vibrations. The proposal will comply with this standard.

33.262.070 Odor

- A. Odor standard.** Continuous, frequent, or repetitive odors may not be produced. The odor threshold is the point at which an odor may just be detected
- B. Exception.** An odor detected for less than 15 minutes per day is exempt.

Findings: The food waste will be confined within a fully enclosed building. Furthermore, the applicant intends to install a biofilter aeration system and will capture the liquid waste from the processing building and remove it off site. A condition will require the installation of both systems, as identified in the submitted plans. If the facility finds that the biofilter system does not adequately reduce detectable odors, it must implement other means to addressing the off-site impacts in order to achieve ongoing compliance with this Zoning Code requirement.

33.262.080 Glare

- A. Glare standard.** Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.
- B. Strobe lights.** Strobe lights visible from another property are not allowed.

Findings: The proposal will not require excessively bright or special lighting such as strobe lights. This standard will be met.

- B. Litter.** For Waste-Related uses, the plan must address litter generated on the site and litter along roadways leading to the use that is generated by vehicles coming to the site. The plan must also address illegally dumped waste products near the site. The plan must provide for regular litter removal. The plan must also include means to limit litter from vehicles coming to site; and

Findings: The waste-related use activities will take place within an enclosed building. All litter is placed in a drop box that is then transported to a landfill for proper disposal. The applicant states that employees will regularly inspect the site for litter and if found will remove it.

- C. Dust, mud, and vector control.** The plan must provide mechanisms to limit impacts from dust, mud, and disease carrying organisms such as rats and mosquitoes.

Findings: All traffic areas of the site and the composting area are paved. The site currently accepts yard debris. The transfer of food waste inside a building will not generate additional dust. The food waste will be confined within a fully enclosed building. If the applicant finds that the enclosure does not adequately restrict insects and/or mammals, the facility must implement other means for controlling the disease carrying pests, in order to achieve ongoing compliance with this Zoning Code requirement.

33.254.070 Reclamation Plan for Landfills The applicant for a landfill use in the Waste-Related use category must submit a reclamation plan. The Bureaus of Buildings and Environmental Services will provide a technical review of the plan. Mining uses are subject to State requirements for reclamation plans.

- A. Contents of the reclamation plan.** The reclamation plan must include the following:
1. Phasing and schedule of work to be conducted;
 2. Phasing and schedule of reclamation to be conducted;
 3. Materials to be used in the reclamation;
 4. The effect of the reclamation on surface and subsurface drainage patterns;
 5. Plans for future use of the land; and
 6. A discussion of how the proposed reclamation plan is consistent with the future potential uses of the land, according to the zoning and the Comprehensive Plan designation.

- B. Performance guarantee.** The review body as part of the conditional use review may require the applicant to post a bond or other security with the City to ensure the completion of the reclamation plan. The security must comply with the regulations for performance guarantees stated in 33.700.050.

Findings: The proposal does not include a landfill. Therefore, this requirement does not apply.

33.254.080 Setbacks, Landscaping, and Screening Waste-Related uses are subject to the following setback, landscaping, and screening requirements. Mining uses are subject to State requirements for setbacks, landscaping, and screening.

- A. Setback distance.** Waste-Related uses must be set back 100 feet from all property and street lot lines that abut C, E, or I zones. A 200 foot setback is required along all property and street lot lines that abut OS or R zones.

Findings: The Recology lease boundary is at least 250 feet from the closest residentially-zoned property to the south of the site. The closest property zoned Open Space is located over 700 feet away. The lease boundary is located well beyond the required 100 feet from the site's property line boundaries. The setback standards for this facility are met.

- B. Landscaping and screening requirements.** The setback must be landscaped to at least the L1 standard. A fence at least 6 feet high must be provided on the interior side of the setback. The fence must be screened by a high hedge meeting the L3 standard. The landscaping standards are stated in Chapter 33.248, Landscaping and Screening. In addition, gates with fencing at least 6 feet high must be provided across all entrances. The property owner must maintain the fencing and gates in good repair.

Findings: Recology is located on a large site with existing industrial development. Recology operates a compost/recycling facility currently at the site. Zoning Code section 33.258.070.D.2.c(2) exempts uses within ground lease areas from screening requirements. Screening is not required along the boundaries of the lease area that is interior to the site.

Hence, no additional landscaping is required. A perimeter fence, that appears to be 8 feet tall, currently encloses the site along its entire boundary. This standard will be met.

33.254.090 Activities in Required Setbacks Extraction, movement, or stockpiling of mineral and aggregate resources or the disposal or storage of waste products within a required setback is prohibited. The tops and toes of cut and fill slopes must remain outside the required setback. Structures, exterior storage, and parking areas for trucks or equipment are not allowed within the required setbacks. Required setbacks includes all setbacks approved by the State for Mining uses.

Findings: Because the waste-related materials and activities will be confined within a fully enclosed structure and will be setback significantly from the property lines, this standard will be met.

33.254.100 Underground Utilities All underground lines and conduits on a mining or landfill site and within 50 feet of the site must be protected from damage from the use. This includes storm and sanitary sewers, and water, gas, and electric lines.

Findings: The proposed activity is for the processing of food waste and not mining or excavation. This requirement does not apply.

- H. There is a reclamation or redevelopment plan which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished; and

Findings: The proposed activity is not mining or landfill. Therefore, this criterion does not apply.

- I. Public benefits of the use outweigh any impacts which cannot be mitigated.

Findings: The facility and another Recology facility at N Suttle Road (currently under review- LU 10-203967 CU AD) will allow the City of Portland to implement its food waste composting program. The facilities will serve as transfer stations allowing garbage haulers to deliver the blended food and yard debris waste. The application explains that composting businesses typically require transfer facilities. Many deliveries, in smaller trucks, from the urban area go to a single point where the waste is separated and aggregated for composting. The material is then consolidated into larger trucks and is shipped to a composting facility. This reduces the number of trips to the composting facility, provides a place that efficiently sorts and consolidates the organic material, and offers another means of reducing the amount of materials being deposited into a landfill. For this use, the material is being diverted from the waste stream going to landfills, and is recycled into compost for beneficial uses.

Nearby residents raised concerns about the facility. In response, staff is recommending a number of conditions that will mitigate the possible impacts to surrounding uses. As there will be no impacts that cannot be mitigated, this criterion does not apply.

Adjustments

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways

to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is requesting an Adjustment to waive the vehicle access standard for waste-related uses (Zoning Code standard 33.254.030). The purpose of the Mining and Waste-Related Development standard, as stated in Section 33.254.010 of the Zoning Code is as follows:

These regulations:

- Reduce the impacts and nuisances resulting from mining and waste-related uses on surrounding land uses;
- Reduce the transportation impacts from these uses;
- Ensure that land used for these purposes is restored so that it may be reused; and
- Provide security measures so that these land uses are not a safety hazard to other land uses or to nearby residents.

The Portland Bureau of Transportation has reviewed the applicant's transportation analysis and has no concerns. As outlined in the applicant's response, and summarized above, the proposed new Waste-Related use is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with the street designations. The transportation system is capable of supporting the additional traffic that is estimated to be generated by the use. SE 101st Avenue and SE Foster Road can support the new use from a capacity, safety, and access standpoint. The use is not anticipated to have any detrimental impacts on the overall safety of the Springwater Trail crossing at SE 101st Avenue.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the classification of the adjacent streets and the desired character of the area; and

Findings: The Recology facility is in the IH zone. The IH zone is intended to provide areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance.

The site is located within the Outer Southeast Community Plan boundary. The plan, adopted in March 1996, specifically addresses the "Freeway Lands" site as follows:

Industrial Areas (page 35): The Freeway Land Company site was zoned a combination of EG and Heavy Industrial. This will allow office and commercial uses to locate on the outside edges of the site and the continuation of heavy industrial uses in the interior.

As noted above, PBOT has reviewed the applicant's submitted traffic analysis and has determined that the transportation system can support the new use from a capacity, safety, and access standpoint. Therefore, the proposed access from a vacated street will not negatively impact the intended character of the IH zone or the desired industrial character of the Freeway Land site. This criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one Adjustment is requested. This criterion does not apply.

- D. City-designated scenic resources and historic resources are preserved; and

Findings: City designated scenic resources are shown on the zoning map by the "s" overlay zone. Historic resources are designated by a large dot. There are no such resources present this site. This criterion does not apply.

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: There are no detrimental impacts created by allowing the new waste-related use to use the existing access to the existing industrial site and Recology facility. Therefore, no mitigation is needed. This criterion does not apply.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: No development or activity is proposed within the environmental zone as a result of the Adjustment. This criterion does not apply.

Development Standards

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant is requesting Conditional Use approval in order to begin accepting food waste at the site for recycling. An Adjustment is requested to waive the requirement that the Waste-Related use be located so that street access is from a Major City Traffic Street or a street in a designated Freight District. The food waste will be mixed with yard and other green waste and delivered to the site via garbage collection trucks, approximately 35 trucks per day. Blended food waste and landscape material will also be accepted from private self-haulers and the general public. The facilities will serve as transfer stations allowing garbage haulers to deliver the blended food and yard debris waste. The waste will be transported to a final location for composting.

In order for this proposal to meet the approval criteria and to address the concerns raised by concerned residents, staff is recommending a number of conditions. The conditions are intended to mitigate possible impacts such as traffic and odors, to the immediate industrial area as well the nearby residential areas.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of a Conditional Use to establish a Waste-Related use that accepts and processes food waste that is blended with yard debris, within a fully enclosed building, as described in Exhibits A.1.- A.6, and

Approval of an Adjustment to waive the Waste-Related location and access requirements (Section 33.254.030) to allow access onto the facility from a private driveway (vacated SE 100th Avenue), subject to the following conditions:

- A. As part of the building permit (10-188549 CO) application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 10-194818 CU AD." All requirements must be graphically represented on the required plans and must be labeled "REQUIRED."
- B. Two signs, which identify the food waste recycling operation must be installed on entrance gates to the facility. The signs must include 24-hour emergency contact information.
- C. An aeration and biofilter system must be installed to negate food waste odors.
- D. An internal drain and containment system must be installed to collect the liquid waste (leachate) inside the food waste processing building. The leachate must be taken to an off-site location for disposal.
- E. All public information, including internet and marketing information, must include a directional map that identifies the Recology facility within the larger 100 acre industrial site and identify the site's entrance at SE 101st and SE Foster Blvd.
- F. Recology trucks and associated businesses, including commercial haulers, must be instructed to use only the SE Foster and SE 101st Avenue access, even if new/additional access from SE Knapp Street becomes available.

Procedural Information. The application for this land use review was submitted on November 19, 2010, and was determined to be complete on **January 28, 2011**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 19, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be **waived**. (Exhibit A.7).

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be

documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision: The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,077.00 will be charged (one-half of the application fee for this case).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person-authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded. The applicant, builder, or a representative may record the final decision as follows:
- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Planner's Name: Sheila Frugoli

Date: March 18, 2011

EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant's Submittal:

1. Project Proposal and Response to Approval Criteria
2. Traffic Analysis, prepared by Kittelson and Associates, dated October 18, 2010
3. Applicant's letter responding to staff's application completeness review
4. Ground Lease Document
5. Traffic Analysis Letter, dated February 6, 2011
6. Traffic Analysis Addendum, dated March 9, 2011

7. Request for Evidentiary Hearing and 120-Day Waiver
- B. Zoning Map (attached):
- C. Plans & Drawings:
 1. Site Plan, submitted January 28, 2011 (attached)
 2. Partial Site Plan with Floor Plan, submitted January 28, 2011(attached)
 3. Partial Existing Conditions Plan, submitted January 28, 2011
 4. Building Elevations – Existing Building, submitted January 28, 2011
 5. Aerial Photo showing existing conditions, submitted January 28, 2011
 6. Site Plan, submitted November 19, 2010
- D. Notification information:
 1. Request for Response
 2. Posting Letter Sent to Applicant
 3. Notice to be Posted
 4. Applicant's Statement Certifying Posting
 5. Mailing List
 6. Mailed Notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation
 3. Water Bureau
 4. Fire Bureau
 5. TRACS Print-Out – “No Concerns” Response from Bureau of Parks, Forestry Division, Site Development Review Section of Bureau of Development Services, Life Safety Review Section of Bureau of Development Services
- F. Letters:
 1. Larry and Darcy Niemeyer, March 9, 2011, opposes proposal (theniemeyers@comcast.net) 11045 SE Henderson Portland OR 97266
 2. Gary Gossett, March 13, 2011, opposes proposal (botanytrek@hotmail.com)
- G. Other:
 1. Original LUR Application
 2. LUR Application with Owner Information
 3. Site History Research
 4. Incomplete Application Letter to Applicant from Staff
 5. Pre-Application Conference Summary Report
 6. Copy of Easement, with Stipulations, Granting Property Owner Access Rights Through City-Owned Springwater Corridor, submitted from Parks Bureau staff

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

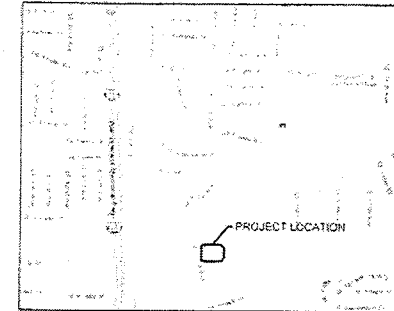
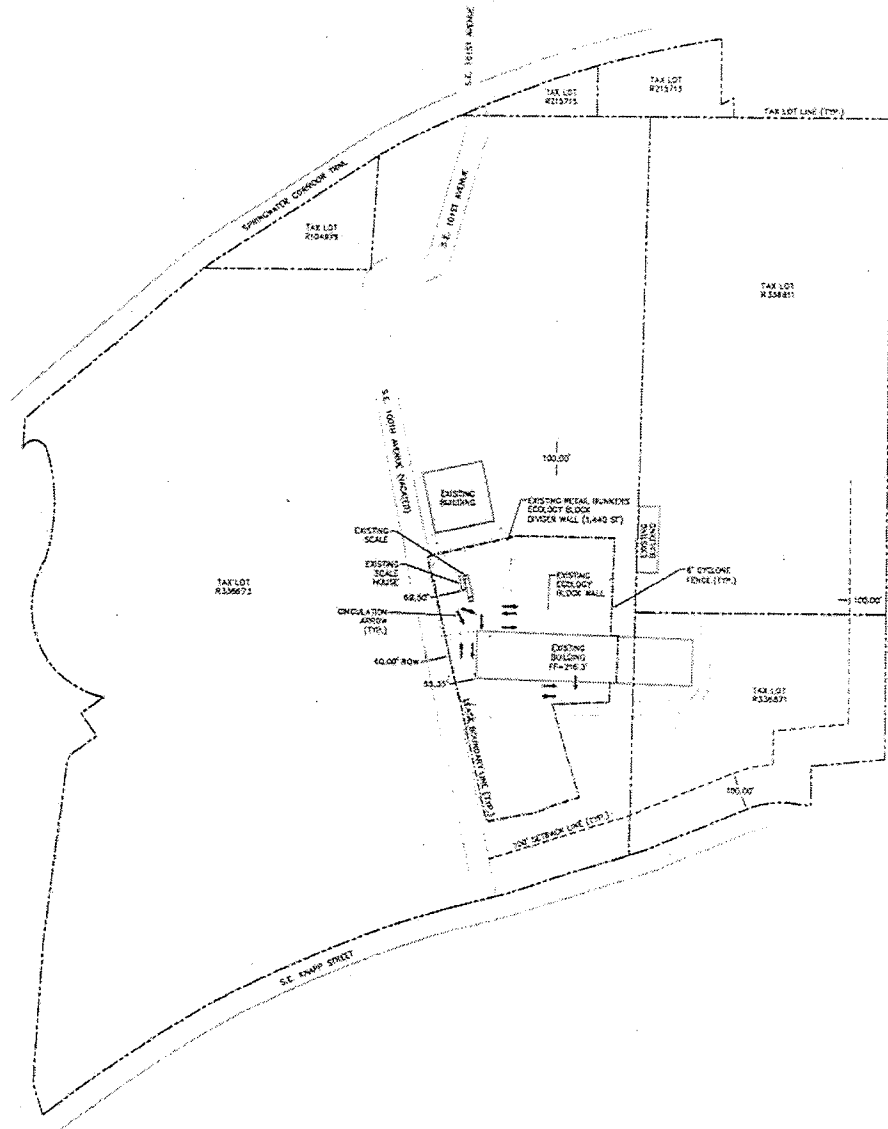
ZONING



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	LU 10-194818 CU
1/4 Section	3740,3741,3840
Scale	1 inch = 400 feet
State_Id	1S2E21A 100
Exhibit	B (Nov 23,2010)

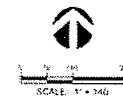
LA 10-194818 CA AD
Exhibit C.1



SITE VICINITY MAP
SCALE: NONE

NOTES

1. TAX LOT LINES ARE BASED ON GIS INFORMATION AND ARE SHOWN FOR REFERENCE ONLY.



PBS

Engineering
Environmental
1313 Main Street
Portland, OR 97204
503.462.1131
503.462.1131
www.pbs-engineering.com

**RECOLOGY OREGON MATERIAL
RECOVERY, INC. - FOSTER ROAD**
6400 SE 101ST AVENUE
PORTLAND, OREGON 97266

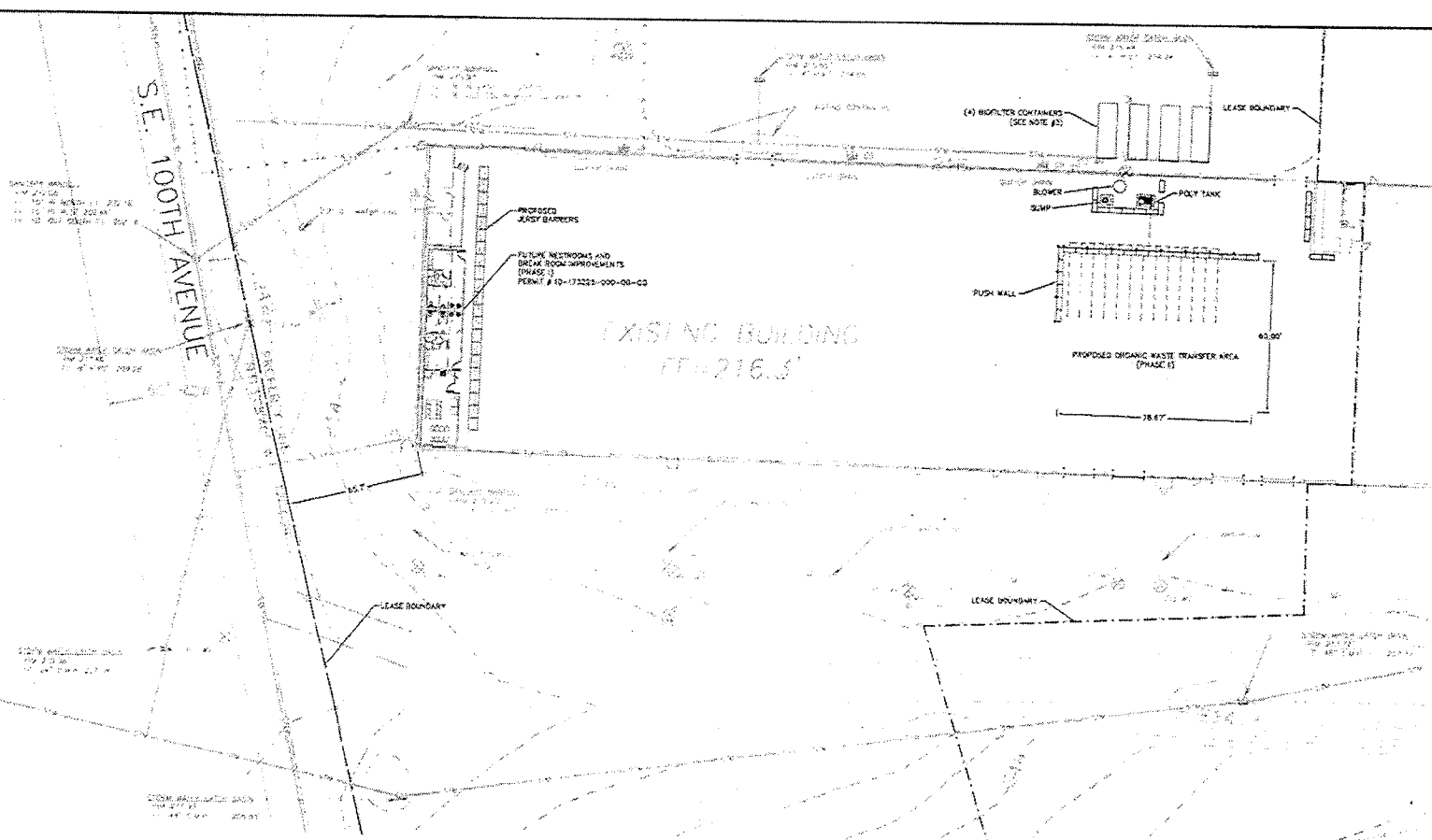
SITE LOCATION

PROJECT: 17106-001
DATE: 10/1/11
DRAWN BY: JVS
CHECKED BY: JVS
DATE: 10/1/11
SCALE: 1" = 340'

C0.0

CONDITIONAL USE
CUL DRAWINGS

LW10-194818 CU AD
Exhibit C.2



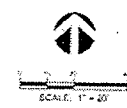
LEASED AREA SUMMARY:

TOTAL AREA	246,047.51 (SQ. FT.)
APPROXIMATE AREA	238,047.51 (SQ. FT.)
PERCENTAGE COVERED	
TOTAL BUILDING FOOTPRINT	49,317.01 (17.2%)
BUILDING AREA FOOTPRINT	49,317.01 (17.2%)
SEWER HOUSE BUILDING FOOTPRINT	140.57 (0.06%)

PERCENTAGE OF THE LEASED AREA ONLY

GENERAL NOTES

- CONTRACTOR SHALL FIELD VERIFY THE LOCATION, ALIGNMENT, DEPTH AND INVERTS OF ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION AND ORDERING MATERIALS. NOTIFY OWNER IMMEDIATELY OF EXISTING UTILITY CONFLICTS WITH NEW CONSTRUCTION.
- REPAIR AND/OR REPLACE ALL SIDEWALKS, WALLS, PAVEMENT, LANDSCAPE, UTILITIES ETC. THAT ARE DISTURBED BY CONSTRUCTION OF NEW UTILITIES TO SAME CONDITION OR BETTER.
- ROOF-FILTERS JUST FOR ODOR CONTROL WILL BE DONE IN PORTABLE CONTAINERS APPROXIMATELY 20'X30'X10' FILLED WITH 4 FEET OF MATERIAL FOR FILTRATION. THE CONTAINERS WILL BE OPEN ON TOP. EXCESS WASTEWATER/RAIN WATER WILL DRAIN BACK INTO THE SYSTEM INSIDE THE BUILDING THROUGH DRAINS AND WILL BE RECYCLED BACK THROUGH THE SYSTEM OR STORED IN POLY TANK FOR TRANSFER OUTSIDE TO AN APPROVED DISCHARGE LOCATION.
- PROPOSED NEW ACTIVITIES INSIDE THE BUILDING INCLUDE THE TRANSFER OF ORGANIC WASTE TO AND FROM THE FACILITY AND THE REMOVAL OF THE MAINTENANCE SLIPS TO MAKE ROOM FOR THE ORGANIC WASTE TRANSFER. MAINTENANCE OF VEHICLES WILL NO LONGER TAKE PLACE AT THIS FACILITY INSIDE THIS BUILDING.
- NO DISCHARGE TO THE SANITARY SEWER OR STEAMWATER IS PROPOSED WITH THIS PROCESS.



NOTICE TO EXEMPTION
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THESE RULES ARE SET FORTH IN OAR 850-001-0010 THROUGH OAR 850-001-0095. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS: (503) 232-1367.

POTENTIAL UNDERGROUND FACILITY CHANGES

Dig Safely.
Call the Oregon On-Call Center
1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS	1-800-332-2344
W-F (24-Hour)	503-278-4211
AFTER HOURS	503-454-7777
POE	1-800-373-1311
QUEST	503-822-1700
CITY OF PORTLAND	503-822-6874
VERIZON	1-800-433-1000

PBS
Engineering - Environmental
1313 Main Street
Vancouver, WA 98660
509.485.5335 (Main)
509.729.2740 Fax
www.pbsinc.com

RECOLOGY OREGON MATERIAL RECOVERY, INC. - FOSTER ROAD
6400 SE 101ST AVENUE
PORTLAND, OREGON 97266

PARTIAL
PROPOSED
SITE PLAN

C2.0

CONDITIONAL USE
KING DRAWINGS



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100
Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 10-194818 CU AD (HO 4110004)

**Applicant's
Representatives:** Michael Robinson, Attorney
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, OR 97209-4128

Steve Gramm, Engineering Consultant
PBS Environmental
1310 Main Street
Vancouver, WA 98660

Applicant: Dave Dutra
Recology Oregon Material Recovery, Inc.
4044 N Suttle Road
Portland, OR 97217

Recology Oregon Material Recovery, Inc.
50 California Street 24th Floor
San Francisco, CA 94111

Owner: Kevin Loftus
Jameson Partners LLC
2495 NW Nicolai Street
Portland, OR 97210

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Sheila Frugoli

Site Address: 6400 SE 101st Avenue

Legal Description: BLOCK 4 INC PT VAC STS LOT 1-10 LAND & IMPS SEE R624825 (R022400261) MACH & EQUIP, AMBOY; BLOCK 11 TL 6500 SPLIT MAP R215713 (R551002240), MCKINLEY PK; BLOCK 11&12 TL 5100 SPLIT MAP R215712 (R551002230), MCKINLEY PK; TL 100 70.21 ACRES LAND & IMPS SEE R606684 (R992222591) MACH & EQUIP SPLIT MAP R336871 (R992222590), SECTION 21 1S 2E; TL 3200 19.55 ACRES, SECTION 22 1S 2E; TL 100 7.58 ACRES SPLIT MAP R336673 (R992211480), SECTION 22 1S 2E, SECTION 21 1S 2E, TL 400 6.21 ACRES

Tax Account No.: R022400260, R551002230, R551002240, R992211480, R992221570, R992222590, R992211990

State ID No.: 1S2E21AA 02100, 1S2E16DD 06500, 1S2E15CC 05100, 1S2E21A 00100, 1S2E22BB 03200, 1S2E22BC 00100, 1S2E21A 00400

Quarter Section: 3740

Neighborhood: Lents

District Neighborhood Coalition: East Portland Neighborhood Office

Plan District: Johnson Creek Basin

Zoning: IH, Heavy Industrial and the EG, General Employment zones; c, Environmental Conservation, p, Environmental Protection and ,b, Buffer Overlay zones.

Land Use Review: Type III, CU AD, Conditional Use Review and Adjustment Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:59 a.m. on April 6, 2011, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 11:37 a.m. The record was held open until 4:30 pm on April 7, 2011 for new written evidence, and until 4:30 pm on April 14, 2011 for Applicant's rebuttal. The Applicant request that the record be closed effective April 11, 2011 (Exhibit H-16). The Hearings Officer closed the record on April 14, 2011.

Testified at the Hearing:

Sheila Frugoli, BDS Staff Representative

Michael Robinson, 1120 NW Couch Street, 10th floor, Portland, OR 97209

Dave Dutra, 6161 SW 61st Avenue, Portland, OR 97210

Kevin Loftus, Jameson Partners LLC, 2495 NW Nicolai, Portland, OR 97210

Frank Fleck, 7507 SE 105th Avenue, Portland, OR 97266

Proposal: Applicant proposes to accept mixed yard debris/food waste at a 6.2 acres lease area (the "Subject Property") within an approximately 100 acres site (the "Site") for recycling. Currently

landscape materials and wood debris, as well as building materials and other dry, non-perishable materials, are accepted at the Subject Property for recycling. The mixed yard debris/food waste will be delivered to the Subject Property via garbage collection trucks; approximately 35 trucks per day. Blended food waste and landscape material will also be accepted from private self-haulers and the general public.

The mixed yard debris/food waste material will be unloaded inside the existing large industrial building. Inside the building, the material will be sorted and mixed with yard and other wood waste materials that are currently accepted at the Subject Property. The compostable material will be loaded onto semi-trucks, estimated at approximately 10 per day, for shipment to an off-site composting facility. The mixed yard debris/food waste will be stored inside the building for no more than a 48-hour period before it is hauled to another site.

Applicant intends to install a biofilter aeration system to control odors inside the building. Also inside the building, Applicant proposes to install a drain system to collect and contain liquids (leachate) from the food waste materials. The leachate will be transported off-site. The facility will also include a 3,000 square foot exterior area for retail sales of exterior landscape-type materials such as compost, soil, mulch and gravel. The facility will operate 7 a.m. to 5 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday. No new exterior improvements or alterations are proposed at the Subject Property.

An Adjustment is requested to waive the requirement that vehicle access to the Site and Subject Property be provided from a designated Major City Traffic Street. Access to the facility is from SE Foster onto a private street, vacated SE 100th Avenue. A Type III Conditional Use Review is required because food waste recycling is classified as a Waste-Related use. An Adjustment Review is needed to vary from an applicable development standard.

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.815.220, A-I, Conditional Use Review for Waste-Related use
- 33.805.040, A-F, Adjustment Review

II. ANALYSIS

Site and Vicinity: The Site, historically referred to as the Jameson property or the "Freeway Land" site, is situated between SE Knapp Street and the Springwater Corridor trail, along the east side of Interstate 205 in Southeast Portland. Overall, the Site area covers over 100 acres. Applicant's proposed use will be located on the Subject Property, a 6.2-acre leased area, located approximately in the center of the Site. The Subject Property includes a portion of an existing warehouse-type building, a small modular office building, truck weight scales, and an exterior work area including a large landscaping debris stockpile. A tall chain link fence follows the entire boundary of the Subject Property. There are two gates providing access onto the facility.

The interior portion of the Site, north and south of Johnson Creek, is currently used for industrial purposes, and is developed or occupied by exterior material stockpiles, construction equipment storage area and industrial buildings. The Site is occupied by a myriad of industrial business and uses—Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales and Industrial Service uses. There are approximately five buildings on the Site. The industrial uses/activities are largely done outside of structures, i.e., exterior development. A vegetated hillside, with primarily trees and ground cover, defines the southern edge of the Site.

SE Foster Boulevard at SE 101st Avenue provides access to the Site. Access to the Site crosses through a privately-owned lot that is located on the north side of SE Woodstock, and then through the City-owned Springwater Corridor, via an easement. The Springwater recreational trail corridor follows the northern boundary of the Site. The corridor is approximately 100 feet wide and developed with a paved pathway. The channel of Johnson Creek runs through the Site. A two-lane bridge spans over the creek, providing passage into the Site and the Subject Property.

The I-205 Interstate Freeway is located within approximately a 400-foot wide public right-of-way and is located on the west side of the Site. The freeway creates a significant physical barrier for the residential development that is located west of the freeway. Immediately north of the Site and west of SE 100th Avenue is an area developed with primarily single dwelling residences. East of SE 100th Avenue, along SE Foster, the area is developed with a mix of employment, commercial and industrial uses. North of SE Foster, near NE 103rd Avenue, is a 16.8-acre industrial site used for auto salvage and wrecking. Directly east of the Site there are numerous large vacant lots. Many are City-owned and zoned as Open Space. The Bureau of Environmental Services (BES) has implemented projects to: (1) improve fish habitat within Johnson Creek, (2) increase flood storage capabilities of the Johnson Creek floodplain, and (3) restore and enhance wetland and non-wetland riparian plant communities and habitats.

SE Knapp abuts the southern edge of the Site. Because of the dense vegetation, SE Knapp is not visible from the Subject Property. There is continuous vegetation along the south side of the Site. A tall chain link fence follows the south property line. There is a locked gate and gravel "pull-out." Historically, the gate has only been opened for emergency access. Directly across SE Knapp, there is a 6.2-acre site that is residentially zoned, but vacant. Further south up the hill is the Mt. Scott residential area. The area includes single-dwelling residences, church sites, a neighborhood park and a residential group-living treatment facility.

Zoning: The Site is within the IHc, Heavy Industrial zone with an Environmental Conservation (c) overlay zone and EG2cp, General Employment 2 zone with Environmental Conservation (c) and Environmental Protection (p) overlay zones. This Site also is within the Johnson Creek Basin Plan District and has a Comprehensive Plan designation of EXd – Central Employment with a Design Overlay Zone.

The IH zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate, including those not desirable in other zones due to their objectionable impacts or appearance. The

Recology lease area is within the IH zone. Waste-Related uses require Conditional Use Review approval in this zone.

The EG2 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial or industrially-related uses. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. Waste-Related uses require Conditional Use Review approval.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. Note that these regulations apply only to areas within the Environmental Conservation ("c") or Environmental Protection ("p") zoning designation. The proposal is not located within an Environmental overlay zone.

The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is applied to provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases, by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

The Johnson Creek Basin Plan District provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

Land Use History: City records indicate that prior land use reviews, for the Site, include the following:

- **CU 66-76:** Request by previous property owner for a Conditional Use permit to: comply with Chapter 7 of the Building Code; place fill in excess of 1,000 cubic yards; and landscape the site (application determined to be unnecessary).
- **CU 83-79:** Request by previous property owner for a Conditional Use permit for a 50,000 cubic yard fill and excavation along Johnson Creek, widening creek bed, filling abandoned log ponds approved.
- **LUR 94-00842 ZC EN AD:** Request by previous property owner for approval of a Zone Change for the Environmental zone boundary along Johnson Creek; approval of a Zone Change for the Environmental zone boundary along the south side of the property at the toe of slope for Mt. Scott; approval of Environmental review to allow truck parking and maneuvering in the transition area along Johnson Creek; approval of an Adjustment to allow removal of trees; approval of Modification to an Environmental zone boundary on the eastern portion of the site.

- **LUR 98-00095 NU:** Case withdrawn on March 3, 1998 for establishment of a Nonconforming Use situation per LUR 94-00842 ZC EN AD.
- **LU 03-113394 ZC:** Approved on April 21, 2003 for map error correction related to LUR 94-00842 ZC EN AD.
- **LU 06-133094 EN AD:** Approved with conditions on December 29, 2006 for an Environmental review for excavation of soils in the 100-year floodplain near Johnson Creek, within the Environmental Conservation and Protection overlay zones; and an Adjustment review to remove trees during grading activities for resource enhancement.
- **LU 07-107637:** Approved with conditions on April 12, 2007; a Nonconforming Status review.
- **LU 07-116137 EN:** Approved with conditions on October 31, 2007 for Environmental review of excavation, gravel and pavement removal, and restoration with native plants.
- **LU 09-137528 EN:** Approved an Environmental review for a Modification of the Environmental Conservation and Environmental Protection overlay zones.

Agency Review: A "Request for Response" was mailed February 7, 2011. The following bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.5)
- Life Safety Review Section of BDS (Exhibit E.5)
- Bureau of Parks-Forestry Division (Exhibit E.5)

BES responded with no objections to the Conditional Use review request to allow food waste to be accepted at the Subject Property. BES Source Control requirements will apply at building permit review (Exhibit E.1).

The Portland Bureau of Transportation ("PBOT") responded with comments. Excerpts from Exhibit E.2 follow:

"PBOT/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services."

"The existing uses at the site generate 290 trips, with 15 occurring in the a.m. peak hours and five occurring in the p.m. peak hour. Retail sales currently occur at this site with most transactions occurring during the weekend. For the purposes of this analysis, the Applicant has assumed that the revised site will experience increased weekday retail sales. Based on conversations with Recology, it is anticipated that there could be up to ten sales transactions on a typical weekday associated with soil amendment sales. It is likely that some of these transactions will be made by customers dropping off recycling materials (thereby already accounted for in the original transportation assessment letter). Further, these transactions will most likely occur throughout a typical day.

However, to be conservative with the regional intersection operations, we have assumed that approximately half of these transactions would occur during the weekday a.m. peak hour and the other half would occur during the weekday p.m. peak hour. The expanded use, including the soil amendment sales, will result in 400 daily trips, with 40 occurring in the a.m. peak hour and 20 in the p.m. peak hour. Of those 110 increased daily trips, it is expected that 90 (45 in/45 out) will be trucks and 20 (10 in/10 out) will be vehicles related to the proposed soil amendment sales. The peak hours are not anticipated to occur at the peak hours of bicycle/pedestrian uses of the Springwater Trail."

"Manual turning movement counts, conducted by the Applicant's traffic consultant, were taken at the SE Foster Road and SE 101st Avenue intersection and site access driveway in September 2010. The counts were taken at typical peak periods. Also counts were taken at the Springwater Corridor crossing. The consultant found that peak weekday vehicular activity along SE 101st Avenue occurs between 10:00 a.m. and 2:00 p.m., while peak Springwater Trail use occurs between 3:30 and 5:30 p.m. The consultant concluded that the intersection of SE Foster and 101st Avenue, the Springwater Trail and the site's driveway, are all expected to continue to operate acceptably at Level of Service A, even with the additional traffic generated by the proposed use."

"The Bureau of Development Services received an e-mail from a neighbor bordering the southern boundary of the site on SE Knapp Street. A concern was expressed that additional truck traffic on this street would negatively impact neighborhood livability. There appears to be access to the proposed site from a locked gate entrance on SE Knapp. In discussions with the Applicant, they would not object to a condition of approval that prohibits access to the site from SE Knapp Street by Recology-owned vehicles. The Applicant would also not object to a condition of approval that Recology notify in writing all companies they have business with that will have vehicles coming to the site to direct their drivers not to use SE Knapp Street to access the site. Since the traffic study prepared for this report already assumed Recology-related trips would not be using SE Knapp Street to access the site, all adequacy of transportation facilities criteria remain valid." (Exhibit E.2).

Neighborhood Review: A Notice of Public Hearing was mailed on March 14, 2011. As of the completion of the staff report, two written responses were received from notified property owners in response to the proposal. The written responses (Exhibits F.1 and F.2) raised concerns related to livability (attract vermin, birds, and odors) and traffic. Concerns were also raised related to possible impacts of the proposed development upon the environmentally zoned properties and publicly owned properties in close proximity to the Subject Property. One written response objected to the notice given to neighboring/nearby properties of the application and BDS staff decision.

Hearings Officer Note: *The concerns raised regarding traffic and nuisance impacts will be discussed below under relevant approval criteria. A Request for Response was mailed to City agencies and the Lents Neighborhood Association on February 7, 2011. Comments were requested*

by March 7, 2011. The Applicant installed five posting boards along the public street frontages of the site and one at the SE 101st entrance on March 5, 2011. A public notice that invites interested persons to attend the public hearing and/or send written comments to the Hearings Officer was mailed on March 14, 2011, over 3 weeks in advance of the hearing. The public notice was mailed to owners of property that is located within 400 feet of the site. Hearings before the Hearings Officer are only scheduled during the day. Finally, all public and City agency comments sent to BDS staff are included in the file. The file is a public record and available for review. The Hearings Officer finds that the Zoning Code-required public notification requirements have been followed and met.

ZONING CODE APPROVAL CRITERIA

Conditional Uses

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.220 Mining and Waste Related These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

- A. There are adequate nearby lands available for the development of more intense industrial uses;

Findings: The Site is located in the EG2, General Employment and IH, Heavy Industrial zones, which allows a mix of uses with a strong industrial orientation. The proposed Waste-Related use will be located within the Subject Property, located in the southeast quadrant of the Site and is zoned IH. Of the approximate 100-acre Site, only 6.2 acres, the Subject Property, will be dedicated to a Waste-Related use. The remainder of the Site will continue to be used for industrial and employment purposes. Further, the properties to the north contain employment and industrial activities.

The mixed yard debris/food waste will be delivered to the Subject Property for sorting and blending in an existing building. No new development is needed to accommodate the waste material and associated activities. There will be no permanent impacts to the Site or Subject Property. As explained under criterion F below, the transport of the waste material to and from the Subject Property will not adversely impact the transportation system. When the activity is discontinued, the building and land will be available for other industrial use. In

both the short and long term, there are adequate adjacent lands available for development of more intense industrial uses. Therefore, the Hearings Officer finds this criterion is met.

- B. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;

Findings: As stated above, most of the Site will continue to be available for industrial uses. At the closest point, the Subject Property is at least 190 feet from the Site's south property line. A 6-foot tall chain-link fence has been installed to follow the boundary of the Subject Property, providing separation of the Waste-Related use and the other industrial activities on the Site. The waste-related and recycling operation will not stand out visually or operationally from other uses on the Site. There is a large construction material storage area, a landscape material exterior sales facility, and numerous salvage and recycling facilities.

Section 33.254.040.D requires the posting of a sign near the entrance of the Waste-Related use. The sign must give contact information—a telephone number and representative name. The Hearings Officer finds, because the Subject Property is a rather small portion of a much larger property, that "self-haulers" and the general public who wish to utilize Applicant's services could easily get lost. To reduce confusion and conflict with other truck and industrial traffic, BDS staff recommended a condition be imposed that requires the Applicant to provide clear directional maps in information made available to customers and commercial haulers. Also, BDS staff recommended that two signs, one at each gate to the facility, should be installed. BDS stated that the signs must include contact information and a telephone number so that an Applicant's representative may be contacted at any time.

According to the submitted traffic report, prepared by Kittelson and Associates (Exhibits A.2, A.5 and A.6), the trucks—commercial garbage haulers and Recology trucks, the homeowners and small "self-haulers" and other vehicle traffic associated with activities at the facility will not overwhelm the street system. Applicant's traffic consultant expressed its professional opinion that peak weekday traffic occurs between 7:00 and 8:00 a.m. at SE Foster and SE 101st. The existing uses at the Site generate 290 trips, with 15 occurring in the a.m. peak hour and five occurring in the p.m. peak hour. Retail sales currently occur at the Subject Property with most transactions occurring during the weekend. The expanded use including the soil amendment sales will result in 400 daily trips, with 40 occurring in the a.m. peak hour and 20 in the p.m. peak hour. Of those 110 increased daily trips, it is expected that 90 (45 in/45 out) will be trucks and 20 (10 in/10 out) will be vehicles related to the proposed soil amendment sales. The peak hours are not anticipated to occur at the peak hours of bicycle/pedestrian uses of the Springwater Trail.

In summary, Applicant's traffic consultant, PBOT and BDS staff concluded that this proposal will not significantly alter the overall industrial character of the area because additional traffic will be minimal and the transfer/processing of waste materials will occur within a building. The Hearings Officer concurs with Applicant's traffic consultant, PBOT and BDS staff. Further, the Hearings Officer finds that Applicant should provide information (i.e. a

directional map) instructing customers to the Subject Property mixed yard debris/food waste facility. The Hearings Officer finds that Applicant must install two signs, one at each entry gate. With compliance with these conditions, the Hearings Officer finds that this approval criterion is met.

C. There will be no significant health or safety risk to nearby uses;

Findings: Waste-Related uses have the potential, through operational and physical features, to create noxious odors, excessive noise, air and water pollution and traffic issues. BDS staff, prior to the issuance of the BDS Staff Report (Exhibit H.2), received e-mail correspondence from two nearby property owners who expressed concerns about the operation of Applicant's facility (Exhibits F.1 and F.2). An opponent of this application (Fleck) testified at the public hearing and submitted a letter into the evidentiary record (Exhibit H.11) expressing concerns about the possibility that operation of the Applicant's facility could create noxious odors. Another opponent submitted a letter (Exhibit H.8) into the evidentiary record expressing concern that operation of Applicant's facility will unnecessarily attract vermin/rodents. The preceding issues raised by neighbors and/or opponents are appropriate to be considered under this approval criterion.

Odor: If this application is approved, there will be no processing of food wastes on the Subject Property. The application anticipates the delivery of loads containing a mixture of yard debris and food waste; food wastes are estimated to be less than 5% (by weight). Applicant testified, at the hearing, that trucks carrying mixed yard debris/food waste arrive at the Subject Property, drive to the building, back into the building through bay doors and dump the material onto the floor. The concrete floor of the building, at the location where the material is dumped, has channels covered by perforated grating. Applicant testified that within 48 hours (most material from the Subject Property on the same day as it is received) the mixed yard debris/food waste will be removed from the Subject Property to an off site composting location. Applicant's representative testified that if mixed yard debris/food waste is not removed the same day as it is delivered, then it (mixed yard debris/food waste) will be covered/treated with a biofilter. The biofilter material is yard debris and/or hog fuel already located on the Subject Property. Covering the yard debris/food waste will minimize odors escaping from the mixed yard debris/food waste.

Odors will be controlled, while in the building, with the installation of an aerated floor and negative air system. Specifically, the system entails vent holes being drilled in the floor of the building. A fan will be used to pull the air into the holes, into pipes that then lead to a biofilter. The biofilter is comprised of wood chips which are used to scrub the odor. Also, the liquid by-product from the waste material, aka leachate, will be collected and piped into a tank and transported off site.

Applicant's representative testified that it has operated the Metro Central transfer station in Portland, receiving up to 20,000 pounds per day, without receiving any odor complaints.

The Hearings Officer finds that so long as the Applicant follows the proposed operation plan (all mixed yard debris/food waste delivered into the building with an aerated concrete floor, and negative air system, and material removed within 48 hours of delivery), odors should not be a significant problem for neighboring properties.

Disease-Carry Vector: Because the food waste material will be off-loaded inside a building and will not be exposed to the outdoors at the Subject Property, there will be less likelihood of the facility attracting insects or rodents, such as rats. The building has roll-up doors that can be closed when loading activities are not occurring. A fully enclosed space allows employees to monitor and manage pests. As noted above, any mixed yard debris/food waste material that remains on the Subject Property overnight will be covered by a biofilter (hog fuel/yard debris). The Hearings Officer finds that covering the mixed yard debris/food waste and the location of the material within a fully enclosed building will deter disease-carrying vector (vermin).

Noise: The sound of garbage truck off-loading and other distribution activities will be minimal given that the facility will be located at least 200 feet from adjacent sites and the truck loading activities will be limited to daytime operating hours—7 a.m. to 5 p.m., Monday through Friday, and Saturdays 8 a.m. to 5 p.m. The truck off-loading will also occur within a building. The Hearings Officer finds that noise from this facility will not differ or exceed the noise generated by other truck and material loading activities located at the Jameson site.

Dust/Air Pollution: All traffic areas of the Subject Property and the composting area are paved. The Subject Property currently accepts yard debris. The Hearings Officer finds that the transfer of food waste inside a building will not generate additional dust.

Stormwater/Water Pollution: Because the Applicant is proposing no new development or exterior changes, BES has determined that the proposal will not impact the existing stormwater system and/or the Johnson Creek resources. To address BES Source Control requirements, the Hearings Officer finds that a condition is necessary that requires containment and off-site disposal of leachate waste. Stormwater from impervious surfaces are proposed to drain/flow to numerous existing catch basins and eventually drain/flow into a detention pond (located on the west side of the Site).

Traffic Impacts and Safety: Applicant addressed, in the application, possible traffic capacity and safety issues. Applicant's traffic consultant indicated, in the Traffic Analysis (Exhibits A.5 and A.6), that the expanded use (including the retail sale of soils and landscape materials) will result in 400 daily trips, with 40 occurring in the a.m. peak hour and 20 in the p.m. peak hour. Applicant's traffic consultant stated that of the 110 increased daily trips, an estimated 90 (45 in/45 out) will be trucks and 20 (10 in/10 out) will be vehicles related to the proposed soil amendment sales.

Peak hour trips generated by this application, based upon Applicant's traffic consultant's reports, are not anticipated to occur at the peak hours of bicycle/pedestrian uses of the Springwater Trail. Manual turning movement counts, conducted by the Applicant's traffic

consultant, were taken at the SE Foster Road and SE 101st Avenue intersection and site access driveway in September 2010. The counts were taken at typical peak periods. Also counts were taken at the Springwater Corridor crossing. The consultant found that peak weekday vehicular activity along SE 101st Avenue occurs between 10:00 a.m. and 2:00 p.m., while peak Springwater Trail use occurs between 3:30 p.m. and 5:30 p.m. The consultant concluded that the intersection of SE Foster and 101st Avenue, the Springwater Trail and the site's driveway, are all expected to continue to operate acceptably at Level of Service A, even with the additional traffic generated by the proposed use. The traffic consultant found that over a recent 5-year period, there were only four vehicle crashes reported at the SE Foster Road and SE 101st Avenue intersection and at the Springwater Trail crossing there were no vehicular/pedestrian/bicycle related crashes.

In summary, the Hearings Officer finds the impacts resulting from approval of this application are expected to be minimal, with no significant health or safety risk to nearby uses. To control odors and water quality impacts, conditions will require the retrofitting of the building to install the aeration system and leachate collection system. Through compliance with conditions, this criterion is met.

- D. There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas;

Findings: Environmentally sensitive areas, designated with the Environmental Conservation or Environmental Protection overlay zone, run through the Site and abut the Site to the south and east. The designations follow the Johnson Creek waterway. Opponents expressed concern that approval of this application would result in negative impacts to nearby Johnson Creek and the Springwater Corridor Trail (Exhibits F.1, F.2 and H.8). One opponent indicated that Johnson Creek has a history of overflowing its banks and that when that happens, water pollution will occur when the creek water mixes with the mixed yard debris/food waste (Exhibit F.2). Another opponent stated that odors emanating from the Subject Property would discourage use and public enjoyment of the Springwater Corridor Trail.

The Hearings Officer incorporates the findings for PCC 33.815.220 C into the findings for this approval criterion. The Hearings Officer found, in the findings for 33.815.220 C above, that odor impacts would not be significant. Therefore, the Hearings Officer finds that odors emanating from operations at the Subject Property will not have significant detrimental impacts on users of the Springwater Corridor Trail or other nearby environmental resources.

The Hearings Officer finds that no credible evidence is in the record to support the contention, by an opponent, that flood waters would impact the operations occurring entirely within the building at the Subject Property. Further, the Hearings Officer finds (based upon Applicant's representative's statements that close to 95% of the mixed yard debris/food waste will be yard debris) that there is no evidence in the record to suggest that even if flood waters would intrude inside the building on the Subject Property, that the mixed yard debris/food waste would significantly impact environmental resources.

The Subject Property portion of the Site is located at least 800 feet from the environmentally designated waterway and at least 100 feet from the tree covered hillside on the southern edge of the Site. Vehicle access to the Subject Property will be provided on an existing internal roadway that crosses, via a bridge, over the Environmental overlay zones. No new development is proposed within the Environmental zones.

As noted in the findings for PCC 33.815.220 C above, the Hearings Officer found that environmental, vector, dust, and stormwater runoff impacts resulting from approval of this application will be minimal or nonexistent. Therefore, the Hearings Officer finds this approval criterion is met.

- E. The proposed use adequately addresses potential nuisance-related impacts such as litter;

Findings: The mixed yard debris/food waste materials will be delivered to a building located on the Subject Property. Inside the building, trash (nonorganic waste) will be separated from the other material. The trash will be collected and hauled to a landfill. All waste will be off-loaded and processed inside the building. Applicant's representative, at the public hearing, testified that litter control is overseen by METRO and the Oregon Department of Environmental Quality ("DEQ"). Applicant's representative stated that Applicant will be responsible for litter control on roadways for a distance of up to one-quarter of a mile from the Subject Property. Applicant, in its application materials, indicated that it will instruct waste haulers using the Subject Property that loads must be enclosed/covered. The Hearings Officer incorporates the findings for PCC 33.815.220 C above into the findings for this approval criterion. The Hearings Officer finds this approval criterion is met.

- F. Public services.

1. The proposed use is in conformance with either the street designations shown in the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access requirements; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

Findings: The Site directly fronts SE 100th and SE 103rd Avenues; both streets terminate at the Site. SE 101st provides a connection from SE Foster Boulevard and SE Woodstock. SE 101st terminates north of the Site at SE Woodstock. However, the primary vehicle entrance to the Site is provided via easements through Tax Lot 6600 and the Springwater Corridor. The Springwater Corridor, a public bicycle and pedestrian off-road path, abuts most of the Site's northern property line. SE Knapp Street follows most the Site's southern property line. A tall chain link fence and locked gate restricts access at SE Knapp.

The Transportation Element of the Comprehensive Plan designates the abutting and nearby streets as follows:

Rights-of-Way	Traffic Classification	Transit Classification	Bicycle Classification	Pedestrian Classification
SE Foster Boulevard	Major City Traffic Street	Major Transit Priority Street	City Bikeway	City Walkway
SE Woodstock Boulevard	Local Service	None	Local	Local
SE 100 th Avenue	Local Service	None	Local	Local
SE 100 th Avenue	Local Service	None	Local	Local
SE 103 rd Avenue	Local Service	None	Local	Local
SE Knapp Street	Local Service	None	Local	Local

The Site is not within a designated Freight District. The Applicant is requesting an Adjustment to standard 33.254.030; see findings for PCC 33.805.010 below. Waste-Related uses are required to be located so that vehicle access is from a Major City Traffic Street or to streets within a designated Freight District.

PBOT reviewed the Applicant's transportation analysis (Exhibits A.2, A.5 and A.6) and expressed no concerns. As outlined in the Applicant's response, and summarized above, under the findings for approval criterion PCC 33.815.220 C, the proposed new Waste-Related use is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with the street designations. PBOT noted, and the Hearings Officer agrees, that the transportation system is capable of supporting the additional traffic that is estimated to be generated by the use. The Hearings Officer finds that SE 101st Avenue and SE Foster Road can support the new use from a capacity, safety, and access standpoint. The use is not anticipated to have any detrimental impacts on the overall safety of the Springwater Trail crossing at SE 101st Avenue.

PBOT staff noted that the acceptance of food waste at the Recology facility would generate no more than 90 new truck trips (45 in, 45 out), and 20 new vehicle trips (10 in, 10 out) related to the sale of soil amendments over the course of a typical weekday. The arrival/departure patterns of these additional truck trips are anticipated to be spread throughout the normal business hours. The presence of the stop-control on the SE 101st Avenue approaches, the slow travel speeds along SE 101st Avenue, the effectiveness of the design of the existing crossing location, the lack of any historical safety issues, and the relatively minimal increase in traffic all suggest that the expanded use will have no significant impact to pedestrians and bicyclists using the trail.

To address neighbors' concerns regarding additional truck traffic impacting the residential area located south of the site, PBOT staff recommended a condition be applied to truck traffic associated with Applicant's use of the Subject Property. PBOT suggested that if the owners of

the Site ever obtain access from SE Knapp, the condition of approval in this case will prohibit trucks traveling to/from the Subject Property from using SE Knapp. Applicant must also notify, in writing, all companies (including the commercial haulers) that SE Knapp may not be a route taken to the Site and/or Subject Property.

Through compliance with the condition that restricts future access to the Subject Property, the Hearings Officer finds this criterion is met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Police Bureau received notice of this application and did not raise issues or objections. Both the Fire and Water Bureaus reviewed the proposal set forth in the application and noted that no additional water service related improvements would be required. The Subject Property has an existing 1" metered service which has a billing address of 10010 SE Woodstock Boulevard that provides water to this location from the existing 12" CI water main in SE 100th Avenue. The Fire Bureau reviewed the proposal and has no concerns.

BES reviewed the proposed improvements and has no objections. BES noted that source control requirements must be met for the building permit. To address water quality requirements and reduce noxious odors, BES required as a condition the installation of a leachate collection and containment system. The liquid waste will be taken off of the Site and the Subject Property for disposal.

Based on the comments from City bureau representatives, the Hearings Officer finds that this criterion is met.

- G. The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related uses;

Findings: The regulations of Chapter 33.254 and discussion of how the proposal addresses them are as follows:

33.254.020 Limitations

- A. **Accessory uses.** Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.
- B. **Hazardous wastes.** The disposal of hazardous wastes, as defined by OAR 340.100 to 340.110, is prohibited.

Findings: The proposed use involves the acceptance of food (organic) waste that is sorted and then transported to off of the Site and Subject Property for composting. The proposal does not involve mining activity or disposal of hazardous waste. The Hearings Officer finds this development standard is met.

33.254.030 Location and Vehicle Access Uses must be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts, as designated in the Transportation Element of the Comprehensive Plan.

Findings: This application includes a request for an Adjustment to this standard. As noted under criterion 33.815.220.F1 and 2 above, the Site and Subject Property do not have direct access from a street that is a designated Major City Traffic Street or is within a designated Freight District. SE 101st Avenue provides a connection from SE Foster Boulevard and SE Woodstock. SE 101st terminates north of the Site at SE Woodstock. The primary vehicle entrance to the Site is provided via easements through Tax Lot 6600 and the Springwater Corridor. The roadway that runs through the Site in a north/south direction is not a public street. See the findings under Adjustment Review criteria, below.

33.254.040 Operations

- A. **On-site queuing.** The site layout must include adequate areas to accommodate the peak number of vehicles expected to come to the site at any one time.

Findings: The Subject Property is located within a lease boundary in approximately the center of the Site. Applicant submitted a traffic impact study to assess the adequacy of transportation services (Exhibits A.2, A.5 and A.6). Currently the Site generates approximately 290 trips per day. The Waste-Related use will generate 110 additional trips per day. Applicant anticipates 35 garbage trucks coming to the Site and Subject Property to dump loads and 10 semi-truck trips hauling away the processed food waste to the off-site composting facility. Applicant's traffic consultant estimated that the proposed use at the Subject Property facility would generate an additional 90 new truck trips (45 in, 45 out) and 20 retail trips (10 in, 10 out) over the course of a typical weekday. The traffic consultant indicated that 40 daily trips (for prior and new uses) for the Subject Property would occur during the morning "peak" and 20 daily trips would occur during the afternoon "peak" time. Applicant's traffic consultant and PBOT concurred that the estimated vehicle trips can easily be accommodated on the private internal road. The Hearings Officer finds this standard can be met.

- B. **Processing of waste products.** In the case of Waste-Related uses other than landfills and composting operations, all activities relating to the receiving, sorting, processing, storage, transfer, and shipping of wastes must take place entirely within enclosed structures. The transfer of waste products from one vehicle or container to another vehicle or container and the cleaning of such vehicles or containers must be done within a containment area designed to ensure that waste materials will be confined so as to not enter the groundwater or any water body.

Findings: The mixed yard debris/food waste will be unloaded from trucks and vehicles, sorted, and temporarily stored inside a fully-enclosed building; not to exceed 48 hours. The organic food waste material will then be transferred to an off-site location for decomposition into compost. If vehicles are cleaned, it will occur within the building. A drain and piping

system that collects the leachate liquid will be required to be installed in the building. The residual liquid waste will be removed from the Site and Subject Property. A condition will require the installation of a liquid waste collection facility. With compliance with the condition, the Hearings Officer finds that this application will comply with this standard.

- C. Liquid waste pretreatment.** The use, if other than a sewage treatment facility, must provide pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. The pretreatment must meet the standards of the Bureau of Environmental Services.

Findings: As stated above, the residual liquid from the food waste will be contained and removed from the Site and Subject Property. Surface stormwater will be directed to a detention pond located on the west side of the Subject Property. BES has reviewed the proposal and finds no concerns. The Hearings Officer finds that this standard is met.

- D. Posted information.** A sign must be posted near the entrance to the site, stating the telephone number(s) where a representative of the use may be reached at all times.

Findings: The Hearings Officer finds that a condition will require the installation of two signs, one at each gate of the facility. The signs must include the necessary contact information.

33.254.050 Traffic Impact Study A traffic impact study must be submitted for the proposed use. As part of the study, measures must be proposed for mitigating traffic impacts resulting from vehicles going to and from the site. The study must also include a plan and mechanisms to ensure that traffic, especially trucks, travel primarily on truck routes or major City traffic streets when near the site. The traffic study must include information of proposed access points, types of vehicles, and frequency of trips.

Findings: As discussed under criterion 33.815.220.F, the Applicant's traffic consultant submitted a traffic impact study to assess the adequacy of transportation services (Exhibits A.2, A.5 and A.6). The traffic study analyzed the SE Foster and SE 101st intersection and the crossing over the Springwater Trail. PBOT Engineering and Development reviewed the consultant's traffic study and concluded that the transportation system is adequate to support the proposed use. The Hearings Officer finds that this criterion is met.

33.254.060 Nuisance Mitigation Plan The applicant must submit a mitigation plan that addresses potential nuisance impacts which might be created by the proposed use. The plan must include the following components:

- A. Off-site impacts.** The plan must document that the use will comply with the off-site impact standards stated in Chapter 33.262;

Findings: Below are the regulations of 33.262 and discussion of how the proposal addresses them:

33.262.050 Noise The City noise standards are stated in Title 18, Nuisance Abatement and Noise Control. In addition, the Department of Environmental Quality has regulations which apply to firms adjacent to or near noise sensitive uses such as dwellings, religious institutions, schools, and hospitals.

Findings: Noise generated by the mixed yard debris/food waste transfer operation will result primarily from the use of trucks and other vehicles used for the delivery and removal of the waste-related product. The trucks and equipment are similar to that used by many nearby industrial uses. Trucks and other vehicles will deliver and pick-up the mixed yard debris/food waste, on the Subject Property, in a building. Separation of materials and equipment moving the mixed yard debris/food waste will occur inside the building. Equipment will meet noise standards stated in Title 18, Nuisance Abatement and Noise Control. The Hearings Officer finds that this standard will be met.

33.262.060 Vibration

- A. **Vibration standard.** Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.
- B. **Exceptions.** Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.
- C. **Measurement.** Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

Findings: This proposal does not involve activities such as manufacturing or demolition that requires heavy pounding or breaking of materials and therefore will not create vibrations. The Hearings Officer finds that the proposal will comply with this standard.

33.262.070 Odor

- A. **Odor standard.** Continuous, frequent, or repetitive odors may not be produced. The odor threshold is the point at which an odor may just be detected
- B. **Exception.** An odor detected for less than 15 minutes per day is exempt.

Findings: The food waste will be confined within a fully-enclosed building. Furthermore, the Applicant intends to install a biofilter aeration system and will capture the liquid waste from the processing building and remove it off site. A condition will require the installation of both systems as identified in the submitted plans. If the facility finds that the biofilter system does

not adequately reduce detectable odors, it must implement other means of addressing the off-site impacts in order to achieve ongoing compliance with this Zoning Code requirement. At the request of one of the opponents (Exhibit H.11), Applicant agreed to include an additional condition of approval relating to the recording and reporting of any litter, noise, odor, dust, traffic and vector complaints (See Condition G.). The Hearings Officer finds that with the requirement that all transfers of mixed yard debris/food waste occur within the building located on the Subject Property, the removal of mixed yard debris/food waste within 48 hours of its being deposited at the Subject Property, the installation of floor negative aeration system and the use of biofilter material on any mixed yard debris/food waste left in the building overnight, this standard can be met.

33.262.080 Glare

A. Glare standard. Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.

B. Strobe lights. Strobe lights visible from another property are not allowed.

Findings: The proposal in this application will not require excessively bright or special lighting such as strobe lights. The Hearings Officer finds that this standard will be met.

B. Litter. For Waste-Related uses, the plan must address litter generated on the site and litter along roadways leading to the use that is generated by vehicles coming to the site. The plan must also address illegally dumped waste products near the site. The plan must provide for regular litter removal. The plan must also include means to limit litter from vehicles coming to site; and

Findings: The dumping, pick-up and sorting of yard debris/food (Waste-Related use activities) will occur within an enclosed building. All litter is placed in a drop box that is then transported to a landfill for proper disposal. Applicant stated at the public hearing that, pursuant to METRO and DEQ requirements, Applicant is responsible for litter control (related to Applicant's operation at the Subject Property) for a distance of up to ¼ mile from the Subject Property. The Hearings Officer finds this standard will be met.

C. Dust, mud, and vector control. The plan must provide mechanisms to limit impacts from dust, mud, and disease carrying organisms such as rats and mosquitoes.

Findings: All traffic areas of the Subject Property are paved. Yard debris is currently accepted at the business operating on the Subject Property. The transfer of mixed yard debris/food will occur inside a building and will not generate additional dust outside the building. If the Applicant finds that the enclosure does not adequately restrict insects and/or mammals, the Applicant must implement other means for controlling the disease carrying

pests, in order to achieve ongoing compliance with this Zoning Code requirement. The Hearings Officer finds this standard will be met.

33.254.070 Reclamation Plan for Landfills The applicant for a landfill use in the Waste-Related use category must submit a reclamation plan. The Bureaus of Buildings and Environmental Services will provide a technical review of the plan. Mining uses are subject to State requirements for reclamation plans.

A. Contents of the reclamation plan. The reclamation plan must include the following:

1. Phasing and schedule of work to be conducted;
2. Phasing and schedule of reclamation to be conducted;
3. Materials to be used in the reclamation;
4. The effect of the reclamation on surface and subsurface drainage patterns;
5. Plans for future use of the land; and
6. A discussion of how the proposed reclamation plan is consistent with the future potential uses of the land, according to the zoning and the Comprehensive Plan designation.

B. Performance guarantee. The review body as part of the conditional use review may require the applicant to post a bond or other security with the City to ensure the completion of the reclamation plan. The security must comply with the regulations for performance guarantees stated in 33.700.050.

Findings: The proposal does not include a landfill. Therefore, this requirement does not apply.

33.254.080 Setbacks, Landscaping, and Screening Waste-Related uses are subject to the following setback, landscaping, and screening requirements. Mining uses are subject to State requirements for setbacks, landscaping, and screening.

A. Setback distance. Waste-Related uses must be set back 100 feet from all property and street lot lines that abut C, E, or I zones. A 200-foot setback is required along all property and street lot lines that abut OS or R zones.

Findings: The Subject Property boundary is at least 250 feet from the closest residentially-zoned property to the south of the Site. The closest property zoned Open Space is located over 700 feet away. The Subject Property is located well beyond the required 100 feet from the Site's property line boundaries. The Hearings Officer finds the setback standards for this facility are met.

B. Landscaping and screening requirements. The setback must be landscaped to at least the L1 standard. A fence at least 6 feet high must be provided on the interior side of the setback. The fence must be screened by a high hedge meeting the L3 standard. The landscaping standards are stated in Chapter 33.248, Landscaping and Screening. In

addition, gates with fencing at least 6 feet high must be provided across all entrances. The property owner must maintain the fencing and gates in good repair.

Findings: The Subject Property is located on the Site where there is additional existing industrial development. Applicant operates a compost/recycling facility currently on the Subject Property. Zoning Code section 33.258.070.D.2.c(2) exempts uses within ground lease areas from screening requirements. Screening is not required along the boundaries of the leased area that is interior to the site. Hence, no additional landscaping is required. A perimeter fence, that appears to be 8 feet tall, currently encloses the site along its entire boundary. The Hearings Officer finds this standard will be met.

33.254.090 Activities in Required Setbacks Extraction, movement, or stockpiling of mineral and aggregate resources or the disposal or storage of waste products within a required setback is prohibited. The tops and toes of cut and fill slopes must remain outside the required setback. Structures, exterior storage, and parking areas for trucks or equipment are not allowed within the required setbacks. Required setbacks include all setbacks approved by the State for Mining uses.

Findings: Because the waste-related materials and activities will be confined within a fully-enclosed structure and will be set back significantly from the property lines, the Hearings Officer finds this standard will be met.

33.254.100 Underground Utilities All underground lines and conduits on a mining or landfill site and within 50 feet of the site must be protected from damage from the use. This includes storm and sanitary sewers, and water, gas, and electric lines.

Findings: The proposed activity is for the processing of food waste and not mining or excavation. This requirement does not apply.

- H. There is a reclamation or redevelopment plan which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished; and

Findings: The proposed activity is not mining or landfill. Therefore, this criterion does not apply.

- I. Public benefits of the use outweigh any impacts which cannot be mitigated.

Findings: The facility and another facility operated by Applicant (N Suttle Road and currently under review- LU 10-203967 CU AD) will allow the City of Portland to implement its food waste composting program. These facilities will serve as transfer stations allowing garbage haulers to deliver the blended food and yard debris waste. The application explains that composting businesses typically require transfer facilities. Many deliveries, in smaller trucks, from the urban area go to a single point where the waste is separated and aggregated for composting. The material is then consolidated into larger trucks and is shipped to a

composting facility. This reduces the number of trips to the composting facility, provides a place that efficiently sorts and consolidates the organic material, and offers another means of reducing the amount of materials being deposited into a landfill. For this use, the material is being diverted from the waste stream going to landfills, and is recycled into compost for beneficial uses. The above represents the public benefits of the application in this case.

Nearby residents and property owners raised concerns about this proposed use of the Subject Property (Exhibits F.1, F.2, H.8 and H.11). The Hearings Officer finds that the primary concerns expressed by opponents involved the possible emission of odors, the possible attraction of vermin, possible impacts on nearby environmentally zoned/used properties and traffic impacts. The Hearings Officer considered each of opponents' concerns in the findings above. The Hearings Officer finds, based upon Applicant's proposed operation plan and conditions that will be imposed upon Applicant's operation on the Subject Property, that the risk of odor and vermin impacts on the neighboring properties is relatively low. The Hearings Officer found no probable impacts will occur on nearby environmentally zoned properties. The Hearings Officer found that traffic impacts will be significantly mitigated by prohibiting Applicant's use of the Knapp entrance to the Site.

Overall, the Hearings Officer finds the public benefits are great and possible negative impacts are relatively low. The Hearings Officer finds the public benefits outweigh the potential negative impacts. The Hearings Officer finds this standard is met.

Adjustments

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The Applicant is requesting an Adjustment to waive the vehicle access standard for Waste-Related uses (Zoning Code standard 33.254.030). The purpose of the Mining and

Waste-Related development standard, as stated in Section 33.254.010 of the Zoning Code, is as follows:

These regulations:

- Reduce the impacts and nuisances resulting from mining and Waste-Related uses on surrounding land uses;
- Reduce the transportation impacts from these uses;
- Ensure that land used for these purposes is restored so that it may be reused; and
- Provide security measures so that these land uses are not a safety hazard to other land uses or to nearby residents.

PBOT reviewed the Applicant's transportation analysis and had no concerns. As outlined in the Applicant's response, and summarized above, the proposed new Waste-Related use is not anticipated to have a significant trip generation impact or generate trip types that are inconsistent with the street designations (Exhibit E.2). PBOT agreed with Applicant's traffic studies (Exhibits A.2, A.5, and A.6) that the transportation system is capable of supporting the additional traffic that is estimated to be generated by the use. SE 101st Avenue and SE Foster Road can support the new use from a capacity, safety, and access standpoint. PBOT and the Applicant's traffic studies concluded that the proposed use is not anticipated to have any detrimental impacts on the overall safety of the Springwater Trail crossing at SE 101st Avenue. The Hearings Officer concurs with the conclusions reached by PBOT and the Applicant's traffic consultants and finds this approval criterion is met.

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the classification of the adjacent streets and the desired character of the area; and

Findings: The Subject Property is in the IH zone. The IH zone is intended to provide areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance.

The Site and Subject Property are located within the Outer Southeast Community Plan boundary. The plan, adopted in March 1996, specifically addresses the "Freeway Lands" site as follows:

Industrial Areas (page 35): The Freeway Land Company site was zoned a combination of EG and Heavy Industrial. This will allow office and commercial uses to locate on the outside edges of the site and the continuation of heavy industrial uses in the interior.

As noted above, PBOT reviewed (Exhibit E.2) the Applicant's submitted traffic analysis (Exhibits A.2, A.5 and A.6) and has determined that the transportation system can support the new use from a capacity, safety, and access standpoint. Therefore, the proposed access from a vacated street will not negatively impact the intended character of the IH zone or the desired

industrial character of the Freeway Land site. The Hearings Officer finds this approval criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one Adjustment is requested. This criterion does not apply.

- D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are shown on the zoning map by the "s" overlay zone. Historic resources are designated by a large dot. There are no such resources present on this site. This criterion does not apply.

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: There are no detrimental impacts created by allowing the new Waste-Related use to use the existing access to the existing Site and Subject Property. The Hearings Officer finds no mitigation is needed. This criterion does not apply.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings. No development or activity is proposed within the Environmental zone as a result of the Adjustment. This criterion does not apply.

Development Standards

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

III. CONCLUSIONS

Applicant requested Conditional Use approval in order to begin accepting mixed yard debris/food waste at the Subject Property for recycling. An Adjustment is requested to waive the requirement that the Waste-Related use be located so that street access is from a Major City Traffic Street or a street in a designated Freight District. The mixed yard debris/food waste will be delivered to the Subject Property via garbage collection trucks, approximately 35 trucks per day. Mixed yard debris/food waste will also be accepted from private self-haulers and the general public. Compostable mixed yard debris/food waste will be transported to a final location for composting.

In order for this proposal to meet the approval criteria and to address some of the concerns raised by

opponents, the Hearings Officer included conditions of approval. The conditions are intended to mitigate potential impacts (i.e. odor, vector, traffic, etc.) upon nearby properties which could be created by the application.

IV. DECISION

Approval of a Conditional Use to establish a Waste-Related use that accepts and processes food waste that is blended with yard debris, within a fully-enclosed building, as described in Exhibits A.1 through A.6, and

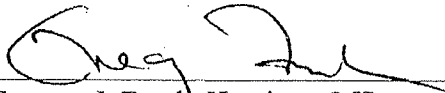
Approval of an Adjustment to waive the Waste-Related location and access requirements (Section 33.254.030) to allow access onto the facility from a private driveway (vacated SE 100th Avenue), subject to the following conditions:

- A. As part of the building permit (10-188549 CO) application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 10-194818 CU AD." All requirements must be graphically represented on the required plans and must be labeled "REQUIRED."
- B. Two signs, which identify the food waste recycling operation, must be installed on entrance gates to the facility. The signs must include 24-hour emergency contact information.
- C. An aeration and biofilter system must be installed to negate food waste odors.
- D. An internal drain and containment system must be installed to collect the liquid waste (leachate) inside the food waste processing building. The leachate must be taken to an off-site location for disposal.
- E. All public information, including Internet and marketing information, must include a directional map that identifies the Recology facility within the larger 100-acre industrial site and identifies the site's entrance at SE 101st and SE Foster Boulevard.
- F. Recology (or any successor in interest) trucks and any associated businesses, including commercial haulers, must be instructed to use only the SE Foster and SE 101st Avenue access; access to/from the Subject Property via SE Knapp shall not be permitted (excepting for emergency response vehicles).
- G. Recology (or any successor in interest) must document all nuisance complaints that are received, including but not limited to: litter, noise, odors, dust, traffic and vectors. For every nuisance complaint received, the facility will record, in a complaint log, the following information:
 - The nature of the complaint; and

- The date and time the complaint was received; and
- The name, address and telephone number (if provided) of the person or persons making the complaint; and
- The Recology (or any successor in interest) employee who received the complaint; and
- Any actions taken by Recology (or any successor in interest) employee(s) to resolve the complaint.

A record of all complaints and action taken must be maintained at the facility for a minimum of one (1) year. Annually, a copy of the complaint log must be delivered by mail to the Lents Neighborhood Association Chairperson (per Office of Neighborhood Involvement website information) and the East Portland Neighborhood Office. Access, so long as 24-hour advance notice is given, shall be provided at the Subject Property by Recology (or any successor in interest) to the Bureau of Development Services for the purposes of reviewing the complaint log.

H. Organics containing food waste shall be removed from the Subject Property and Site within forty-eight (48) hours of delivery to the Subject Property.


Gregory J. Frank, Hearings Officer
April 27, 2011
Date

Application Determined Complete:	January 28, 2011
Report to Hearings Officer:	March 25, 2011
Decision Mailed:	April 28, 2011
Last Date to Appeal:	4:30 p.m., May 12, 2011
Effective Date (if no appeal):	May 13, 2011 Decision may be recorded on this date.

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$5,077.00 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person-authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded. The applicant, builder, or a representative may record the final decision as follows:
- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

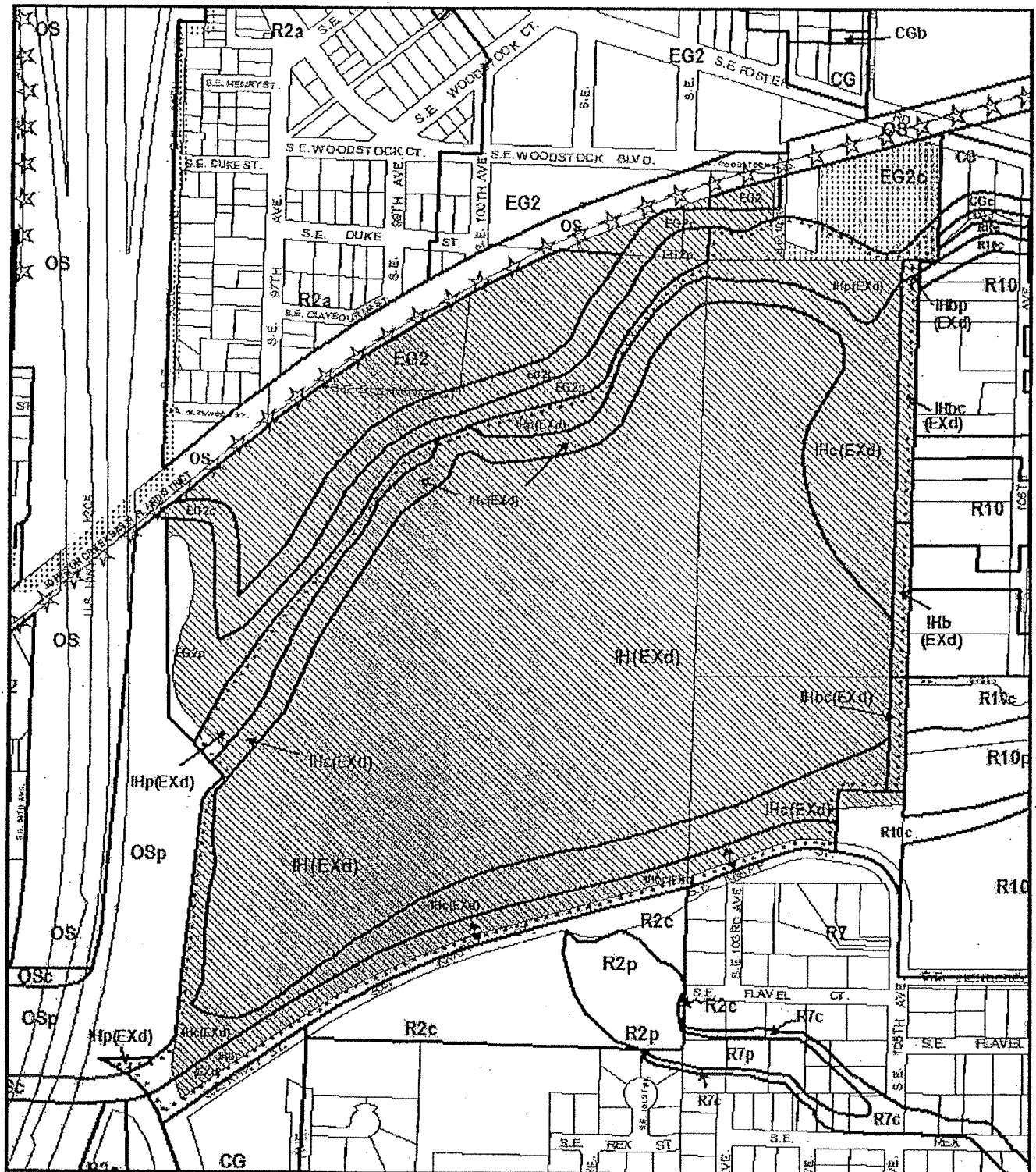
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Project Proposal and Response to Approval Criteria
 - 2. Traffic Analysis, prepared by Kittelson and Associates, dated October 18, 2010
 - 3. Applicant's letter responding to staff's application completeness review
 - 4. Ground Lease Document
 - 5. Traffic Analysis Letter, dated February 6, 2011
 - 6. Traffic Analysis Addendum, dated March 9, 2011
 - 7. Request for Evidentiary Hearing and 120-Day Waiver
- B. Zoning Map (**attached**)
- C. Plans and Drawings
 - 1. Site Plan, submitted January 28, 2011 (**attached**)
 - 2. Partial Site Plan with Floor Plan, submitted January 28, 2011 (**attached**)
 - 3. Partial Existing Conditions Plan, submitted January 28, 2011
 - 4. Building Elevations – Existing Building, submitted January 28, 2011
 - 5. Aerial Photo showing existing conditions, submitted January 28, 2011
 - 6. Site Plan, submitted November 19, 2010
- D. Notification information
 - 1. Request for Response
 - 2. Posting Letter Sent to Applicant
 - 3. Notice to be Posted
 - 4. Applicant's Statement Certifying Posting
 - 5. Mailing List
 - 6. Mailed Notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. TRACS Print-Out – “No Concerns” Response from Bureau of Parks, Forestry Division, Site Development Review Section of Bureau of Development Services, Life Safety Review Section of Bureau of Development Services
- F. Letters
 - 1. Larry and Darcy Niemeyer, March 9, 2011, opposes proposal (theniemeyers@comcast.net) 11045 SE Henderson Portland OR 97266
 - 2. Gary Gossett, March 13, 2011, opposes proposal (botanytrek@hotmail.com)
- G. Other
 - 1. Original LUR Application
 - 2. LUR Application with Owner Information
 - 3. Site History Research

4. Incomplete Application Letter to Applicant from Staff
 5. Pre-Application Conference Summary Report
 6. Copy of Easement, with Stipulations, Granting Property Owner Access Rights Through City-Owned Springwater Corridor, submitted from Parks Bureau staff
- H. Received in the Hearings Office
1. Hearing Notice - Frugoli, Sheila
 2. Staff Report - Frugoli, Sheila
 3. 4/4/11 e-mail from Frank and Debra Fleck - Frugoli, Sheila
 4. 3/30/11 letter, Loftus to Frugoli - Frugoli, Sheila
 5. 3/23/11 letter, Michael C. Robinson to Frugoli - Frugoli, Sheila
 6. Plan - Robinson, Michael
 7. PowerPoint presentation printout - Frugoli, Sheila
 8. Letter - Christensen, Gregg
 9. Request to be added to mailing list - DeLapp, Laurie
 10. Letter - Fleck, Frank and Debra
 11. 4/6/11 letter - Fleck, Frank and Debra
 12. Business cards for Metzler and Rawson to be added to mailing list - Metzler, Bill and Rawson, Stephanie
 13. 4/7/11 letter - Robinson, Michael
 14. 4/7/11 letter - Robinson, Michael
 15. 4/7/11 Memo with attachment - Frugoli, Sheila
 - a. 4/7/11 letter from Robinson - Frugoli, Sheila
 16. Final written argument - Robinson, Michael



ZONING

- Site
- Also Owned

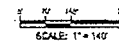


This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

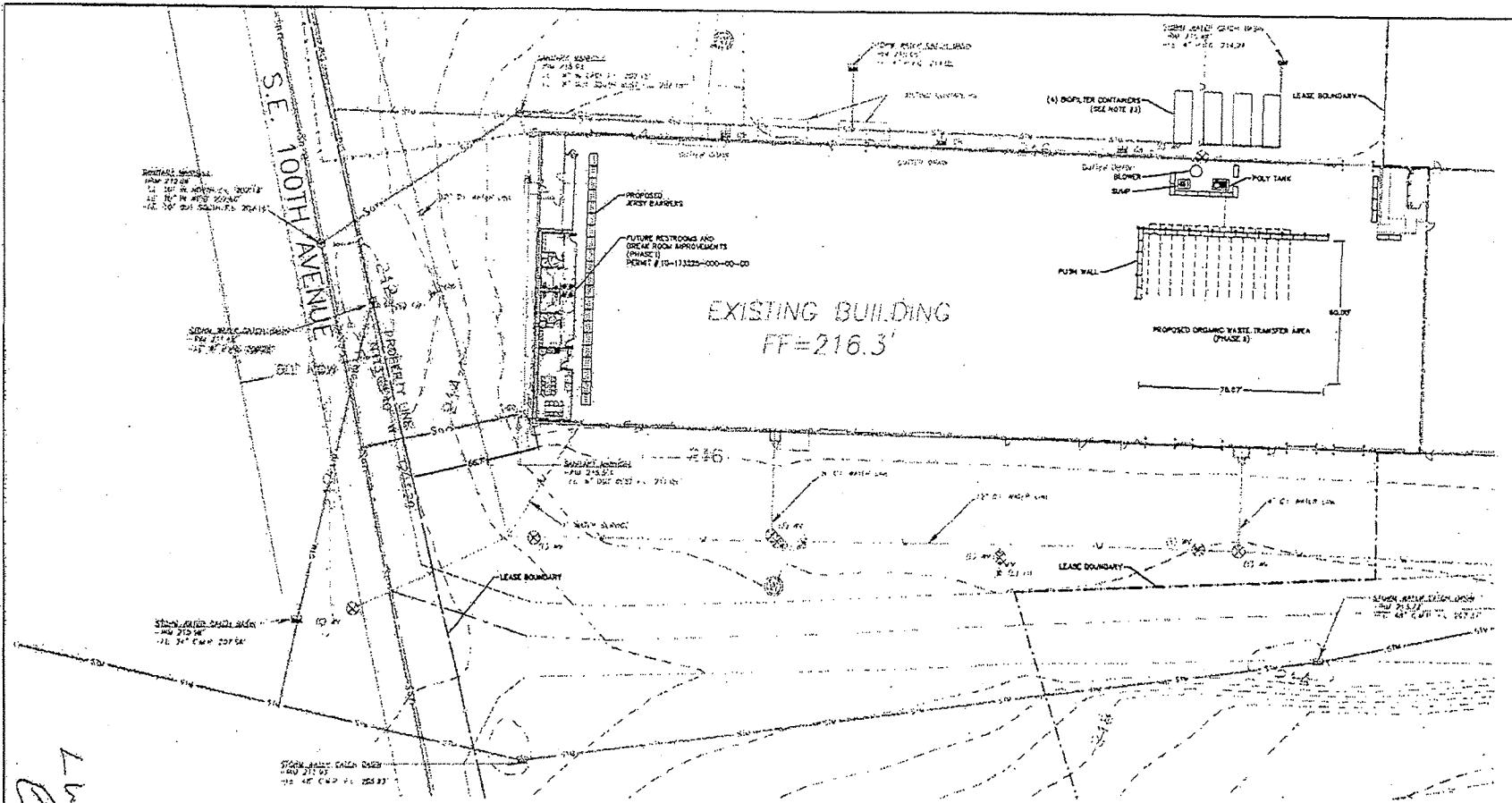
File No. LU 10-194818 CU
 1/4 Section 3740, 3741, 3840
 Scale 1 inch = 400 feet
 State Id 1S2E21A 100
 Exhibit B (Nov 23, 2010)

[illegible]

1. TAX LOT LINES ARE BASED ON THE INFORMATION AND ARE SHOWN FOR REFERENCE ONLY.



CONDITIONAL USE
STYL DRAWINGS



PBS
Engineering - Environmental
1210 Main Street
Vancouver, WA 98661
360.430.0311 Main
800.727.2140 Fax
www.pbsenv.com

**RECOLOGY OREGON MATERIAL
RECOVERY, INC. - FOSTER ROAD**
6400 SE 101ST AVENUE
PORTLAND, OREGON 97266

**PARTIAL
PROPOSED
SITE PLAN**

PROJECT: 17084311
SHEET: 20
DATE: JANUARY 26, 2011
APPV: [Signature]

C2.0

CONDITIONAL USE
CIVIL DRAWINGS

GENERAL NOTES

1. CONTRACTOR SHALL FIELD VERIFY THE LOCATION, ALIGNMENT, DEPTH AND INVERTS OF ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION AND ORIGINATING MATERIALS. NOTIFY OWNER IMMEDIATELY OF EXISTING UTILITY CONFLICTS WITH NEW CONSTRUCTION.
2. REPAIR AND/OR REPLACE ALL SIDEWALKS, WALLS, PAVEMENT, LANDSCAPE, UTILITIES ETC. THAT ARE DISAPPROVED BY CONSTRUCTION OF NEW UTILITIES TO SAME CONDITION OR BETTER.
3. BIO-FILTERS (BIO) FOR ODOR CONTROL, WILL BE DONE IN PORTABLE CONTAINERS APPROXIMATELY 22 FEET BY 12 FEET. FILLED WITH A FEET OF MATERIAL FOR FILTRATION. THE CONTAINERS WILL BE OPEN ON TOP. LOCATED AND STORED/RAIN WATER WILL DRAIN BACK INTO THE SYSTEM INSIDE THE BUILDING THROUGH DRAINS AND WILL BE RECYCLED BACK THROUGH THE SYSTEM OR STORED IN POLY TANK FOR TRANSFER OFF-SITE TO AN APPROVED DISCHARGE LOCATION.
4. PROPOSED NEW ACTIVITIES INSIDE THE BUILDING INCLUDE THE TRANSFER OF ORGANIC WASTE TO AND FROM THE FACILITY AND THE REMOVAL OF THE MAINTENANCE, SLOPE TO MAKE ROOM FOR THE ORGANIC WASTE TRANSFER. MAINTENANCE OF VEHICLES WILL NO LONGER TAKE PLACE AT THIS FACILITY INSIDE THE BUILDING.
5. NO DISCHARGE TO THE SANITARY SEWER OR STORMWATER IS PROPOSED WITH THIS PROCESS.

LEASED AREA SUMMARY:	
TOTAL AREA:	258,000 SF (100%)
IMPROVED AREA:	258,000 SF (100%)
BUILDING COVER:	
TOTAL BUILDING FOOTPRINT:	16,377.56 (17.35%)
ROADWAY FOOTPRINT:	43,967.80 (47.28%)
SEAL EXHAUST BUILDING FOOTPRINT:	140,654.64 (54.37%)

PERCENTAGE OF THE LEASED AREA ONLY.

NOTICE TO EXCHANGERS:
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ESTABLISHED BY THE OREGON UTILITY NOTIFICATION CENTER. THESE RULES ARE SET FORTH IN OUR 800-201-0000. THROUGH OUR 800-201-0000 YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.
(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-233-1937.)

POTENTIAL UNDERGROUND FACILITY OWNERS

Dig Safely.
Call the Oregon 800-Call Center
1-800-333-2344

EMERGENCY TELEPHONE NUMBERS

WEATHER: 503-726-4211 (IN 503)
FIRE: 503-726-4211
POLICE: 503-466-7777
OWSB: 1-800-573-1311
OFF. BUREAU OF MARINE: 503-823-1700
CITY: 503-823-4374
VERIZON: 1-800-483-1000

1710-194818 CA AD
Exhibit C.2

H



NUISANCE MITIGATION PLAN

**RECOLOGY OREGON MATERIAL RECOVERY
FOSTER ROAD MATERIAL RECOVERY FACILITY**

**6400 SE 101ST AVENUE, BUILDING 4-A
PORTLAND, OREGON 97266**

REVISION DATE: APRIL 2011

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1 Introduction

1.1 Purpose

This Nuisance Mitigation Plan (NMP) was prepared in compliance with City of Portland Code 33.254.060. The NMP pertains to a Mixed Dry Solid Waste Material Recovery Facility (MRF) and Source Separated Food Waste Reload Facility operated by Recology Oregon Material Recovery (ROMR) located at 6400 SE 101st Avenue Building 4-A, Portland, Oregon, 97266. This plan contains procedures for **addressing potential nuisance impacts including on and off-site odor, litter, dust, mud and vectors.** The plan also addresses illegally dumped waste products near the facility.

The facility operates under Oregon Department of Environmental Quality (DEQ) Solid Waste Permit #1369 and Metro License #L-036-09A.

1.2 Overview of Operations

ROMR operates in Building 4A and in an adjacent yard at the industrial Freeway Land Complex. The total 6.2 acre leased area includes Building 4A and the immediate surrounding asphalt area. A chain link fence surrounds the majority of ease area. Building 4A is completely enclosed and consists of a 46,500-square foot (sf) concrete floor that includes separate areas for tipping of mixed dry waste and organics, an aeration and liquids management system for the organics reload area, a break room, and an office. All waste materials are managed within this enclosed and covered inside the building with the exception of wood waste (e.g. C&D wood debris, yard debris that has not been commingled with food scraps, other wood debris,) and metal, which are managed both inside and outside Building 4A. All loads delivered to the facility are weighed on a single scale.

2 Facility Description

2.1 Site Location and Topography

The ROMR facility is located within an industrial park at 6400 SE 101st Avenue, Portland, Oregon in township 1 South, range 2 East, sections 15, 16, 21, and 22. The site is approximately one mile east of I-205 and one and one-half miles north of Mount Scott (see the attached figure). The industrial park is bordered to the north by Johnson Creek, to the east by residential properties, to the south by residential properties, and to the west by I-205. The site is primarily flat and consists of impervious surfaces.

2.2 Facility Layout – Site Access and Egress

Loads of mixed dry solid waste are hauled to the facility by truck through a single gate. Incoming organic loads are typically delivered in front or side load collection trucks. Trucks delivering mixed dry solid waste to the facility are required to weigh in at the scales. Loads of clean yard debris, wood, or metal are tipped near the appropriate exterior container or bunker. Loads of mixed dry solid waste or source-separated recyclables are tipped inside the building. Organics loads are tipped onto the concrete aerated floor inside the organics receiving area within the building. After unloading, trucks are required to weigh out at the scale before leaving the site.

At present, the access route leading to the scales, on the west and north sides of building 4A, is approximately 250 feet long and has sufficient space to accommodate six to seven trucks in queue. Trucks going from Building 4A to weigh out at the scale can also queue along the private access road on the south and west sides of the building. Trucks will be advised not to queue on public roadways.

3 Facility Operations

3.1 Hours of Operation

The ROMR facility will operate Monday through Saturday. Commercial and public vehicles will be accepted at the facility between 7 AM and 5 PM on week days and between 8:00 AM and 5:00 PM on Saturdays. The facility may operate more than 12 hours to accommodate incoming waste if necessary.

3.2 Access Control

Access to the industrial Freeway Land site is controlled by a gate at the entrance from 101st Avenue. This entrance is the only access route to the site for pedestrians and vehicles. During non-business hours, the gate is closed and locked to prevent unauthorized entry and dumping. The site is surrounded by an existing fence.

Signs are used to direct vehicles that enter the Freeway Land Complex to the facility scales. From the scales, vehicles are directed to Building 4A or outdoor areas to unload. After unloading, the vehicles weigh out at the scales to complete their transaction and then exit the site.

4 Nuisance Mitigation

4.1 Litter Prevention

In accordance with Section 5.7 of the facility's Metro License, operations personnel will keep all areas within the site and all vehicle access roads within ¼ mile of the lease area free of litter and debris generated as a result of the facility's operation. For this purpose, daily litter patrols are conducted to collect any litter. Additionally, Recology owns a vacuum sweeper, which is deployed throughout the access roads at the Freeway Land Complex on a weekly basis. The frequency of sweeping can and will be increased should operations dictate the need. During the daily litter patrols, any illegally dumped or discarded waste discovered by Recology staff will be collected and properly disposed of.

Trucks entering the facility to deliver materials, as well as those leaving the facility with materials for shipment offsite are required by the Metro Solid Waste License and DEQ Solid Waste Permit to be tarped or otherwise contained to prevent blowing litter or debris. Recology staff will notify and remind haulers to properly control their loads. In the event that the haulers do not secure their loads, and blowing litter or debris is generated by a vehicle entering or exiting the facility, Recology staff will be responsible for the collection of this litter. Recology reserves the rights to charge haulers for litter resulting from an uncovered load, or to outright reject the hauler from returning to the facility.

4.2 Dust and Mud Control

Fugitive dust emissions will be controlled by using water to mist loads as necessary. If water does not sufficiently control dust, commercially available misting systems designed specifically for Material Recovery Facilities and organics transfer stations will be evaluated, purchased, and installed if necessary. A water truck will be used to control dust around the exterior stockpiles, scales, and access road, as needed.

The facility has been designed so that tracking of organics from the inside of the building to the surrounding roads outdoors will not occur.

The collection trucks which delivering the organics to the facility will back into a roll up door, and deposit the organics onto the aerated floor. Once they have tipped their load onto the floor, they will leave through the same roll up door they entered through, thus not allowing their tires to encounter any organic materials and track it outdoors. Organics collection trucks are provided fresh water to rinse off any residual food wastes from the exterior of their vehicle on the concrete aerated floor after unloading. The aerated floor is scraped by loader to place unloaded organics in a taller pile

The semi-trucks that will transport the organics offsite will enter a different roll up door, to the left of the aerated pad. A loader will be used to load the organics into the semi-truck, while it is parked parallel to the aerated floor. Once the truck is loaded, the truck will then continue through the building, driving out through a roll up door on the opposite side of the building from which they entered. Again, the truck tires will not encounter any organic materials.

The only equipment that will encounter organics will be the loader used to move, bulk, and load the organics. This loader will be washed down with water as needed before it leaves the aerated concrete pad. The rinse water will be captured by the leachate collection system, and stored within the liquid storage tank.

4.3 Vector Prevention and Control

All measures will be taken to control conditions which might attract and encourage vectors.

Vectors, such as flies, rodents, and birds, will be minimized by implementing good housekeeping procedures, and expediting the reloading and shipment offsite of incoming organics materials. ROMR does not anticipate incoming materials remaining onsite for any period longer than 48 hours. In the event of organics remaining onsite for more than 24 hours (such over a weekend), organics can be covered by ground clean yard debris or loaded into the semi-trailer used for transporting the material offsite. The trailer would be tarped and parked within the building, thus eliminating any accessible food source for vectors.

Additionally, ROMR will maintain a contract with an independent pest control company to ensure that vectors are not a concern.

4.4 Off-site Impacts

Numerous BMPs for nuisance control will be implemented at the MRF facility in order to minimize potential off-site nuisance conditions.

4.4.1 Noise Control

The MRF facility is located within an industrial complex and surrounded by businesses that conduct operations with similar noise generating equipment. Noises generated by operations at the facility are consistent with normal industrial noise levels at the various operating facilities in the complex. All equipment has appropriate mufflers and other noise reducing mechanisms. The organics operations are conducted within the building, and therefore do not significantly increase noises generated in the area. The blower for the aerated pad is also within the building. The selected blower will be rated for noise levels that do not exceed loader noise levels.

4.4.2 Vibration Control

Operations at the facility do not result in continuous, frequent or repetitive vibrations. Any on-site vehicle or equipment-generated vibration is consistent with normal industrial vibration levels at the various operating facilities in the area. The blower used for the aerated pad is mounted on an engineered vibration dampening pad.

4.4.3 Odor Control and Complaint Response

Odor Control

Odors are mitigated by the implementation of good housekeeping measures and the use a biofilter system. All incoming organics will be mixed with yard debris to assist in moisture absorption, which will also reduce odors. The reloading and shipment offsite of incoming organics waste will be expedited to ensure that materials are not stored onsite longer than necessary. Onsite storage of organic wastes is limited to no longer than 48 hours and material is not permitted to be composted onsite. Incoming loads of organics that have reached a state of decomposition sufficient enough to generate significant odors may be rejected, mixed into larger amounts of yard debris to minimize the odors, or loaded directly into a semi-truck for shipment offsite.

Large volumes of air are pulled from the delivered organic waste piles by the aeration floor to prevent self heating and odor formation in the organic waste. This air also pulls odors and vapors from the piles and directs it to an engineered biofiltration system to treat the odors and vapors. Leachate is also pulled from the aeration pad by the aeration system. The collected air and leachate are separated in a sump and sump pump storing leachate in an above ground tank. All collected leachate is treated with high efficiency aeration systems to meet the Biological Oxygen Demand of the collected water to prevent odor formation.

Equipment used to load, unload and push organic wastes will be washed on a regular basis. Regular odor monitoring will be conducted by trained staff members in an effort to evaluate the effectiveness of these practices.

Complaint Response

A sign is posted on the front of the scale office stating how customers can file a complaint. Complaints are able to be received by phone, vial email, or in person by scale house personnel. Each complaint is logged at the time it is received. The person filing the complaint is contacted if possible and informed how the complaint has been addressed. The complaint form contains the following:

- The nature of the complaint
- The date the complaint was received
- The name, address and telephone number of the person or persons making the complaint

- Actions taken by the operator in response to the complaint

Odor complaints will be investigated immediately by ROMR staff to attempt to determine the source, and remedy the deficiency or address the cause as soon as practicable.

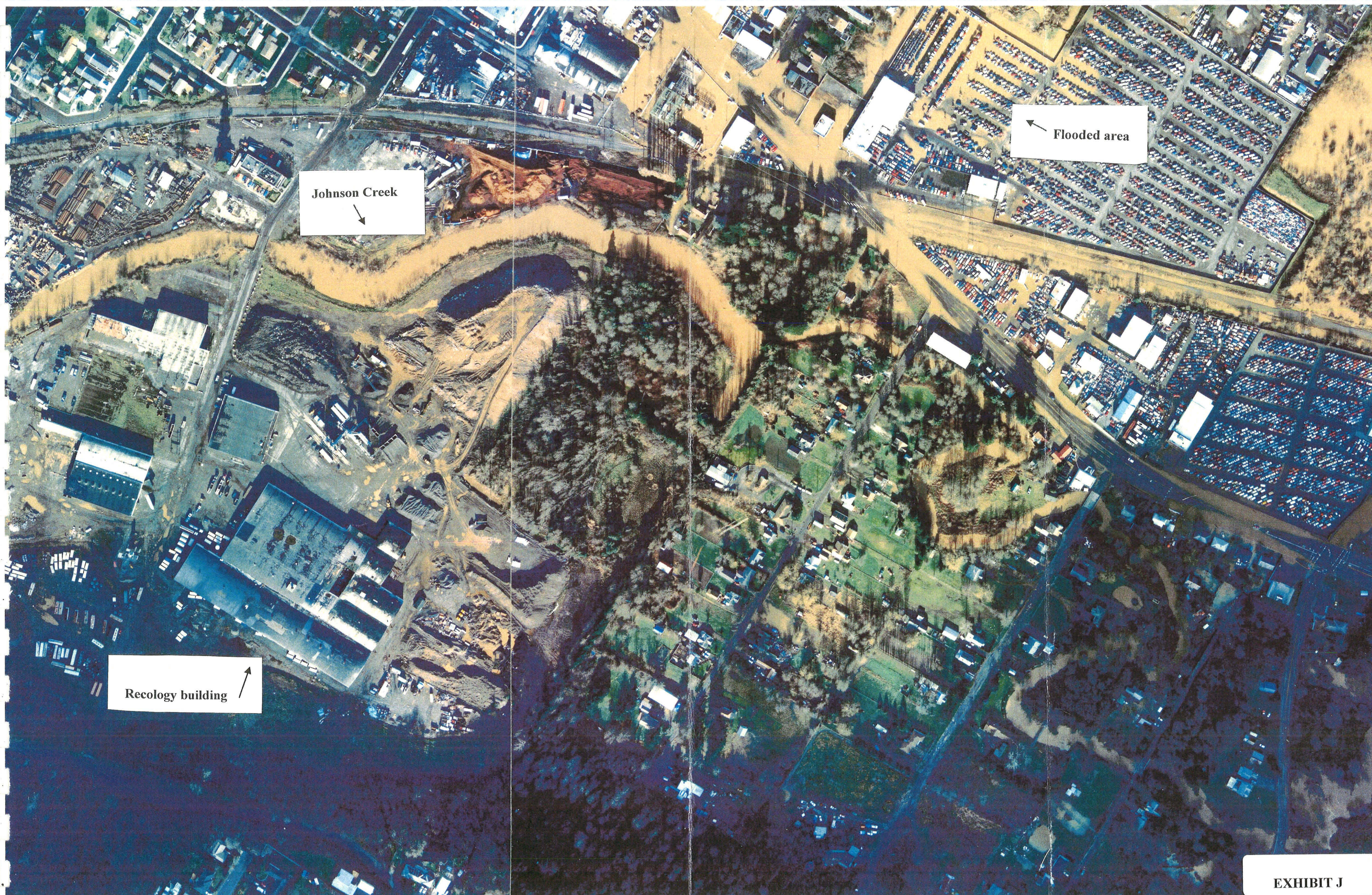
4.4.4 Glare Control

Lighting is designed so as not to create a glare nuisance. The facility is not currently lit at night. The facility does not conduct high temperature processes or use strobe lights and is not in the business of welding or metallurgical refining.



* approx. Recology site

- 100-year floodplain
- 1996 flood inundation area
- open channel
- drainage ditch
- stormwater pipe or culvert
- combined stormwater/sewer pipe
- water bodies
- wetland



Johnson Creek
↓

Recology building
↗

↖ Flooded area

Foster Road Organics Receiving System Design Components

Foster Road Aeration Pad System Configuration from Jeff Gage, Compost Design Services

Assumptions:

- 64,000 tons per year of mixed source separated organics
- 126 tons per day average based on handling it 5.5 days per week, 5 trucks per day average
- Peaking factor estimates for April through June and October, November is 2 times the average volume so 252 tons per day or 10 load-out truck trips per day.
- Load-out truck capacity assumed to be 25 tons net or 110 cubic yards maximum.
- Top loading of a load-out truck takes 30 minutes or 2.5 hour average or 5 hours during peak seasons.
- It is likely that 3 trucks on average and 6 trucks during peak times, running over 8.5 hours a day, can transport these materials to a local compost facility like Nature's Needs in three to four trips each per day.
- Collected volumes are mostly received at the transfer station from 10 am to 3 pm and must be pushed up from the collection trucks into a load out pile.
- The designed maneuvering room must allow for loading out and receiving and pushing up to happen simultaneously during peak receiving times.
- The load out pile and any residual left over materials must be stored on an aerated pad that allows for liquids to drain and for stored materials to be kept aerobic and cool.
- Only 200 cubic yards of material will be left overnight on air.

Facility Pad Configuration (see drawings on Page 4,5 and 6)

1. Allowable working pad dimensions are 80 by 60 feet as shown in the most recent drawing provided to CDS from PBS.
2. It is assumed that the loader requires 40 feet of maneuvering room to turn and approach a pile and that a delivery packer truck needs 40 feet to unload his truck completely and clean off debris from the hatch. The materials will be unloaded along the 80 foot length of the pad.
3. It is assumed that the maximum height of stored materials will be 6 feet and that the push walls will be at least 2 feet higher than the stored material height to limit the amount of spillage over the push walls. The push walls will be on the west a net length of 28 feet and on the north a net length of 80 feet.
4. Loaders will place scoops into the transfer trailers located 25 feet from the east side of the pad using roll-out buckets. So 15 feet of the east side of the pad will be needed for the loaders to maneuver towards the trucks, leaving a net wall storage space of 65 feet on the north wall.

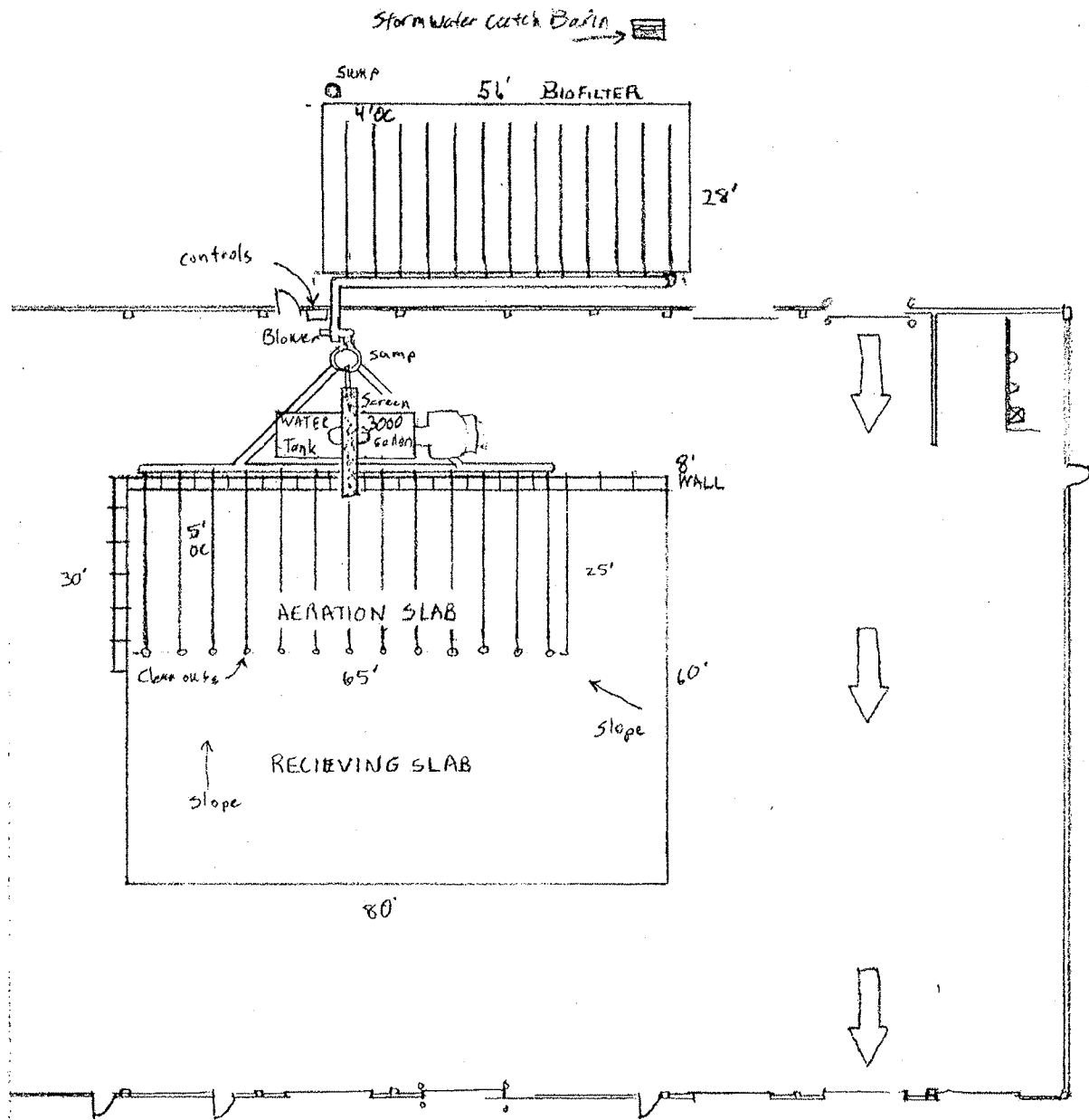
5. Considering the above handling area needs, the pushed up material storage area available for this design is 20 foot wide, by 6 foot tall by 65 feet long or 288 cubic yards capacity. Client requested aerated storage capacity is 200 cubic yards which would take up only 45 feet of this length. To improve the area available for loader mixing, and striving for first in/first out staging, it is recommended that an equivalent area of one extra truck load be designed into the aeration floor to allow for these issues. It is also suggested that at least five more feet in width be exposed at the base of the pile to allow liquids on the pad to be collected into the aeration system. The mixing and receiving areas outside of the aeration area should slope to drain towards the aeration area. An overall aeration area of 25 feet by 65 feet is recommended. The pipe spacing for the 13 pipes aligned north and south, should be 5 feet on center starting 2.5 feet from the interior of the west wall. The sparkers from each pipe can be 2 to 4 foot on center depending on the sparger outlet orifice diameter limitations engineered to get even air distribution in the pipes.
6. The blower capacity design must assume that at most the aeration floor coverage would leave over $1/3^{\text{rd}}$ of the pad exposed without materials on it during over night, and more generally over $2/3^{\text{rd}}$ of the pad exposed during operation. So the blower motors should allow for a wide range of pressures and it is good to design the floor nozzles with enough back pressure to reduce the over-amping of the blower motors.
7. A 1,625 square foot area needs to be aerated at a rate of 3 cubic feet per minute per square foot of aerated area. This is the minimum amount needed to keep pile temperatures below 40 degrees C in a 6 foot tall pile of fresh food waste and yard waste. Blower capacity will need to deliver up to 5,000 cfm at over 15 inches water column at the pad surface not counting any of the system losses through the nozzle, ducting, sump and biofilter. As far as the orifice design size, the Sparger nozzle velocity should exceed 80 feet per second to assure self cleaning of the nozzle. It is not recommended that this aeration system be turned off automatically using timers or variable frequency drives, but only manually switched off when the pad is empty and clean at the end of a work day. The media back pressure can range from zero when empty to 3 inches water column when filled at 6 feet deep.
8. Based on the desire to have liquids removed from an essentially flat receiving pad, and the desire to treat as much air coming from the stored piles as possible, it is suggested that the aeration mode be only suction and not pressure. This then requires a good method to remove solids and liquids that will be pulled into the aeration pipes during continuous aeration cycles.
9. The manifold and blower system with water and debris removal is best located in the center of the north push-wall to the North in the 25 foot wide open area in the building. All pipes will flow to a collection sump and the blower will induce suction to the system at the collection sump vertically. The collection sump volume allows the air velocity to slow down to allow debris to also drop out of the air stream. A small chopper pump is used to remove liquid and debris from the sump using float switches. The debris is removed from the water using a small rotary screen with $1/4$ inch openings, which deposits the debris back onto the aeration pad. The liquid is deposited into a 3,000 gallon storage and treatment tank which is provided with pressurized fine pore bubble system to keep the contents aerobic. The suction side of the blower is

connected to the collection sump and the pressure side of the blower is connected to the biofilter ducting which leads outside to the north.

10. The biofilter will be used to treat the air stream from the aeration pad. The biofilter loading will be less than 5 cfm per square foot of biofilter effective floor area. For a 5,000 cfm maximum blower volume this is at least a 1,000 ft² system. The biofilter will be constructed at a four foot depth and be comprised of ground stump wood or screened woody overs from composting. Biofilter media back pressure may range from 0.5 to 4 inches water column as it settles and becomes saturated. The 60 foot long and 40 foot wide outside area north of the aeration pad and between the storm drain, the overhead door opening and the man door is the best location for the biofilter. The biofilter foot print will be 58 feet by 28 feet laid on the surface of the pavement. The distribution pipes will be four foot on center and have sparger outlets placed every two to four feet along the length depending on the air flow distribution needs of the mechanical engineer to provide even flow from each orifice. A perimeter collection berm or trench and sump will be used to collect excess stormwater and condensate drainage from the biofilter. A ¾ inch domestic water hose automatic sprinkler system will be used to maintain adequate moisture in the biofilter.

Aeration and Leachate System Materials and Equipment Source List

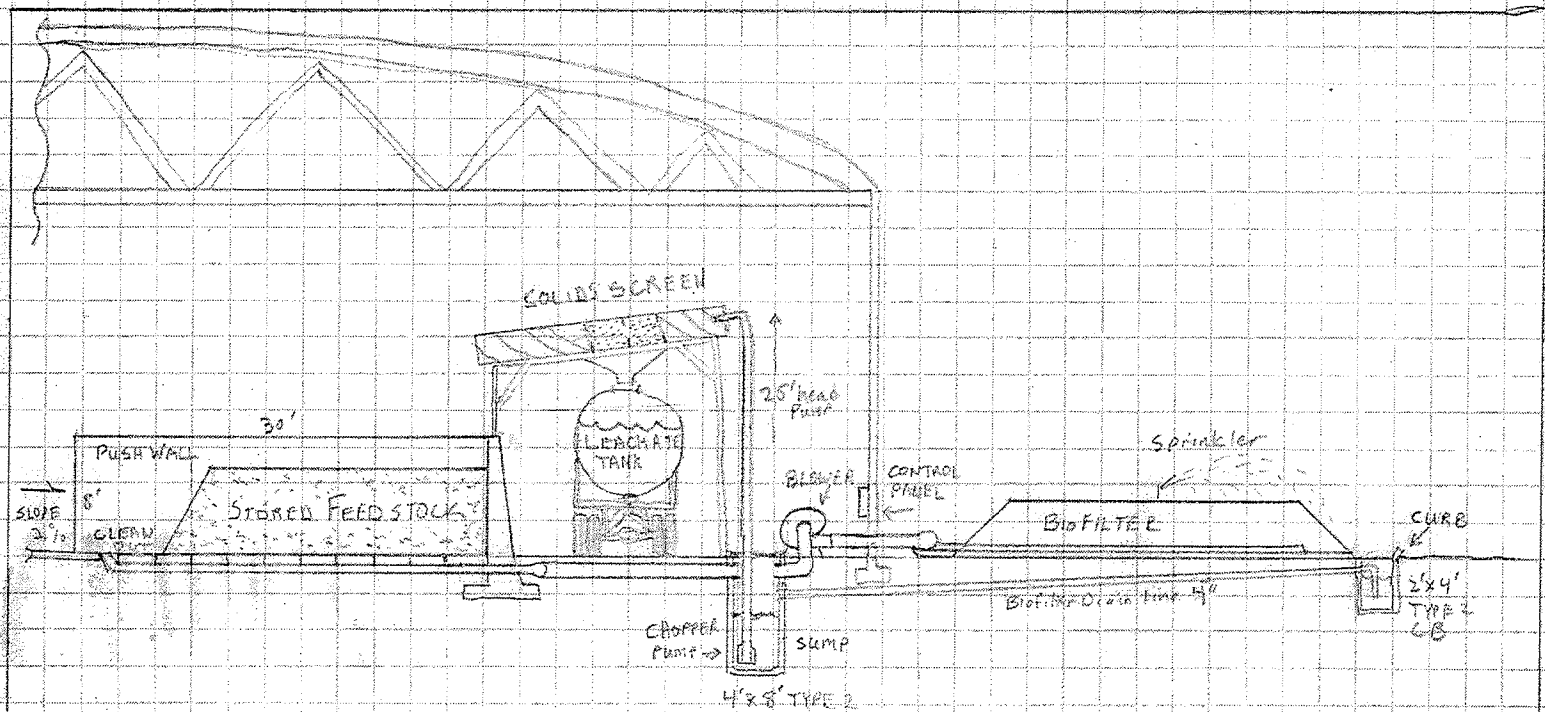
- Blower should be all stainless steel construction except shaft and motor or alternatively fiberglass. The blower may be sourced from Doug Giese at Applied Systems.
- Vaughn Chopper Pumps has a vertical pump that allows the motor to be out of the confined space.
- ADS pipe has done this kind of manifold for me in the past they are out of Battle Ground in Washington State.



FOSTER ROAD AERATION SLAB DESIGN PLAN VIEW
 COMPOST DESIGN SERVICES
 DRAWN BY JEFF GAGE 9/27/2010

↑
NORTH

1" = 20'

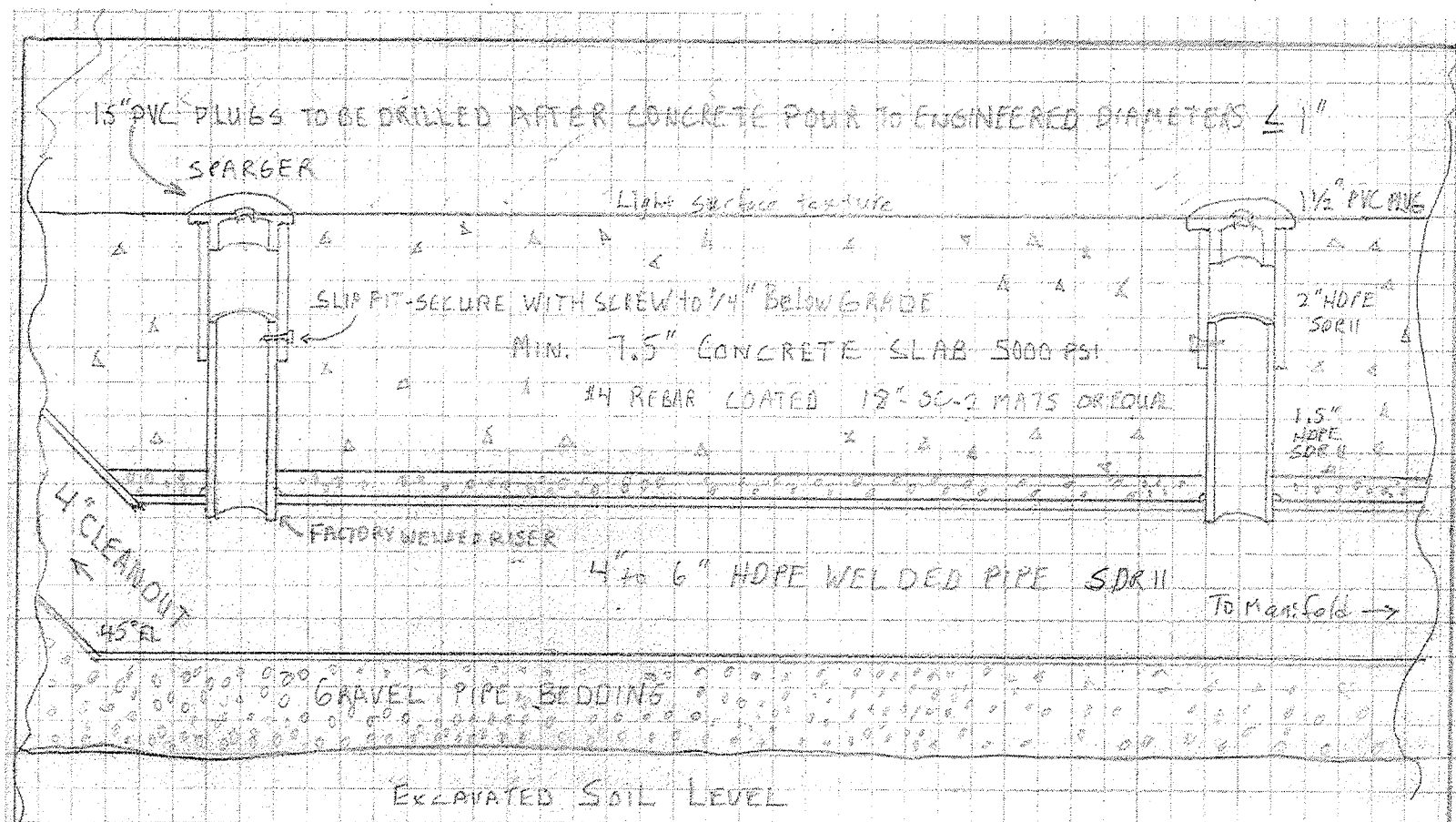


FOSTER ROAD AERATION SYSTEM EAST ELEVATION

SEPT. 29, 2010

COMPOST DESIGN SERVICES DRAWN BY JEFF GAGE

SCALE 1" = 10'



FOSTER ROAD AERATION PAD DISTRIBUTION PIPE DETAIL

COMPOST DESIGN SERVICES

DRAWN BY JEFF GAGE

SEPT 27 2010

SCALE 1" = 4"

L



HOLTECH - Civil and Environmental Engineering LLC
901 N Brutscher St. Newberg, OR 97132
Phone: 503-538-6830

July 26, 2011

Ame LeCocq
Environmental Specialist
Recology
6161 NW 61st Avenue
Portland, OR 97210

RE: Engineering Review of Foster Road Organics Receiving System Design

Dear Ame:

At your request, I have reviewed the Foster Road Organics Receiving System Design prepared by Jeff Gage, the plans for the Foster Road Organic Receiving System prepared by PBS and the comments prepared by Shaw Environmental for this Project. As you know, I am a registered Professional Engineer in the disciplines of Civil and Environmental Engineering and have been practicing for 35 years. In that time, I have worked on soil and groundwater investigations, design and construction of remedial systems for the cleanup of soil and groundwater contamination, landfill design and construction and several other areas, which gives me understanding not only of the subject system but of the potential of contamination from the operation of this system.

The Pad Design

The basis of design prepared by Jeff Gage in the September of 2010 report on design components for the subject project outlines the design criteria for the pad. The requirement by Recology was that the pad needs to handle 200 Cubic yards (or 5400 cubic feet) of material at any one time. With a 6 foot depth, the pile on the pad would need to cover a 900 square foot area or an area 20 feet x 45 feet. However, a pad of this size would not be adequate for mixing of the material or for allowing older material to be loaded out first. An additional 20' was added to the width to meet these requirements. Additionally, concerns that the pad would catch all the leachate from the trucks necessitated the addition of 5 feet onto the front of the pad so that total pad size was increased to 25 feet x 65 feet. With these additions the pad design prevents leachate from the trucks from escaping the collection system and also allows the old material to be removed first, reducing any potential for vector problems.

Blower Design

The above pad is designed to be 1,625 square feet. Proper operation of the pad requires about 3 cubic feet per minute (cfm) per square foot of aerated area. This is nearly 5,000 cfm. The blower also needs to produce this flow with at least 15 inches of water column at the level of the pad. The media back pressure can vary from zero when the pad is empty to 3 inches of water column when filled 6 feet deep. Because of the pressure differential, air will be pulled from outside the pad area into the pad, reducing odors emanating from the material on the pad.

Collection Piping

The design of the air/leachate collection system has 13 rows of air suction nozzles and each row has 10 nozzles for a total of 130 nozzles over the area of the pad. The maximum flow through each nozzle will be approximately 40 cfm. The nozzle diameters are designed to be 1 inch. This will provide a flow of well over the required 80 feet per second needed for self-cleaning. This allows the system to operate trouble free.

The collection piping is sloped so the leachate collected through the nozzles will flow by gravity into a collection sump. As leachate flows into the sump, the air passes through the sump and exits vertically flowing through the blower and into the biofilter. The collection sump allows the water and debris to separate from the air and collect

in the bottom of the sump before it is removed by a liquid pump and placed into a tank which has an aerator to prevent the water from going anaerobic.

The collection piping system and the sump were to be constructed of High Density Polyethylene (HDPE). This is a very strong chemical resistant plastic that is used in the leachate collection systems to subtitle D landfills. Once the system is constructed and passes leak testing, it will operate without leaking. The underground portion of the system is also designed to be under negative pressure. This means that if in the highly unlikely event that a hole did occur in the underground piping, water or air would be pulled into the system from the surrounding soils. If that happened, the leak would be detected simply because the system would not be operating as effectively.

I noticed that in the PBS drawings they have specified PVC covered steel for the below ground leachate piping. While this is adequate for the aboveground portion of the system, I would recommend HDPE for the underground portion simply because of its strength, resistance to chemical attack and its ductility.

Biofilter

A typical biofilter specification calls for a loading rate of between 3 and 6 scfm per square foot of treatment area. The design of the biofilter in this project is targeted to have less than 5 cfm per square foot of area. For a system that has a maximum capacity of 5,000 cfm, a system with at least 1,000 square feet of surface area will be required. The specification also calls for using ground stump wood or screened woody "overs" from composting. The Back pressure may range from .5 to .4 inches of water column. These specifications are consistent with standard Biofilter technology.

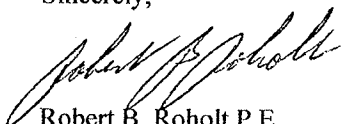
Conclusion

The objections to the installation of this system center on the lack of understanding of the system and its potential effects on the environment. This system, as designed, will minimize odors caused by the biological breakdown of the food material. The Leachate coming in with the food material, will be collected by the system, aerated to reduce biological activity, and discharged to the sanitary system. The underground piping will be tested to assure that it will not leak. However, even if a leak developed over years of use, because the piping is constantly under a vacuum, the worse thing that would happen is that effectiveness of the vacuum blower would be reduced at the pad.

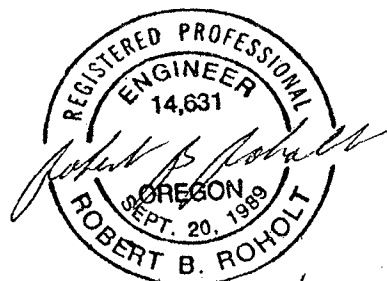
With the exception of the use of PVC covered metal for the underground piping versus the design requirements of the system stipulating HDPE, I find nothing wrong with the design of the system.

In my opinion, Recology's organic receiving system satisfies the criteria of City of Portland Codes 33.815.220C,D,E, (Mining and Waste Related) and 33.254.040.B (Operations) because materials will be handled indoors on an engineered pad designed to collect the odor laden air and leachate and the system will be operated in a manner that minimizes the potential for vectors.

Sincerely,



Robert B. Roholt P.E.
Civil and Environmental Engineer



Expires 12/31/2012

M

Compost Design Services

July 25th, 2011

Ame LeCocq
Regional Environmental Compliance Manager
Recology Oregon Material Recovery
6161 NW 61st Avenue
Portland, Oregon 97210

RE: Environmental System Design Review of the Foster Road Organics Receiving System

Dear Ms. LeCocq,

At your request, I have reviewed the document that was submitted by Shaw Environmental, Inc. (SEI) in regards to the Review and Assessment of Technical Merits of City of Portland Project LU 10-194818 CU – Recology Expansion. I have also reviewed the Operations Plan Recology Oregon Material Recovery - Foster Road Recovery Facility July 1, 2011 and the Foster Road Nuisance Mitigation Plan April 2011, as well as the Stormwater Pollution Control Plan- Freeway Land II Industrial Park, updated June 1, 2011.

As the principal for Compost Design Services, a past contractor to SEI on design of organic waste processing facilities, and the primary technology designer for the organics transfer station portion of the Foster Road Recovery Facility, I am qualified to respond to some of the misconceptions and concerns that SEI has brought up regarding your proposed organics management and control systems.

In Exhibit A SEI has consistently responded to the Executive Summary Review and Response to Decision of Hearings Officer that the applicant did not submit technical or supporting documentation showing that the proposed operation will not result in significant health or safety risk to nearby uses. SEI further asserts that the applicant did not indicate how it will comply with City rules. While they state they have considerable experience in the design and permitting of material recovery facilities, they seem not to understand how the proposed structures, handling systems and operations will be able to meet or exceed current city rules and meet DEQ regulatory requirements for these systems. The fact that all the technical background information is not submitted for their own expert review, does not mean the proposed systems do not have it, or will not be operated appropriately to meet these requirements.

The proposed project has developed engineered plans that may not be part of the land use application record that have been prepared for the subsequent permit requirements for building, solid waste, and stormwater permits. These include the proposed construction details, operating methods, and engineering assessment of the existing structures by PBS Engineers, they cover the following project features:

- Queuing and traffic patterns
- Impervious concrete pads inspection reports,
- Engineered leachate collection and treatment systems,

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- Full enclosure of the organics receiving and reloading operations,
- Forced negative aeration of received organic wastes,
- Bio-filtration of aeration system air and leachate collection/treatment system gasses,
- Equipment and floor wash down systems and collection/treatment/disposal of wash water.
- Vector control and habitat reduction
- First in/first out waste handling and peak waste volume management plans
- Site safety features and adherence to building and OSHA codes

These are just a few of the engineered systems and engineer reviewed components of the existing structures that are proposed to be used and implemented by the applicant. In my best professional judgment, these are all components of proper solid waste facility transfer station design, and they will significantly limit and minimize health and safety risk to nearby uses.

The process of a Land Use decision is to assure that all such protective systems are proposed for this development, and then require that those systems are implemented, and meet the performance requirements of the rules. Documenting all calculations and validating all claims of the proposed engineered systems is not a requirement for land use approval beyond the stamp and approval of the registered engineer. Further it is not possible within land use proceedings to assure that these protective engineered systems are built to specification, and are put in place are operated and maintained to meet the engineered designs. Such implementation and operational issues are the role of the DEQ and Metro solid waste permitting agencies, the City building department, and the Bureau of Environmental Services. All of which have been described in the application as being agencies to which approvals and oversight will be sought for this development. Regarding the organic waste management systems proposed, I am qualified to comment on and provide further background, technical and supporting documentation to some of SEI's questions.

Exhibit A - Page 3 of 58 Odor: The designed system includes full recognition and accommodation for the stated characteristics of food wastes, including high to excessive moisture content ranging from 65% to free liquids that would be received on the sloped, aeration pad. The pad is designed to slope to the drains, and the drains are maintained in suction by the air system by providing at least 5 inches water column at each orifice. A significant number of drains exist to allow drainage even as materials accumulate or move on the aeration slab. Minor clogging of these systems is expected and redundancy and maintenance, as well as a non-restricting orifice design are being used to accommodate these issues. A large separation sump slows the air speed, and changes air flow direction vertically to separate the liquid from the odorous air. The leachate in the sump is kept to a maximum depth by a sump pump, which pumps the excess leachate to the above ground storage tank. Both the sump and the storage tank are aerated to meet the BOD levels in the leachate. This system is similar to designs used for the past 12 years at the Compost Factory in Puyallup Washington. Based on my professional experience, and my direct personal operation of these air floors for over a decade, it is my best professional judgement that these drains as designed will work well in practice, and drain liquids and maintain air flow through the majority of any piled organic wastes.

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In addition to managing drainage and clogging, the system is designed to pull odors from the free airspaces surrounding the food waste. The volume of air was designed to keep a six foot tall pile not only oxygenated to reduce the formation of sulfur based malodors, but also to keep the piles cool to allow the expected low pH of the food waste to rise, which will reduce the formation and release of volatile fatty acids and volatile nitrogen compounds in the piles.

In addition to managing drainage and reducing the release and formation of volatile odorous compounds, the system is designed to treat the collected air to remove these compounds in an engineered biofilter system that allows over 45 seconds of retention, through a moist organic media made of ground wood and finished compost. Engineered bio-filters that I have assisted in design and operated with these loading rates and media selections have had over 14 years of odor reduction that is acceptable to neighboring communities in Puyallup, Washington.

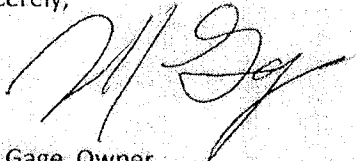
In my best professional judgment, engineered biofilters are the best available odor control system for compost facilities and organic waste management transfer stations and are accepted and approved for this purpose by most air quality agencies nationwide. If SEI disagreed with these air agencies, they would have said that these are not good control systems, and not just request more details to second guess our specific engineered design.

Load inspection, hazardous waste, odors, vectors, dust, air and noise pollution issues are further addressed in the facility Operation Plan and Nuisance Mitigation Plan that are required for solid waste permitting, and are available from Recology.

The issues brought up by SEI regarding stormwater pollution have been addressed in the facility operation plan and in the lease holder's Stormwater Pollution Control Plan that was updated in June 2011 and includes the proposed outdoor activities of Recology. Indoor washing of vehicles and the collection and off-site disposal or re-use of the wash water would not require an NPDES permit for this site, as there is no discharge or exposure to the environment on this site.

I hope this helps to clarify the issues brought up by SEI and is useful to the City Council in understanding the facility's designs.

Sincerely,



Jeff Gage, Owner

Compost Design Services

Unit 3480 Box 71

DPO, AA 34022

Compost Design Services

Professional Experience of Jeffrey P. Gage

Owner - Compost Design Services Olympia, Washington November 2008 to Present

- Start-up assistance for Renewable Carbon Management In-vessel compost system at USDA Beltsville Maryland Compost Research Facility
- Initial system design for U.S. Botanical Gardens Production Facility on-site yard debris windrow composting facility Washington, D.C.
- Professional Technical Review of Onondaga County Resource Recovery Agency (NY) proposed ASP Composting System with O2 Compost
- Feasibility and design for Merriton International soil manufacturing facility in Fujian China
- Facility and process design expanded aerated composting system Recology Oregon, Aumsville
- Facility design & pilot food waste composting system startup Recology Nature's Needs, North Plains, OR
- Transfer station design for food waste and green waste processing and aerated storage system Recology Oregon Waste Recovery, Portland, OR
- Technology development for Green Mountain Technology large scale composting systems on Bainbridge Island, WA
- Facility design, odor control & legal permit activities for Cold Creek Compost in Ukiah, CA
- Director of composting programs and development of turnkey processing solutions for Vision Recycling in Fremont, CA
- Support ANTCO in Flagstaff, AZ in their legal land use issues with County regulators

Compost Facility Manager - Lenz Enterprises, Inc. Stanwood, Washington Nov. 2008 to Jan. 2011

- Responsible for directing employees and installing and operating new process controls and methods to reduce odors, vectors and increase process efficiencies in a new compost facility handling paunch manure, broiler bedding and yard debris food waste using Aerated Static Piles and turned windrows. Scale up of facility capacity from 25 to 350 tons per day.

Director of Research & Development - Swanson Bark & Wood Products, Inc. Longview, WA, Feb. 2005 to Nov. 2008 -

- Responsible for regulatory permitting and compliance for solid waste, stormwater, and air permits at six compost and yard debris collection sites in Oregon and Washington
- Market development and web page development for composted products, mulch, tools manufactured soil, and green roof media at <http://www.compostproducts.com>
- Representation of 4 companies to regulatory, policy and industry groups in WA and OR Developed Pathogen BMP's and Odor Management for Advanced Operator Training
- Design and test manufactured soil mixtures for proper growth in retail mixes
- Erosion Control and Sediment Control Lead Certification from the Washington State DOE

Owner - Compost Design Services Olympia, WA, March 2002 to February 2005 -

- Design for food, paper & yard debris composting facility in Vancouver WA for Waste Connections
- Washington Corrections Center in Shelton, Washington food waste handling system analysis anaerobic digestion and composting, with Economic & Engineering Services, Olympia
- Development of aerobic turned mass bed system for Little Hanaford Farms, Centralia, Washington for odor best management practices establishment for air permit, waste permits

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- Consultant to Earth Tech for Edmonton MSW/biosolids compost facility remediation and temporary diversion from compost system support.
- Sub-contractor to Tetra Tech Infrastructure Services Group on Inland Empire Compost Facility design for biosolids and green waste composting operations
- Evaluator for London Remade compost & collection systems contracts with emphasis on Eco-site composting education center
- Bid evaluations for Waste Recycling Action Programme for compost facility funding and guest trainer for the Landmark Compost Training
- California Integrated Waste Management Board (CIWMB) seminar development for compost facility operators and regulatory officials on odor management programs
- City of Tacoma food waste composting feasibility study with Parametrix
- Sub-contractor to Shaw Environmental to provide updated permit compliance for Boise Cascade Wallula Paper pulp mill sludge and paunch manure composting facility
- Portland Metro Health Agency odor remediation compliance inspector on food waste odor violations at American Compost & Recycling after lentil waste acceptance.
- Sandoval County New Mexico In-vessel compost facility startup support and training
- Developed the Field Guide to Verifying Soil Quality and Depth in New Landscapes for Snohomish County in conjunction with Stenn Design

Director of Recycling Services - Pierce Co. Recycling, Composting & Disposal d.b.a. LRI, Puyallup, WA, 1987-2002

- Responsible for creating and managing LRI's recycling services county-wide under contract for Pierce County Public Works, including curbside collection, drop-off and buy-back centers and composting infrastructure through policy development, pilot design & demonstration, equipment specification, permitting, construction, operation and market development. Substantially assisted in the County attaining a 50% recycling rate by 1995.
- Developed the 120 ton per day Pierce County Compost Facility. Managed for environmental compliance on odors, noise and operations permits, worker safety, product quality requirements and marketed products, research on biological disease control agents production, golf course use of compost for fairways
- Developed a Green Mulch land application program. Obtained State Environmental Excellence Program approval for use of this product. Performed applied research and market development on 5 day old composted yard debris or Green Mulch on corn, triticale, beets, rhubarb, strawberries, daffodils, tulips, raspberries, blueberries, in conjunction with Washington State University Puyallup Research Station (WSU) soil scientists Andy Bary and Craig Cogger, for Knutzen Farms, Terries Berries, Moseby Brothers Farms in Sumner and Puyallup
- Set up a 27 ton per day in-vessel composting operation for food waste, green waste, and Biosolids. <http://www.composter.com/composting/naturtech/facilities.html>
- Designed developed and managed the Compost Factory, a 220 ton per day food waste, green waste, manure and Biosolids compost facility located in a densely populated area in Puyallup's South Hill. http://www.lrilandfill.com/list_slide_shows.asp
- Bio-nutrient workshop presentations for USDA, and the US Composting Council
- Compost use in stormwater bio-swales, Biological Disease Control Agents Clean Washington Center

Compost Design Services

Owner - Compost Design Services Seattle, WA, 1984 to 1987

- Co-created the Community Compost Education Program for Seattle Solid Waste Utility. Developed training manuals, brochures, slide shows, backyard bin designs, informational hot-line and trained over 50 Master Composters. Designed and installed the Backyard Compost Demonstration site at Seattle Tilth and at the Woodland Park Zoo.
- Created the Woodland Park Zoo "Zoo Doo" program, managing daily composting activities, working with health officials to research pathogen destruction during composting, developing markets for composted Zoo Doo, and developing specifications for manufactured soils for the Asian Forest Exhibit. Pathogen research on risk factors with health department.
- Seattle Parks Department organics management plan for five of their facilities.
- Facility design, land use approval and planning for Cedar Grove Compost in King County.
- Design and permit Longacres racetrack compost site.

Early Volunteer/Training Positions

- 1984 - 1987 Seattle Tilth Association sustainable urban food production education program volunteer and demonstration green house and garden design, installation and maintenance, individual research on soil quality and composting using extensive organic farming and gardening library.
- Permaculture Institute of North America trained as Permaculture Designer 1985 on integrated sustainable agriculture systems design with focus on soil quality and acceleration of natural soil building functions.

Professional memberships

Board of Directors, Washington Organic Recycling Council (WORC) – 1992 to 2011

U.S. Composting Council Director 1996 to 2004, Member of Professional Credentials Committee and Legislative and Environmental Affairs Committee – 1996 to present

Board of Directors, Washington State Recycling Assn. (WSRA) – 1989 to 1991, 2006-2010

Board of Directors Compost Council of Oregon – 2005 to 2008

Steering/ Policy Committees

Governors' Climate Action Team, Beyond Waste Implementation Working Group 2008

Washington State Dept of Agriculture Fertilizer Advisory Board, 1998 to 2010

State Solid Waste Advisory Committee, representing WORC - 1994, WSRA - 1990

State Solid Waste Rule Committee for developing WAC 173-350 - 1998-2001

Pierce County Solid Waste Advisory Committee ex-officio 1988 to 2001

Senate Select Committee on Solid Waste "Waste Not Washington Act" 1986-87

Technical certifications

Compost Facility Operator Certification, WORC, 1996, to 2010 Principal Course Instructor

Certificate of Competency for Manager of Landfill Operations, WSDOE, 2001

Manager of Compost Operations certification, SWANA, 2003

Certified Erosion and Sediment Control Lead, WSDOE 2008

Compost Design Services

Awards received

Environmental Achievement Award, City and State Magazine, 1993
Composter of the Year, U.S. Composting Council, 1995
Outstanding Achievements in Organics Recycling, WORC, 2001
Washington State Recycling Association, Recycler Hall of Fame 2011

Publications

Odor Management at Composting Facilities, JG Press, 2004
Biocycle Magazine: <http://www.biocycle.net/BCArticles/2001/060151.html> <http://www.environmental-expert.com/magazine/biocycle/june2000/article2.htm>
MSW Management: http://www.forester.net/msw_0101_planning.html
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Education

The Evergreen State College, Olympia, WA 1982 to 1984

B. A. Advanced Environmental Studies / Energy Systems. Academic focus on energy engineering, land use planning, community development and environmental laws, internship on cogeneration regulations and financing at Washington State Energy Office and air sampling and energy audits for Alsid, Snowden and Associates. Year long integrated studies program with primary focus on federal and state land use policies. Project on irrigation system designs for salts management in arid environments. Class team project for development of an inner city ministry's farm plan & conservation, Environmental Resource Center Staff for student activities 1983-84;

North Seattle Community College, Seattle, WA, 1980 to 1982

A. A. Science & Math with Environmental Geology, Botany, Drafting, ran the Energy Resource Center and began campus wide paper recycling system and community recycling drop station



OPERATIONS PLAN

RECOLOGY OREGON MATERIAL RECOVERY FOSTER ROAD RECOVERY FACILITY

**6400 SE 101ST AVENUE
PORTLAND, OREGON 97266**

July 1, 2011

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ACRONYMS AND ABBREVIATIONS

ACM	Asbestos-Containing Material
ACWM	Asbestos Containing Waste Material
DEQ	Oregon Department of Environmental Quality
ft	Foot
H&S	Health and Safety
MRF	Material Recovery Facility
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
OAR	Oregon Administrative Rule
PPE	Personal Protective Equipment
ROMR	Recology Oregon Material Recovery

I Introduction

1.1 Purpose

This Solid Waste Disposal Facility Operations Plan (SWFOP) was prepared in compliance with Oregon Administrative Rules (OAR) 340.096.0040(4). The SWFOP pertains to a Mixed Dry Solid Waste Material Recovery Facility and Source Separated Food Waste Reload Facility ("Facility"), operated by Recology Oregon Material Recovery (ROMR) and contains procedures for handling, storing, and processing mixed dry solid waste and source separated organics (which may consist of commercial food waste, and residential food scraps mixed with yard debris). Special waste procedures for asbestos-containing materials and mixed roofing wastes are also summarized in this operation plan.

The SWFOP is part of the supporting documentation required by the Oregon Department of Environmental Quality (DEQ) for Solid Waste Permit #1369. The facility also operates in accordance with Metro License #L-036-09A.

1.2 Regulatory Requirements

Operations at the ROMR facility will be in conformance with the requirements governing solid waste facilities as defined in OAR 340.093 through OAR 340.097, as well as the Metro Code Chapter 5.01.

Any time this operation plan is updated ROMR shall submit the updated plan to Metro and DEQ for approval.

1.3 Overview of Operations

ROMR operates in Building 4A and in an adjacent yard at the industrial Freeway Land Complex. The total 6.2 acre leased area includes Building 4A and the immediate surrounding asphalt area. A chain link fence surrounds the majority of ease area. Building 4A is completely enclosed and consists of a 46,500-square foot (sf) concrete floor that includes separate areas for tipping of mixed dry waste and organics, an aeration and liquids management system for the organics reload area, a break room, and an office. All waste materials are managed within this enclosed and covered inside the building with the exception of wood waste (e.g. C&D wood debris, yard debris that has not been commingled with food scraps, other wood debris,) and metal, which are managed both inside and outside Building 4A. All loads delivered to the facility are weighed on a single scale.

2 Facility Description

2.1 Site Location and Topography

The ROMR facility is located within an industrial park at 6400 SE 101st Avenue, Portland, Oregon in township 1 South, range 2 East, sections 15, 16, 21, and 22. The site is approximately one mile east of I-205 and one and one-half miles north of Mount Scott (see the attached figure). The industrial park is bordered to the north by Johnson Creek, to the east by residential properties, to the south by residential properties, and to the west by I-205. The site is primarily flat and consists of impervious surfaces.

2.2 Facility Layout Site Access and Egress

Most mixed dry solid waste is hauled to the facility in trucks that transport 40 cubic yard (cy) drop boxes. Incoming organic loads are typically delivered in front or side load garbage trucks. All trucks delivering waste to the facility will be required to weigh in at the scales. Loads of clean yard debris (not containing food scraps), wood, or metal will be tipped near the appropriate exterior container or stockpile area. Loads of mixed dry solid waste or source-separated recyclables are tipped inside Building 4A. Organics loads are tipped onto the aerated pad inside building 4A. After unloading, all trucks are required to weigh out at the scale before leaving the site.

At present, the access route leading to the scales, on the west and north sides of building 4A, is approximately 250 feet long and has sufficient space to accommodate six to seven trucks in queue. Trucks going from Building 4A to weigh out at the scale can also queue along the private access road on the south and west sides of the building.

Vehicles delivering waste to the facility will be instructed not to park or queue on public streets or roads, except under emergency conditions.

2.3 Storm and Sanitary Disposal

Mixed dry solid waste will be tipped, sorted, and processed inside Building 4A and will not be exposed to stormwater. Likewise, organic loads will be tipped and reloaded within building 4A, and not exposed to stormwater. Clean yard debris and wood will be stored in outside piles, and metal is stored in outdoor drop boxes. These materials will be in contact with rain and can generate stormwater runoff. However, best management practices (BMPs) will be implemented in accordance with the industrial complex's Stormwater Pollution Control Plan and the runoff will be monitored as part of the industrial complex's National Pollutant Discharge Elimination System (NPDES) stormwater permit.

BMPs listed in the stormwater pollution control plan (SWPCP) for the Freeway Land Complex (Appendix A) will be used to manage stormwater runoff. As stated in the SWPCP, the size and volume of the stockpiles precludes covering as a feasible BMP. Stormwater is treated as part of the overall Freeway Land Complex stormwater system, which includes oil/water separation and absorbent booms.

2.4 Leachate Management System

A leachate management system has been engineered for the organics tipping and reload area within Building 4A. Incoming organics are tipped onto an aerated pad that allows for liquids to drain from the material and collect within a storage tank. Collected leachate will be hauled offsite for disposal. Any equipment washing related to the organics reload will be performed over the aerated floor, so that wash water will be collected within the leachate collection system.

The mixed dry solid waste accepted at the facility is not expected to produce leachate inside Building 4A. Water used to mist loads, wash equipment, and wash down floors is contained inside the facility. Water that accumulates on the floor will be absorbed with wood chips, eco bags, booms, and/or absorbent materials. These materials will be scooped up with shovels or pushed with a loader into the residual waste pile, and loaded into a suitable container for disposal at an appropriate offsite disposal location.

2.5 Surface Water and Surface Drainage Control

The main stormwater drainage ditch for the industrial Freeway Land Complex is located in the southern portion of the site. The ditch begins at the south end of 101st Avenue and flows approximately 150 yards to the west before discharging to Johnson Creek.

A network of stormwater catch basins is placed between the buildings and in the paved parking areas. From these catch basins, branch lines are connected to the main storm sewer along 101st Avenue, which is connected to a culvert that begins at the sediment settling pond to the northeast at the Lakeside gravel storage area. The culvert collects storm-water from the eastern portion of the site and from the wetland area east of the Rinker sand storage area. All stormwater flows through the oil/water separator before it is discharged into the open ditch that empties into Johnson Creek. Please refer to the Stormwater Pollution Control Plan in Appendix A for a more detailed description of stormwater drainage and management at the site.

3 General Facility Operations

3.1 Hours of Operation

The ROMR facility will operate Monday through Saturday. Commercial and public vehicles will be accepted at the facility between 7 AM and 5 PM on week days and between 8:00 AM and 5:00 PM on Saturdays. The facility may operate more than 12 hours to accommodate incoming waste if necessary.

Two unloading bays will be used to tip incoming loads of mixed dry solid waste, allowing two trucks to tip simultaneously.

Four unloading bays will be used to tip incoming loads of organics, allowing four trucks to tip simultaneously.

3.2 Access Control

Access to the industrial Freeway Land site is controlled by a gate at the entrance from 101st Avenue. This entrance is the only access route to the site for pedestrians and vehicles. During non-business hours, the gate is closed and locked to prevent unauthorized entry and dumping. The site is surrounded by an existing fence.

Signs are used to direct vehicles that enter the Freeway Land Complex to the facility's scales. From the scales, vehicles are directed to Building 4A or outdoor areas to unload. After unloading, the vehicles weigh out at the scales to complete their transaction and then exit the site.

3.3 Reporting Requirements

The ROMR maintains records to document when and how much material enters and leaves the facility. Truck logs and scale tickets document the weight of both dry and organic waste loads entering the facility and the quantity of recyclable and residual material exported off site.

ROMR's management maintains all records for facility management purposes, Metro and DEQ reporting, and DEQ inspections. An annual report summarizing the weight of material is submitted to DEQ on a DEQ-approved form. Material weights are also reported to Metro monthly.

3.4 Opportunity to Recycle

All materials deemed recyclable are recycled. This may include, but is not limited to: wood waste (C&D wood debris), yard debris, metal, cardboard, certain plastics, asphalt shingles, and polystyrene foam separated from the mixed dry waste loads during sorting. As markets for other recyclables are developed, ROMR continually seeks to maximize diversion from landfilling.

3.5 Litter Prevention

In accordance with Section 5.7 of the facility's Metro License, operations personnel will keep all areas within the site and all vehicle access roads within ¼ mile of the lease area free of litter and debris generated as a result of the facility's operation. Regular litter patrols will be conducted by Recology staff for this purpose.

3.6 Vector Prevention and Control

All measures will be taken to control conditions which might attract and encourage vectors.

Vectors, such as flies, rodents, and birds, will be minimized by implementing good housekeeping procedures, and expediting the reloading and shipment offsite of incoming organics materials. ROMR does not anticipate incoming materials remaining onsite for any period longer than 24 hours. In the event of organics remaining onsite for more than 24 hours (such over a weekend), organics can be covered by ground clean yard debris or loaded into the semi-trailer used for transporting the material offsite. The trailer would be tarped and parked within the building, thus eliminating any accessible food source for vectors.

Additionally, ROMR will maintain a contract with an independent pest control company to ensure that vectors are not a concern.

3.7 Dust, Noise, Odor Prevention and Control

Numerous BMPs for nuisance control will be implemented at the facility in order to minimize potential nuisance conditions.

The facility is located within an industrial complex and surrounded by businesses that conduct operations with similar noise generating equipment. Noises generated by operations at the facility are consistent with normal industrial noise levels at the various operating facilities in the complex. All equipment has appropriate mufflers and other noise reducing mechanisms.

The organics operations are conducted within the building, and therefore do not significantly increase noises generated in the area. The blower for the aerated pad is also within the building. The selected blower will be rated for noise levels that do not exceed loader noise levels.

Odors are mitigated by the implementation of good housekeeping measures. In addition, odors generated from the organics will be mitigated with use of an aerated pad, where air will be pulled through the organics waste pile and treated through a biofilter. All incoming organics will be mixed with yard debris to assist in moisture absorption, which will also reduce odors. The reloading and shipment offsite of incoming organics waste will be expedited to ensure that materials are not stored onsite longer than necessary. Equipment used to load, unload and push organic wastes will be washed on a regular basis, with the wash water to be collected in the leachate collection system. Regular odor monitoring will be conducted by trained staff members in an effort to evaluate the effectiveness of these practices.

Fugitive dust emissions will be controlled by using water to mist loads as necessary. Water used for dust control inside Building 4A will be obtained from the potable water service in the building. If potable water does not sufficiently control dust, commercially available misting systems designed specifically for MRFs will be evaluated, purchased, and installed if necessary. A water truck will be used to control dust around the exterior stockpiles, scales, and access road, as needed.

3.8 Truck Washing Facilities

As required by the SWPCP, washing trucks is not permitted in outdoor areas of the Freeway Land Complex. Equipment will not be steam-cleaned or pressure washed in yards or outside of buildings. Equipment that needs to be washed will be washed inside building 4A. Low-pressure hoses will be used where feasible to remove dirt or trash from equipment. Soap will not be used in the washing process. To reduce odors, equipment used to load, unload, or push organics wastes will be washed on the aerated pad on a regular schedule, also inside building 4A. Wash water will be contained within the building on the floor by using temporary berms and absorbed with residuals, wood chips, eco bags, booms and/or other absorbent materials.

3.9 Facility Operation Equipment

Facility operation equipment used at the site includes the following:

- 1 small excavator
- 1 skid steer
- 2 front end loaders
- 1 grinder
- 1 large excavator
- 1 diesel forklift

3.9.1 Maintenance Records and Schedules

All equipment used in the onsite operations, as well as ROMR owned and/or operated vehicles used to transfer or transport solid waste to and from the facility is maintained to prevent leaks and spills from occurring. Vehicle maintenance is performed on a regularly scheduled basis by a Recology mechanic. Maintenance records for all ROMR operating equipment is maintained by the mechanic, and will be made available for inspection to Metro upon request.

3.10 Complaint Response Procedures

A sign is posted on the front of the scale office stating how customers can file a complaint. Complaints are able to be received in person or by phone. Each complaint received is entered into the onsite complaint log by a ROMR employee. The person filing the complaint is contacted if possible and informed how the complaint has been addressed. The complaint log contains the following:

- The nature of the complaint
- The date the complaint was received
- The name, address and telephone number of the person or persons making the complaint
- Actions taken by the operator in response to the complaint

Odor complaints will be investigated immediately by ROMR staff to attempt to determine the source, and remedy the deficiency or address the cause as soon as practicable.

4 Waste Handling Operations

4.1 Acceptable Waste

Acceptable materials include select loads of "dry," nonputrescible wastes containing a high percentage of recyclable materials. Acceptable recyclable materials (including source separated recyclables) are: corrugated, kraft, and mixed waste paper, ferrous and other metals, glass, plastics, yard debris, wood (includes, clean wood, painted and treated wood), construction and demolition wastes (including concrete, rock, brick, dry asphalt, and gypsum wallboard) land clearing debris, creosote-treated wood waste, mixed roofing waste (including composition roofing, asphalt shingles, cedar shake, tar paper, felt paper, and/or metal flashing), electronic waste (e-waste), waste tires, appliances (refrigerators, freezers, and air conditioners) and styrofoam. Additionally, the facility may accept loads of source separated food wastes from either commercial or residential collection efforts.

4.2 Prohibited and Unacceptable Waste

The ROMR facility is prohibited from receiving, processing, reloading or disposing of any solid waste not authorized in the Metro License or DEQ Solid Waste permit. The facility will not knowingly accept or retain any material amounts of the following types of waste: special wastes (friable and non-friable asbestos containing materials, septage and sewage sludge), lead acid batteries, liquid waste for disposal, vehicles, infectious, biological or pathological waste, radioactive waste, hazardous waste, wood treated with Pentachlorophenol or Copper Chromium Arsenic, built up roofing (which can include base sheets, coatings, tar, mastics, and roofing insulation), contaminated soils, and any waste prohibited by the DEQ, METRO Regional Government, or the City of Portland permits, codes or regulations. Prohibited wastes will be removed from the facility within 90 days of receipt unless required to be removed sooner by DEQ or a local government in accordance with ROMR's Metro License No. L-036-09A.

4.3 Asbestos Containing Waste Material

The ROMR facility at Foster Road is neither designed nor permitted to accept regulated asbestos containing waste materials (ACWM). As a result, our procedures are intended to exclude these materials from being knowingly received. If asbestos containing material is received, the basic procedure is to isolate that portion of the tip floor by cordoning it off with safety cones and/or tape, stop operations in that area until the ACWM is removed either by the generator or a licensed asbestos handling contractor. The material will be wetted down and double bagged for disposal. Sampling will only be performed by a trained and qualified individual. Laboratory analysis will be completed by a qualified independent laboratory.

Training: Prior to the ROMR facility receiving any dry waste material for sorting and recovery, ROMR supervisory personnel are trained in the following:

- Recognition of common friable and non-friable asbestos-containing waste material (ACWM), such as (but not limited to) built-up roofing and flat roofing.
- Procedures for handling ACWM. Employees are directed to not handle or disturb suspected ACWM, but rather to notify their supervisor, and cordon off the area to limit access.
- Procedures for inspecting incoming loads of dry waste for the presence of ACWM. (Employees are trained to identify layered roofing materials, and follow waste screening procedures).
- Emergency Response Procedures for handling suspected friable ACWM. Employees are directed to not handle or disturb suspected ACWM, but rather to notify their supervisor, and cordon off the area to limit access.

The supervisory personnel who have been trained then train sorting personnel and scale operations workers on the Special Waste Management Plan for ACWM and the above listed procedures. If any ACWM is suspected by these workers they will notify one of the supervisors so that the appropriate plan details can be implemented immediately. Every attempt will be made to identify and contact the generator of the material, to determine if asbestos sampling and testing have occurred.

Disposal: Friable or regulated ACWM will be disposed offsite within 90 days of receipt as required by ROMR's solid waste license.

4.4 Creosote-Treated Wood Waste

Creosote-treated wood waste will be accepted indoors and stored inside the building pending shipment offsite for grinding and use as hogged fuel. No grinding of creosote-treated wood will take place at the ROMR facility. Total accumulation of creosote treated wood will be limited to 40 tons at any one time. The material will be stored inside building 4A.

4.5 Mixed Roofing

All incoming loads of mixed roofing waste will be received and inspected in accordance with the Metro License. Loads containing mixed roofing waste will be unloaded, stored and reloaded inside Building 4A. No processing of mixed roofing waste will take place onsite. The procedure for accepting mixed roofing is as follows:

- Loads will be weighed in at the scale.
- Loads will be directed to Building 4A to dump and unload.

- Once tailgates are opened, loads will be visually inspected for unauthorized wastes prior to dumping.
- Unloaded mixed roofing will be inspected again for prohibited material.
- If unauthorized wastes are found, the load will be partially or fully rejected and the hauler will be required to remove the material from the facility.
- Any unauthorized wastes which cannot be returned to the hauler will be separated and shipped to an appropriate disposal facility.
- Any asbestos containing material will be separated and handled in accordance with section 4.3 as discussed above.
- Empty trucks will be reweighed to calculate the tonnage of material dumped and for tonnage record keeping.

Mixed roofing waste will only be stockpiled in the event of an equipment failure or until there is sufficient material for a full load. This material will be stored inside the building.

Even after the requested approval to receive and transship mixed roofing waste is received, the ROMR facility will not accept this material outside the building; mixed roofing waste will only be accepted inside the building.

4.6 Waste Receiving

Each incoming load will be observed by the facility tip floor staff and physically inspected and sorted by facility personnel trained to identify prohibited wastes. The outdoor scale will only be used for initial load screening (scale personnel will query customers as to the contents of the load and its origin) and to weigh loads in and out. Any load observed to contain prohibited wastes (see Section 4.2) will be rejected and/or reloaded. If prohibited materials (see Sections 4.2) are discovered in a load that has been tipped on the building floor, the prohibited wastes will be separated and reloaded for proper disposal offsite either by the generator or by an appropriately licensed contractor. In order to discourage attempts to dispose of unauthorized material ROMR will back charge all costs to the offending generator. If a pattern of recurring violation occurs, ROMR reserves the right to suspend facility privileges and/or seek legal remedy against the generator and/or hauler involved depending on the nature and severity of the issue.

Prohibited wastes will be disposed in a timely manner at an appropriate offsite disposal facility. In no case will prohibited waste remain on site for more than 90 days after receipt.

4.6.1 Incoming Waste

All loads will enter the facility through the SE 101st Avenue gate into the queuing area prior to the scale. All loads are weighed, and scale personnel will query each vehicle as to its contents so that the vehicle can be directed to the correct receiving area. Loads of already source separated dry waste materials are directed to the appropriate location for

unloading without having to be sorted through the dry waste material recovery portion of the facility.

4.6.2 Load Checking

Load checking activities begin at the scalehouse. Scale employees will query customers as to the origin and contents of the load, and are instructed to notify tip floor personnel if an incoming load has an obvious problem so that the tip floor personnel can screen this vehicle more closely. During the visual inspections at the tip floor, personnel are trained to identify any prohibited wastes, and attempt to stop the driver who delivered unacceptable materials before they leave the facility. Whenever possible, prohibited wastes will be reloaded onto the delivering vehicle.

4.6.3 Rejection Procedures

All loads containing prohibited or unauthorized waste will be partially or fully rejected by ROMR.

4.6.4 Storage and Processing

All dry mixed material loads will be unloaded inside building 4A as soon as practicable after the load has been accepted. Recyclable materials will be removed during processing and sorting and placed in containers and processed. Other materials will be loaded into containers for disposal. At least one sorting supervisor will be present during sorting to supervise the operation.

Wood waste (e.g. C&D wood debris, yard debris, other wood debris), metal, and yard debris separated from loads of mixed dry solid waste sorted in the MRF will be transported with front-end loaders or in drop boxes to the outside stockpile or drop box location adjacent to Building 4A.

Gypsum wallboard will be stockpiled directly in to a covered trailer and transported off site after enough volume for a load has accumulated.

Electronic Waste (E-Waste) will be collected and stored in inside Building 4A. Units will be stored in boxes or on pallets to prevent accidental breakage. E-Waste will be sent offsite for recycling. ROMR does not intend to dismantle, disassemble, grind, or shred E-Waste. If a CRT is broken, it will not be accepted and be returned to the hauler or generator. Broken CRTs (defined as open in any way, such as units with holes or shattered units) are required to undergo a hazardous waste determination, and must be hauled by and disposed of by a license hazardous waste company.

Appliances, such as refrigerators, freezers, and air conditioners will be collected and stored inside building 4A, in a controlled and orderly manner. Refrigerators and freezers will only be accepted if the doors have been removed. ROMR employees will be instructed to inspect these units carefully prior to receiving them, to ensure they are empty (no food wastes are remaining inside the units). Appliances will then be collected by a licensed

contracted vendor who will perform recovery of any remaining refrigerants and recycling of the units.

In accordance with the facility's Oregon DEQ Solid Waste Permit, the facility is permitted to accept up to 100 whole waste tires for storage and removal. Additionally, the facility is permitted to accept up to 2,000 whole waste tires as long as a contract is maintained with a waste tire carrier to remove the tires from the site. Waste tires will be collected and stored inside Building 4A, and kept from coming into contact with stormwater runoff.

Incoming loads of organics (food waste and green waste mixed with food scraps) will be directed to tip onto the aerated pad. A loader will be used to push the waste into the aerated stockpile, where additional yard debris or other green wastes may be blended into the stockpile. Liquids from this wastestream will be collected from the aerated pad into a storage tank and hauled offsite for disposal. Throughout the day, trailers will arrive at the facility to transport these materials offsite to a permitted composting facility. The reloading of organic wastes will be expedited to ensure that materials are not stored onsite longer than necessary.

Incoming loads of organics containing more than a minor amount of contamination (plastics or non-compostables) may be rejected, or re-directed to the Metro Central Transfer Station for sorting or pre-processing before being shipped to a compost facility.

Incoming loads of organics that have reached a state of decomposition sufficient enough to generate significant odors may be rejected, or mixed into larger amounts of yard debris to minimize the odors.

ROMR will minimize storage times to avoid unnecessary delays in processing the materials onsite.

4.6.5 Grinding Procedures

Wood waste (e.g. C&D wood debris, clean yard debris, other wood debris,) will be ground outside near the exterior stockpile locations. Painted or treated wood will be recycled for processing into hog fuel, and will be kept separate from any clean wood waste destined for use as compost feedstock.

No mixed roofing waste will be ground at the ROMR facility.

Water may be used to mist material prior to grinding to reduce dust generation, if needed to mitigate nuisance dust. Materials will be loaded into trucks for transportation offsite to appropriate reuse or disposal facilities. Wood chips or other residuals will be used to absorb water if needed.

4.6.6 Sorting and Recovery

A small excavator and/or a small front end loader and personnel on the floor will sort the dry waste for recyclables. Recycled materials will be placed into appropriate containers

and processed (examples: paper, cardboard, plastics, metals, Styrofoam, etc.) or removed to the source separated piles outside the building (examples: wood, clean yard debris, concrete, etc.).

In the future, ROMR plans to install a mechanical pick line to sort and recover recyclables. The mechanical pick line would likely consist of a conveyor and six to eight pick stations. Residuals would be loaded straight into semitrailers to be hauled directly off site.

4.6.7 Measuring

All incoming loads at the facility are weighed and weights recorded. In addition, all outgoing loads are weighed and recorded. Incoming and outgoing weight reports are generated for the DEQ and METRO Regional Government and available for other government agencies if requested.

4.6.8 Stockpile Management

ROMR Management will monitor the volume of incoming and outgoing materials, and adjust the flow of shipments accordingly to ensure that the size of the outdoor stockpiles do not become excessive in size. Additionally, in accordance with Section 4.6 of the Solid Waste Facility License, ROMR will ensure that no more than 10,000 tons of composition roofing will be stored or accumulated onsite at any one time.

4.7 Waste Control

The ROMR facility is contained in a covered building within an industrial complex, controlled by a central access point. Access by people and vehicles entering the facility are controlled by ROMR personnel. All loads are inspected. Signs listing acceptable materials are posted for the public to read. Prohibited wastes that can't be reloaded on the offender vehicle and rejected are isolated and stored prior to removal and disposal.

5 Inspection and Maintenance Schedule

All equipment is inspected daily, before use, for breakage, leaks, fluid levels, tire pressures, and wear and tear. The maintenance schedule is unique to each individual piece of equipment and maintained by an employee service technician. The cleaning/replacement of filters and oil and lubrication are done on a schedule or an as needed basis. The ROMR facility will be maintained using good housekeeping practices. All facility problems will be reported to the Operations Supervisor.

6 Contingency Plan

6.1 Safety Program

A designated safety manager conducts monthly safety committee meetings, inspections, and ensures that personal safety equipment is available and worn by the workers. All safety concerns, problems and violations shall be reported immediately to the ROMR Operations Manager and the Safety Manager.

6.2 Emergency Contacts

A detailed list of Emergency Contacts is included within the facility's Emergency Preparedness and Contingency Plan, which is kept onsite at the facility.

Fire / Medical Emergencies Dial:	911
METRO Solid Waste-	503-234-3000
ODEQ	503-229-5263
Oregon Emergency Response Service (OERS)	800-452-0311
ROMR Compliance Manager	503-849-9114
ROMR Safety Manager	503-753-2964
Spill Response- Oregon Emergency Response System	1-800-452-0311
Spill Response-National Response Center	1-800-424-8802

6.3 Emergency Access

Operations Supervisor: James Waterman – 503-849-3503

General Manager: Peter Branda – 503-501-7116

6.4 Personal Protective Equipment

All persons working in the Building doing sorting work or operating equipment will wear the following personal protective equipment (PPE): hard hat, safety glasses, gloves, safety shoes and hearing protection as appropriate.

6.5 On-Site Emergency Equipment

Fire extinguishers are mounted on the heavy equipment and at strategic locations in the building. Fire hydrants are located around the outside of building 4A. Portable eyewash stations are located in the building for eye flushing if needed.

6.6 Spill Prevention and Response Procedures

Oil absorbent materials including pads, booms, and diapers are stored near material storage areas. These materials will allow ROMR employees to quickly contain accidental spills or leaks resulting from equipment failure. Additional spill response procedures are outlined within the Emergency Preparedness and Contingency Plan for the facility.

6.7 Asbestos Waste Abatement Procedures

The ROMR facility has a Special Waste Management Plan for Asbestos Containing Waste Material (ACWM). This plan is located in Section 4.3.

6.8 Disposal Procedures for Prohibited Waste

Any prohibited waste that is discovered in a load brought to the ROMR facility will be addressed on an individual basis. For example, ACWM will be disposed of according to the ACWM plan and tires and lead acid batteries will be properly collected, stored, and sent to an appropriate recycler. All prohibited items will be disposed of properly.

7 Job Description and Training

7.1 Description of Personnel Duties

Building Supervisor: Supervises unloading of incoming vehicles, sorting of all loads for recyclables, and the recovery and placing all recyclables into the proper containers.

The supervisor will ensure that PPE is worn and safe practices are followed by all workers in the building. The supervisor will monitor the safe operation of equipment and workers in close proximity to the equipment. The supervisor will ensure good housekeeping practices are maintained continually. The supervisor will conduct weekly meetings with the workers and equipment operators to discuss safety and job tasks to be performed.

Building Equipment Operators: Equipment operators will check their equipment for fuel levels, leaks, breaks, excessive wearing of parts, fluid levels, and cleanliness prior to the start of their shift. Equipment operators will be alert and watch for workers in close proximity to the operation of their equipment. Equipment operators will sort and load materials as directed by the Supervisor.

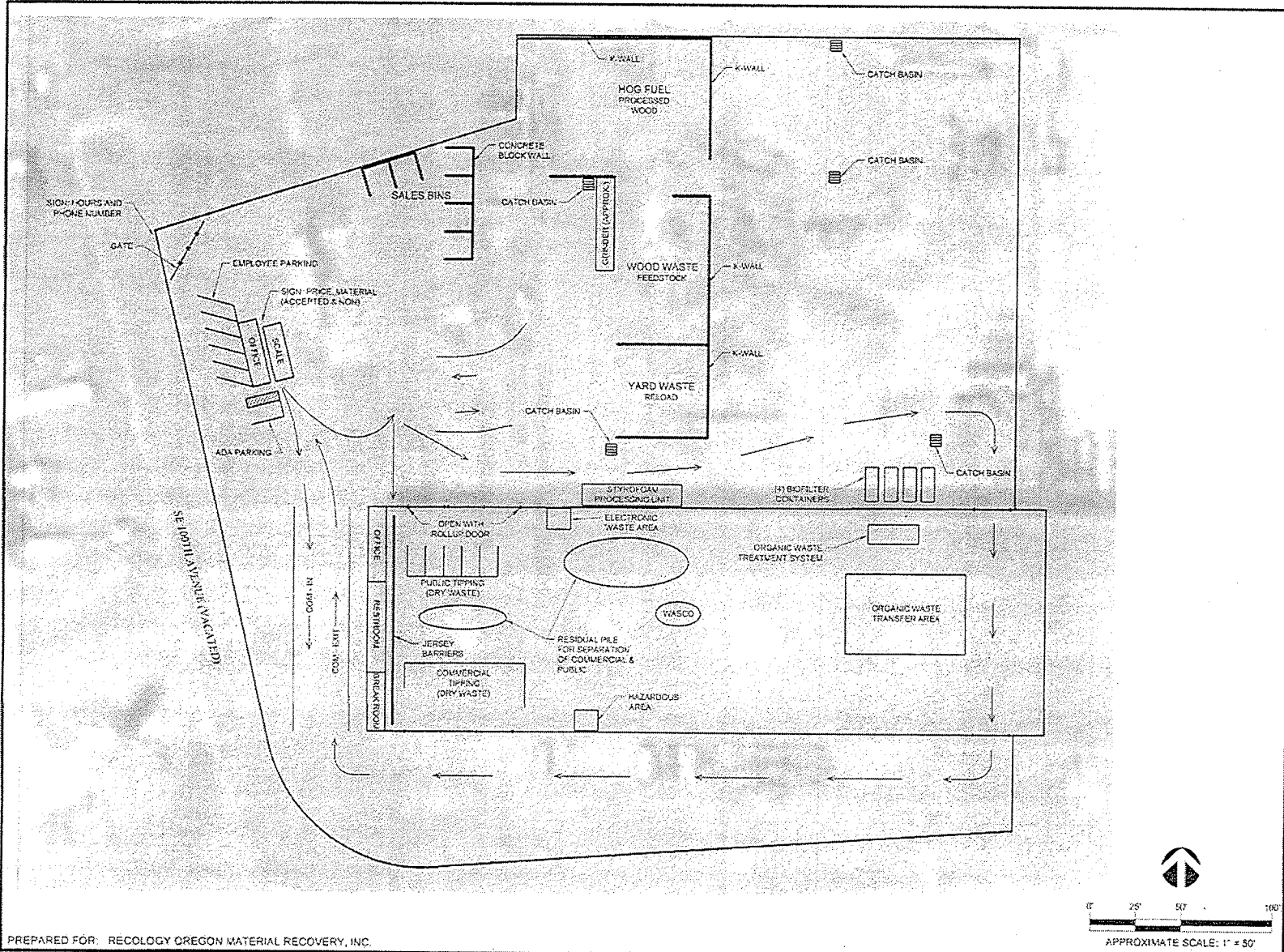
Building Workers (Sorters): Workers will wear the proper PPE as directed by the Supervisor while working in the facility. Workers will practice safe work habits at all times while on company property and in company vehicles. Workers will work at the direction of the Building Supervisor and report any problems or questions to the supervisor.

7.2 Personnel Training

All facility personnel will be trained on the following:

- Applicable operations equipment
- PPE to be worn and used properly.
- Emergency procedures including fire, medical, violence and accidents.
- Spill prevention and response.
- Firefighting equipment and procedures.
- Dust nuisance prevention and control procedures.
- Monitoring of all incoming loads.

Figure 1: Site Plan



PREPARED FOR: RECOLOGY OREGON MATERIAL RECOVERY, INC.



Engineering + Environmental
 1310 Main Street
 Vancouver, WA 98660
 360.690.4331 Main
 866.727.0140 Fax
 www.pbseiv.com

RECOLOGY OREGON MATERIAL RECOVERY, INC. - FOSTER ROAD
 6400 SE 101ST AVENUE
 PORTLAND, OREGON

SITE PLAN

PROJECT: 17543.000
 DATE: APRIL 2011
 FIGURE:

1

Forms

Complaint Log

Load Rejection Form

Foster Road Recovery Facility Complaint Log

Date	Nature of Complaint	Name/Address/Phone number of Complainant	Actions taken/Resolution



Unacceptable Waste Form

- ✓ Use this form to report and track unacceptable waste delivered to the facility. Information to complete this form is collected by Recology staff. Fill out the form and forward to the Operations Manager, via email with attached pictures for review and further action.

ROMR Facility Location: _____

Date of incident: _____ Outbound Scale Time: _____

Type of incident (check one): ☐ hospital ☐ hazmat ☐ asbestos containing waste ☐ other

If "other" is checked above, please specify: _____

Area: _____ Witness: _____

First Responder: _____ TIME: Start _____ End _____

Hauler info:

Company name: _____

Contact name: _____

Contact phone: _____

Trk. # _____

Generator info:

Generator name: _____

Contact name: _____

Contact phone: _____

Address: _____

Initial Inventory of waste:

Hazard Description (containers, commercial appearance?) Est. amount (gal. / lbs.)

Corrosive		
Toxic		
Flammable		
Medical Waste		
Asbestos Containing Waste		
Other		

Photos taken? Y N

Recology staff notified: Who: _____ Date: _____ Time: _____

Who: _____ Date: _____ Time: _____

Comments:

Form completed by: _____ Date: _____
(print name)

Was generator billed? _____ Yes _____ No

Expenses incurred (supplies, labor and disposal)

Contractor \$ _____ Internal \$ _____ Disposal \$ _____ Total \$ _____

Evidence of final disposition (Attach copy of correspondence, bill and additional supporting documentation):

_____ Removed by generator _____ signature Date: _____

By signing this statement, you are acknowledging that this material is unacceptable for disposal at this Recology Oregon Material Recovery Facility. It is your responsibility to find a legal disposal option for this material. DEQ will be notified that you have assumed responsibility for disposal of hazardous waste.

_____ Removed by hauler _____ signature Date: _____

By signing this statement, you are acknowledging that this material is unacceptable for disposal at this Recology Oregon Material Recovery Facility. It is your responsibility to find a legal disposal option for this material.

Appendix A: Stormwater Pollution Control Plan

**STORMWATER POLLUTION CONTROL PLAN
FREEWAY LAND II INDUSTRIAL PARK**

**6400 SE 101st Avenue
Portland, Multnomah County,
Oregon 97266**

June 1, 2010

**Site Contact:
Peter Trabusiner, Consultant
(509)521-6531**

**Site Owner, Operator:
Jameson Partners, LLC.
P.O. Box 10067
Portland, Oregon 97296-0067
(503) 226-3441**

**Permit: General 1200-Z
DEQ Site ID #: 110038**

**Freeway Land II Industrial Park
Stormwater Pollution Control Plan**

Review and Revision Log

Date of Review and/or Revision	Name/Title	Comment
July 1, 2008	StormwaterRx LLC/Stormwater Consultant	Revised SWPCP maps (aerial tenant views), Sections 2.1, 3.2, and 3.4
November 6, 2008	StormwaterRx LLC/Stormwater Consultant	Revised SWPCP: Sections 2.1, 2.4, 2.5, 3.1.7, 3.1.8, 3.3
February 11, 2009	StormwaterRx LLC/Stormwater Consultant	Revised SWPCP: maps and sections 2.1, 2.5, 3.4
May 12, 2009	StormwaterRx LLC/Stormwater Consultant	Revised SWPCP: PLC page 13, and insert PLC DEQ Solid Waste Disposal permit in Appendix
January 27, 2010	Aquarius Environmental	Revised SWPCP: section 3.1.10 and 3.1.11
June 1, 2010	Aquarius Environmental	Revised SWPCP: revised tenant list section 2.1, Recology activities Table 1, added final two paragraphs section 2.5, Pacific Belt tenant moved ops indoors

1.0 Introduction

This report presents the updated Stormwater Pollution Control Plan (SWPCP) for Freeway Land II Industrial Park (Freeway Land), located at 6400 Southeast 101st Avenue in Portland, Multnomah County, Oregon. The report has been prepared in accordance with the general permit National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit 1200-Z that was renewed for the facility by the Department of Environmental Quality (DEQ) on September 24, 2007, and will be effective until June 30, 2012.

2.0 Site Description

Freeway Land is located within an industrial and residential area of Portland, Oregon, approximately one mile east of East Portland Freeway 205 and one and one-half miles north of Mount Scott (Vicinity Map)¹. The site is bordered to the north by Johnson Creek, to the east by residential properties, to the south by residential properties, and to the west by residential dwellings and East Portland Freeway 205.

Site Address: 6400 SE 101st Avenue
Portland, Oregon 97266

Mailing Address: 6400 SE 101st Avenue
Portland, Oregon 97266

Legal Description: Township 1 South, Range 2 East, Section 22

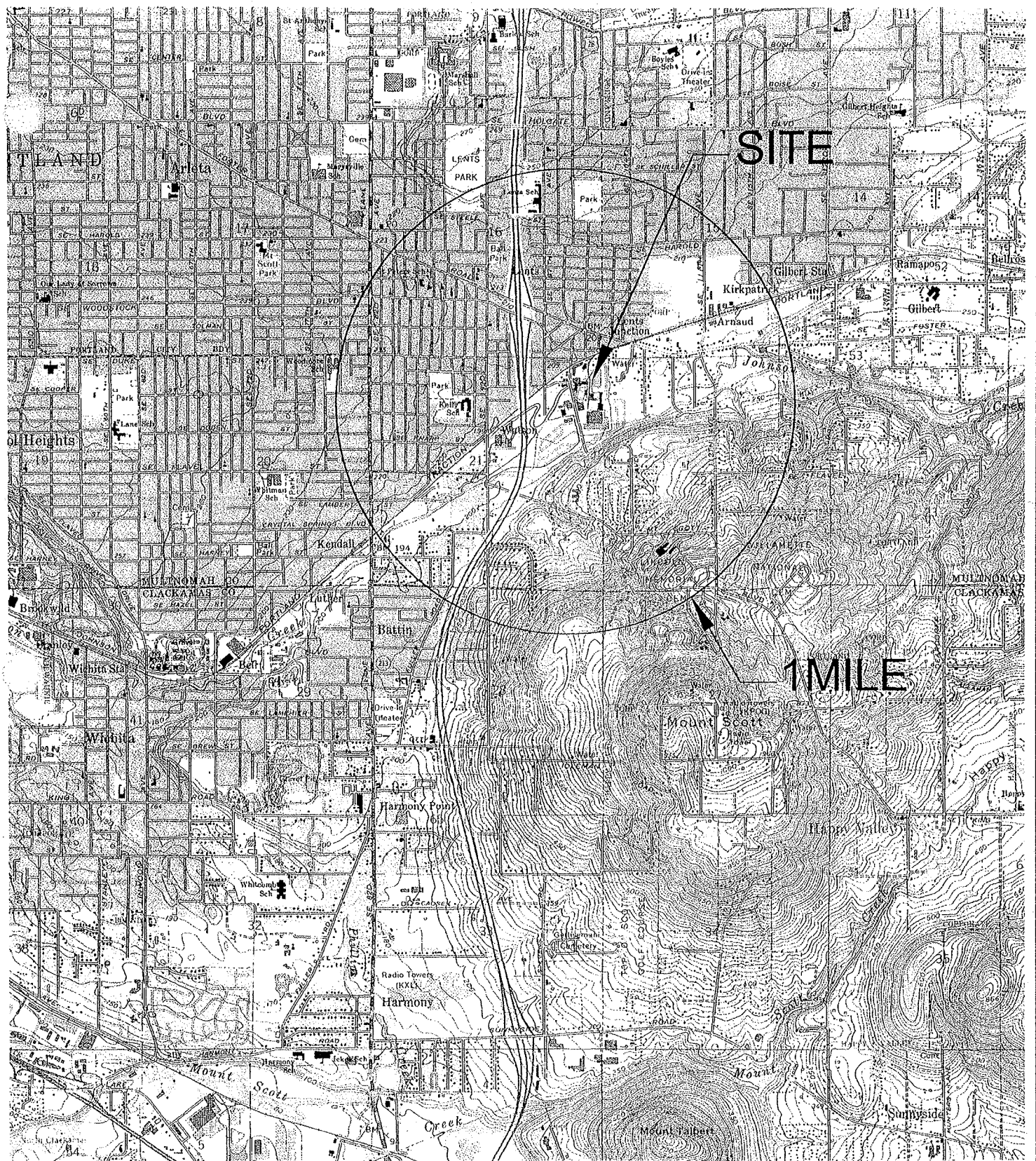
Tax Lot Number: 100

Latitude/longitude: North 45 degrees 27.30 minutes and West 122 degrees 33.41 minutes

Freeway Land Company, LLC, acquired the subject property in 1991 and began with site cleanup, major repairs to the deteriorating structures, modernization, installation, and bringing into code compliance site utilities and the infrastructure of the site. In 2006 the property was sold to Jameson Partners, LLC, and the site name was changed to Freeway Land II.


Jameson Partners, LLC, doing business as Freeway Land II, have been the owners of the Industrial Park at the current location since March 31, 2006. Exhibit A (below) lists current tenants and associated information.

¹ Ground Water in the East Portland Area, Oregon, U.S. Geological Survey Water-Supply Paper 1793, Geologic Map and Diagrammatic Sections of the East Portland Area, Oregon, showing the Locations of Representative Wells and Springs, 1965.



SHEET	REVISIONS		
	Rev	Date	Description
1			

VICINITY MAP FREEWAY LAND II INDUSTRIAL PARK PORTLAND, OR

Design: N/A	 www.aquariuserv.com
Draw: DEK	
Check: DEK	
Date: 5/20/2010	
Scale: N/A	

2.1

Industrial Activities Conducted Onsite

Exhibit A lists current tenants, their locations, and their associated industrial activities. Tenants in bold have SIC codes that require permitting per Table I of the Department of Environmental Quality NPDES General Permit number 1200z. The tenant industrial activities and individual maps are presented in the following Exhibit A and the Site Map. The Site Map shows the entire property and cross references Yard Site and Bldg Site numbers for the tables.

EXHIBIT A

Yard Site #	Bldg Site #	Tenant / Activity
Area U	4B	Apply-A-Line /Road marking
Area N1		Baker Tanks / Rental Tank storage
Area P, V		CEMEX / Ready-mix concrete
Area W	4-D	CEMEX truck repair shop
Area D1 (south)		Cindy's Concrete / Truck parking
Area A1, A2, A3		CNI Trucking / Trailer storage
Area B3, B4, R5, R6, N3		Dean Innovations / Trailer storage
Area R2, O, X	1B, 1F	Design Space Modular / Modular office-trailer storage
Area G2, G3 (north)	1-A	Elder Demolition / Construction
Area R4		Feed Commodities /Baked goods recycling
Area E2		Flannery Drop Box / Trailer storage
Area P		Haulaway / Steel box storage
Area E1		Lakeside Industries / Asphalt plant
Area R1		LDN Excavation / Utilities excavation
		Leininger Construction
Area M	1-D	Les Schwab /Mobile tire service
Area G-3 (south), G5, H-3, I, J, L, N6L, S2	D3	Meter Mix /Concrete batch plant
Area 2D	2-C	Oregon Pallet /Pallet Reconditioning
		Pacific Belting /Conveyer belts recycling
	3C	Precision Fabrication/Welding
Area K	4A	Recology
Area E3		Red Bark /Landscape supplies
	2A	R-S Welding & Fabrication /Welding
Area W	4C	Ryerson Manufacturing/Aluminum siding
Area 3A, 3B, R10		Schloth Enterprises/Specialty trailers
Area E8		Skyline / Trailer storage
Area E7		SLB Transportation / Trailer storage
Area 4 A, F, G, H		Werner Enterprises / Trailer storage
Area U		Wilson & Sons/Trailer storage

Table 1 below provides detailed descriptions of the associated industrial activities for the pertinent tenants, along with a description of significant materials that could be exposed to stormwater, as well as associated methods of storage, usage, treatment and/or disposal. All other site tenants are engaged only in the storage of non-motorized trailers or other transportable equipment.

Table 1

Apply-A-Line			
Traffic marking and road safety painting company. A small and Medium Quantity Generator with annual reporting to the DEQ.			
Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	No treatment takes place at this site.	None	None
iii. Areas of Outdoor Storage of Significant Materials	Empty paint containers and road marking vehicles are stored and parked at the graveled area across from building #4.	Solvents, paint thinners, and paints	<ul style="list-style-type: none"> • Empty containers are stored on plastic under a roofed metal structure. • All containers are closed with their original lids. • Solvents, paint thinners, and paints are stored in the building inside a locked containment area. • Spent solvents and waste paints are stored inside the building in sludge containers in a designated hazardous waste storage area. • No waste is stored longer than 180 days from its accumulation date.

iv.	Areas of Outdoor Disposal of Significant Materials	None	None	Significant materials are disposed of in accordance with local, state, and federal regulations.
v.	Existing Stormwater Structural Control Measures	None	None	None
vi.	Material Loading and Access Areas	As designated on the Apply-A-Line site map.	Solvents, paint thinners, and paints	<ul style="list-style-type: none"> • Drums are clearly marked and the contents identified according to their risk designation. • Spill kits are located at various strategic areas inside the tenant's building.
vii.	Hazardous Waste Treatment, Storage and Disposal Facilities	None*	None	None

* A registered Small and Medium Quantity Generator with DEQ – hazardous waste treatment, storage and disposal is done in compliance with local, state, and federal regulations.

Baker Tanks

Rental/leasing company for mobile storage tanks, pumps and water treatment systems.

Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	No treatment takes place at this site.	None	None
iii. Areas of Outdoor Storage of Significant Materials	<ul style="list-style-type: none"> The returned empty, cleaned, and decontaminated equipment or tanks are stored outdoors; area is graveled Oil and lubricant for operation maintenance, ~55 gal. total 	Oil and grease	Drum materials (oil and lubricant) have secondary containment.
iv. Areas of Outdoor Disposal of Significant Materials	None - Tanks are emptied and cleaned out by Baker Tank's lessee before it's returned to the storage yard. No contaminated equipment is accepted for return.	None	None
v. Existing Stormwater Structural Control Measures	Oil/water separator located next to this tenant's boundary	None	None
vi. Material Loading and Access Areas	None - The tanks are used for the temporary storage of contaminated or clean water or other liquids removed from excavations or recovered during	None	All Baker Tank trucks equipped with spill kits.

	cleanups conducted by environmental or construction companies. See row iv.		
vii. Hazardous Waste Treatment, Storage and Disposal Facilities	No hazardous waste is located at this site.	None	None

Pacific Belting

Refurbishes belts; specifically conveyor belt material.

Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	No treatment takes place at this site.	None	None
iii. Areas of Outdoor Storage of Significant Materials	Rolls of belt material stored outdoors alongside of building.	Trace metals, debris	Sweeping
iv. Areas of Outdoor Disposal of Significant Materials	Scrap belt material recycled indoors.	None	None
v. Existing Stormwater Structural Control Measures	None	None	None
vi. Material Loading and Access Areas	Scrap belt material and refurbished belting loaded and unloaded in tenant's indoor area	None	None
vii. Hazardous Waste Treatment, Storage and Disposal Facilities	None	None	None

Elder Demolition

A construction and demolition company with equipment maintenance onsite.

Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	No treatment takes place at this site.	None	None
iii. Areas of Outdoor Storage of Significant Materials	No significant materials are stored outdoors at this site. Occasionally empty covered bins are stored outdoors overnight.	None	None
iv. Areas of Outdoor Disposal of Significant Materials	No significant materials are disposed of outdoors at this site.	None	None
v. Existing Stormwater Structural Control Measures	None	None	None
vi. Material Loading and Access Areas	<ul style="list-style-type: none"> • All used petroleum products and spent solvents are recycled by Safety Kleen. • Demolition equipment is stored and deposited in the yard and within shop area • Oil-absorbent material is kept by the doors. 	Solvents, motor, and lube oils	<ul style="list-style-type: none"> • Motor oil and other automotive lubricants stored within their original containers inside shop. • Waste oil and antifreeze stored inside shop within closed drums prior to recycling. • Grease and motor oils for maintenance stored inside a locked room in their

			original containers. • Materials are not stored closer than 20 feet to the grated storm drain running along the building and across the entrance to the shop.
vii. Hazardous Waste Treatment, Storage and Disposal Facilities	No hazardous waste is located at this site.	None	None

Feed Commodities

Stores, processes, and ships old bakery products (i.e. – bread with expired usage dates).

Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	No treatment takes place at this site.	None	None
iii. Areas of Outdoor Storage of Significant Materials	Site processes up to 200 tons/week	Bread and old bakery products	Yard stores the day-to-day empty roll-away 25 cu.yd. closed transport containers.
iv. Areas of Outdoor Disposal of Significant Materials	Any waste generated is disposed of in accordance with local, state, and federal regulations.	None	None
v. Existing Stormwater Structural Control Measures	None	None	None
vi. Material Loading and Access Areas	Bread and old bakery products are loaded and unloaded via front and side access areas.	Bread and old bakery products	All storage, processing, loading and unloading of shipments are contained within tenant building and/or under cover.
vii. Hazardous Waste Treatment, Storage and Disposal Facilities	None	None	None

Lakeside Industries

Stores various kinds of sand and gravel used in batch plant.

Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	Trucks prior to leaving site are treated with a biodegradable emulsification agent to prevent the drag-out of asphalt.	Asphalt	Trucks prior to leaving site are treated with a biodegradable emulsification agent to prevent the drag-out of asphalt.
iii. Areas of Outdoor Storage of Significant Materials	<ul style="list-style-type: none"> • Pre-crushed asphalt – 40,000 tons • Crushed asphalt – 5,000 tons up to 10,000 tons at a given time • Shingle – 4-5,000 tons up to 10,000 tons • (0-8) rock – 10-15,000 tons • (4-8) rock – 6,000 tons • (1/2 – 4) - <6,000 tons • 3/4(-) – 1 – 2,000 tons • PS 300 oil for asphalt production is stored in two 15,000 gallon, double-wall aboveground storage tanks at the asphalt plant (A spill from these tanks would not pose a significant risk to the stormwater due to the low viscosity of the material. Released oil solidifies rapidly and can be readily cleaned up). 	Debris: sand, gravel, asphalt Oil	<ul style="list-style-type: none"> • Sweeping • Water trucks in dusty conditions • PS 300 oil stored in two 15,000 gallon, double-wall aboveground storage tanks

iv. Areas of Outdoor Disposal of Significant Materials	None	None	None
v. Existing Stormwater Structural Control Measures	<ul style="list-style-type: none"> Storage area is separated from creek by a 75 foot wide Environmental Protection Zone (buffer zone). Spill containment material stored onsite. Sediment traps are routinely maintained at their catch basins. A 20 foot buffer zone is maintained around the stormwater sediment settling pond at east side of yard area V. 	None	<ul style="list-style-type: none"> Storage area is separated from creek by a 75 foot wide Environmental Protection Zone (buffer zone). Catch basin sediment traps
vi. Material Loading and Access Areas	<ul style="list-style-type: none"> Two areas store concrete and recycled asphalt (from road projects) which are crushed and reused in batch plant. 	Debris: sand, gravel, asphalt	<ul style="list-style-type: none"> Sweeping/water-truck Catch basin sediment traps
vii. Hazardous Waste Treatment, Storage and Disposal Facilities	None	None	None

Meter Mix Concrete

A small, dry concrete mix plant with one delivery truck.

Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	Truck washout: Wash water from the truck flows through two small concrete settling basins and overflows into a larger gravel-filled evaporation basin. Retained sediments and water are reused in the batch plant. No untreated water is released into nearby storm drain.	None – washwater contained in pond	Truck washout
iii. Areas of Outdoor Storage of Significant Materials	<ul style="list-style-type: none"> Sand and gravel are stored outdoors Sand - ~32 tons Gravel - ~32 tons 	Debris: sand, gravel	Sweeping
iv. Areas of Outdoor Disposal of Significant Materials	No disposal of significant materials takes place at this site.	None	None
v. Existing Stormwater Structural Control Measures	Oil/water separator located next to this tenant's boundary	None	None
vi. Material Loading and Access Areas	Sand, gravel, and cement mix stored in tenant's silo are loaded into tenant delivery truck with loader.	Debris: sand, gravel	Sweeping

vii. Hazardous Waste Treatment, Storage and Disposal Facilities	None	None	None
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Oregon Pallet

Stores and refurbishes used wooden pallets.

Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	No treatment takes place at this site.	None	None
iii. Areas of Outdoor Storage of Significant Materials	<ul style="list-style-type: none"> • Pallets stacked outdoors in yard. • No petroleum products are used or stored at this location. 	None	None
iv. Areas of Outdoor Disposal of Significant Materials	<ul style="list-style-type: none"> • The only waste material from this operation is wood and nails. • Wood is chipped and made into mulch • Nails are collected and recycled as scrap metal 	Debris: wood and nails	Sweeping
v. Existing Stormwater Structural Control Measures	None	None	None
vi. Material Loading and Access Areas	Pallets are loaded and unloaded on site	None	None
vii. Hazardous Waste Treatment, Storage and Disposal Facilities	None	None	None

Recology			
Stores and processes discarded roofing material and wooden yard and demolition debris.			
Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	No treatment takes place at this site.	None	None
iii. Areas of Outdoor Storage of Significant Materials	Wood waste, demolition debris	Debris	Sweeping
iv. Areas of Outdoor Disposal of Significant Materials	Disposal containers are covered and debris is recycled or disposed of in accordance with local, state, and federal regulations.	Debris	Disposal containers are covered
v. Existing Stormwater Structural Control Measures	None	None	None
vi. Material Loading and Access Areas	Loading and unloading of significant materials occurs under cover within warehouse.	Oil, grease, debris	Loading and unloading of significant materials occurs under cover
vii. Hazardous Waste Treatment, Storage and Disposal Facilities	None	None	None

Note: Recology is operating with a DEQ Solid Waste Disposal Site Permit no.1369, expiration: September 15, 2016. Copy of permit is located in the Appendix.

CEMEX

Process, mixing, and transportation of cement/concrete.

Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	<ul style="list-style-type: none"> Wash water from trucks is treated and reused in the batch plant. No untreated water is released. 	None – washwater contained in pond	None
iii. Areas of Outdoor Storage of Significant Materials	<ul style="list-style-type: none"> Two 8,000 gallon, double-wall, steel aboveground storage tanks for diesel fuel-are located at the northeast part of the site at the equipment maintenance area. Fly ash is stored within silo – 70,000lbs Cement mix in silo – 200,000lbs Rock stored outdoors: <ul style="list-style-type: none"> ¾ pea rock: 1,300 tons ¾ - 1 ½ : 100 tons 1 ½: 250 tons ¾ con-ag: 5,000 tons 3/8 pervious: 300 tons 1 ¼ recycled: 1,500 tons Sand: 8,000 tons 	Debris: sand and gravel	<ul style="list-style-type: none"> Spill-absorbent material is located inside the shop and at the diesel fueling area Each truck has its own emergency spill kit. Sweeping/water-truck All drums and tanks used inside the building are stored inside spill containment Waste oil, filters, spent solvents and automotive fluids from truck maintenance and repairs located under cover (indoors)
iv. Areas of Outdoor Disposal of Significant Materials	None: all waste petroleum products and filters are recycled by Safety Kleen. No spills or releases have occurred to date.	None	None

v.	Existing Stormwater Structural Control Measures	Wet pond	None	Wet pond
vi.	Material Loading and Access Areas	<ul style="list-style-type: none"> Fly ash and gravel are used in the concrete mix and transported via mix trucks The concrete transport trucks are cleaned out at a special wash area. Area has concrete containment directing all wash water to the onsite treatment system where it is re-used in the facility. 	Debris	<ul style="list-style-type: none"> Sweeping/water-truck Truck washout
vii.	Hazardous Waste Treatment, Storage and Disposal Facilities	None	None	None

Schloth Enterprises

Repairs and manufactures trucks and specialty trailers.

Industrial Activity Group	Inventory of Industrial Activities	Potentially Significant Stormwater Pollutant(s)	BMPs in Practice
i. Areas of Outdoor Manufacturing of Significant Materials	No manufacturing takes place outdoors at this site.	None	None
ii. Areas of Outdoor Treatment Significant Materials	No treatment takes place at this site.	None	None
iii. Areas of Outdoor Storage of Significant Materials	Yard used as holding area for the loading and unloading of trailers and manufactured items.	None	<ul style="list-style-type: none"> Waste oil and other automotive fluids are stored in the shop within secondary containment Filters and oily rags are stored in closed metal containers Unused motor oil and hydraulic fluid are stored in original containers
iv. Areas of Outdoor Disposal of Significant Materials	None	None – contained indoors	<ul style="list-style-type: none"> Parts cleaner utilizes a closed loop system and oil-absorbent material is located onsite. All waste petroleum products, filters, oily rags, antifreeze, and the parts cleaner solvent are recycled by Safety Kleen.

v.	Existing Stormwater Structural Control Measures	None	None	None
vi.	Material Loading and Access Areas	Yard used as holding area for the loading and unloading of trailers and manufactured items.	None	None
vii.	Hazardous Waste Treatment, Storage and Disposal Facilities	None	None	None

2.2 Maps

The next two maps as well as the Site Map located on page 5 reveals the following features:

1. Drainage patterns
2. Piping, ditches and other discharge structures
3. Outlines of drainage areas that empty into dedicated outfalls
4. Paved areas and buildings located within each drainage area
5. Areas utilized for outdoor manufacturing and the treatment, storage and/or disposal of significant materials
6. Existing structural control measures for reducing stormwater runoff pollutants
7. Material loading and access areas
8. Hazardous waste treatment, storage and/or disposal facilities
9. Water, monitoring and waste injection wells, seepage pits, and drywells
10. Springs, wetlands, and other surface waterbodies located onsite and adjacent to the Site

2.3 Impervious Surfaces

For purposes of this report, the internal part of the Industrial Park is considered an impervious surface. The surrounding existing natural and landscaped areas are pervious and stormwater flows away from the industrial park directly to swales, wetlands, or other means of directing the flow to Johnson Creek.

Currently, the site development consists of 50.29 acres of impervious surfaces that include structures and pavement representing approximately 60 percent of the total land area of the Site. The structures at the site date from early 1970, when they were rebuilt after the devastating fire from December 1969. The onsite buildings are large warehouse structures with post and beam wood framing and painted Masonite™ siding at the exterior. The buildings are constructed on cement slab on grade with wooden half-barrel or flat roofs with built-up tar/felt decking. The roofs are sealed with a reflective coating. The administration building on the north side of Johnson Creek is a two-story wood frame construction with painted wood siding on the exterior and a gable roof decked with composite shingles.

2.4 Potential Pollutants in Stormwater

The only reasonable potential pollutants would be petroleum hydrocarbons from the outside fuel areas at the CEMEX concrete plant, the Elder Construction yard, and sediments from various kinds of sand and gravel, recycled concrete and asphalt and wood chips. These materials are stored at the Lakeside Industries yard, the CEMEX facility and at Recology. However, due to the size and volume of these storage piles, covering is not an option, with the exception of the asphalt shingle pile.

To keep sediments from the stormwater, the storage areas at the Lakeside facility are bermed, and runoff is diverted towards catch basins with filter inserts, and into the large sediment settling pond at the northeast part of the yard. The storm water runoff from the CEMEX yard is collected inside a large concrete containment, which is cleaned out each month.

All other storage areas are located inside of buildings and do not come into contact with stormwater.

2.5 Water Body Receiving Stormwater Drainage

There are two stormwater drainage-ways located onsite. One drainage-way is oriented parallel to the southern fence line and is part of the wetland area. This drainage-way is an open, vegetated area that drains water from the higher elevation at SE Knapp Street, and from the wetland areas in the southwest part of the property down to Johnson Creek. The wetland area of approximately four acres acts as a natural infiltration swale for the stormwater runoff from Mt. Scott. Stormwater runoff from the developed parts of the site cannot enter this ditch due to the relative higher elevation.

The stormwater drainage line running east to west from the lower part of tenant V's property is decommissioned. Pipe has a collapse approximately 75' inside the western most end of the 6' diameter pipe; collapse was discovered, at best recollection, the summer of 2001.

Also located on the tenant V's property is a wet pond with an 8" decommissioned pipe leading away from the pond toward the east. The opposite or eastern-most end of the pipe is unknown, though it is apparent that the pipe is no longer in use as no water is able to enter or exit the wet pond via this pipe.

The main stormwater drainage area is located in the south portion of the site. The drainage area begins at the south end of 101st Avenue. The water flows approximately 150 yards to the west in a downstream direction through an oil water separator before discharging to the site's stormwater pond. From the pond, stormwater then discharges into Johnson Creek, it is at this discharge point that stormwater monitoring samples are taken.

A network of stormwater catch basins are strategically placed between the buildings and in the paved parking areas. From these catch basins branch lines are connected to the main storm sewer along 101st Avenue, which is connected to the culvert that begins at the sediment settling pond to the northeast at the Lakeside gravel storage area. The culvert collects stormwater from the eastern portion of the site and from the wetland area east of the CEMEX sand storage area.

Historically, there had been another open drainage channel north of building #4. This channel was part of the previous log ponds during the time when the site was a plywood mill. This channel was closed years ago and building #2 was built right over it.

There is also a closed outfall from an old drainage ditch between the buildings #1 and #2. This ditch was filled-in approximately ten years ago and catch basins have been installed. These catch basins are now connected to the new main storm sewer on 101st Avenue.

A new oil-water separator system was installed in 2004 at the mouth of the drainage ditch.

The oil-water separator system was designed to handle the stormwater runoff from the site in a worst case scenario. The location of the oil-water separator is prior to discharge into the site stormwater pond.

The complete stormwater system is periodically cleaned and maintained by the landlord through an outside contractor every three months. All roadways are cleaned daily with a road sweeper owned by Lakeside Industries. The stormwater catch basins, the pipe system and the open ditch are identified on the Site Map.

Wetland restoration and an additional stormwater pond were constructed in 2008. The pond outline is shown on the Site Map directly upstream of the Monitoring Point symbol. All stormwater collected in the conveyance system flows to this water quality facility.

Two drywells were located on the property in 2010. These are shown on the Site Map. Catch basins equipped with down turned elbows to trap oils and solids are installed upstream of the drywells. The drywells are managed under the DEQ's Underground Injection Controls program. Freeway Land is in the process of permitting the facilities.

2.6 Stormwater Monitoring

The stormwater monitoring program has been developed in accordance with the 40 CFR 136 and Schedule B of the general permit NPDES 1200Z permit issued for the facility. The SWPCP includes the discharge point or outfall where stormwater monitoring will take place. For clarity the outfall has been marked on the Site Map included in this plan. The stormwater monitoring will be conducted according to the requirements of the permit.

2.6.1 Monitoring and Testing Procedures

Freeway Land has been issued a NPDES General Permit. As outlined in Schedule B, a grab sample taken at a point in time rather than over a period of time, will be collected. Grab samples of stormwater runoff will be collected and transported under proper chain-of-custody procedures to an independent state certified laboratory for analysis. Under this permit the permittee shall monitor twice a year (Spring and Fall), stormwater associated with industrial activity for the following constituents:

PARAMETER	BENCHMARK	FREQUENCY
Total Copper	0.1 mg/L	Fours times per year
Total Lead	0.4 mg/L	Fours times per year
Total Zinc	0.6 mg/L	Fours times per year
pH	5.5-9 S.U	Fours times per year
TSS	130 mg/L	Fours times per year
Oil and Grease	10 mg/L	Fours times per year

Samples must be collected four times during the reporting year, namely twice prior to the end of each year, and twice thereafter at a minimum of two weeks apart.

Floating Solids	No Visible Discharge	Monthly during rain
Oil and Grease Sheen	No Visible Discharge	Monthly during rain

Visual monitoring of stormwater runoff identifying Floating Solids and any Oil and Grease Sheen associated with industrial activities performed at the facility is conducted once each month.

Freeway Land will conduct stormwater sampling two times (Spring and Fall) per year. Previously the DEQ has approved the sample location for the stormwater runoff at the end of the drainage ditch, approximately 100 feet before the discharge to Johnson Creek (before the water intermingles with the waters of Johnson Creek).

The stormwater runoff from the entire property converges at the drainage ditch and the stormwater grab-sample is representative of the entire property.

2.6.1 Monitoring Reduction

The general permit NPDES stormwater permit 1200-Z includes stormwater benchmarks that are target concentrations used to assess the effectiveness of the SWPCP. Freeway Land is not required to conduct sampling for the remainder of the permit term if the established benchmarks specified in the NPDES permit are satisfied for two consecutive stormwater monitoring events over 12 continuous months, upon approval by the City. There is no reduction of onsite visual monitoring requirements.

However, facilities that exceed benchmarks must review their SWPCP within 60 days of receiving sampling results. The purpose of the review is to determine whether or not the plan is being followed and to identify if any additional site controls should be implemented to further improve the quality of stormwater discharges.

3.0 Site Controls

In accordance with the general permit NPDES stormwater permit 1200-Z, Freeway Land maintains existing controls and has developed new controls appropriate for the site. The purpose of these controls is to eliminate or minimize the exposure of pollutants to stormwater. The control strategy contains the following:

3.1 Stormwater Best Management Practices (SWBMP)

The following best management practices have been initiated. A schedule for implementation of these practices had been included in the SWPCP. The schedule is consistent with the requirements for developing and implementing the SWPCP in schedule C of the NPDES permit.

3.1.1 Containment

The aboveground fuel storage tanks at CEMEX and Cascade Pacific Transport are outfitted with a secondary containment and protective berms at the fuel dispenser areas. No stormwater runoff will drain from the bermed area under normal conditions. Emergency spill kits are located at each dispenser area.

3.1.2 Oil and Grease

Onsite stormwater catch basins (drains) are protected with absorbent booms or filter inserts in order to reduce the risk of oil and grease contamination of stormwater discharges. The Freeway Land maintenance crew inspects all booms and filter units monthly, and will replace them on an as-needed basis. A vacuum truck, provided by Iron Horse Vacuum Extraction, is assigned to clean all storm drains on a quarterly schedule. The sediment and sludge from those cleanouts is transported to a treatment facility.

3.1.3 Truck and Equipment Cleaning

The concrete trucks from CEMEX are cleaned at their designated wash-out facility. The wash-water is treated and reused onsite. All other trucks owned by tenants are cleaned off site. Truck and equipment steam cleaning or high pressure cleaning is not permitted in the yard areas.

3.1.4 Waste Chemicals and Material Disposal

All sensitive materials stored, used, disposed of or recycled at the site tenants' facilities, are contained in bins, containers, or dumpsters under cover to prevent exposure to rain. All containers are labeled and organized in an orderly fashion on impermeable surfaces.

3.1.5 Erosion and Sediment Control

All vehicle parking and driving areas are paved with asphalt to minimize erosion of surface soil materials at the site. All stormwater runoff from Lakeside Industries, CEMEX, Cascade Drilling, and the other tenants is captured by catch basins with sediment sumps which are cleaned on a regular schedule and is additionally treated by the central oil-water separator.

3.1.6 Debris Control

Stormwater drains located on the premises are protected by absorbent booms or by filter inserts at high traffic areas, to minimize contamination of the water by oils or other contaminants of concern carried within the stormwater to the storm drains. No sensitive materials are stored outside of the buildings or close to drains.

3.1.7 Stormwater Diversion

All Site operations are permitted by the City of Portland and/or DEQ, and are mostly conducted inside a roofed structure. Therefore, stormwater typically does not come into contact with the fueling, manufacturing, and storage areas.

3.1.8 Covering Activities

All manufacturing and equipment maintenance takes place inside the onsite buildings. Storage of equipment and closed containers is limited to yard areas with no direct stormwater pathway to Johnson Creek. There are no designated disposal areas or open storage containers located outside the buildings. Sand, gravel, asphalt shingles and wood mulch are stored at the Lakeside Industries yard, the CEMEX facility and at Pacific Land Clearing. However, due to the size and volume of these storage piles, covering is not a viable option, with the exception of the asphalt shingle pile.

3.1.9 Housekeeping

Good housekeeping practices are enforced at the Freeway Land. According to the management for CEMEX, Elder Demolition, Apply-A-Line, Lakeside Industries, and Baker Tanks, their fleet managers are responsible for their company vehicles. The managers see that vehicles are properly maintained, and that prompt cleanup of spills is performed by use of absorbent materials and notification of the Freeway Land site manager. Additionally, each manager insures that the employees are properly informed and educated on preventative stormwater pollution procedures.

3.1.10 Pooled Stormwater after an Extended Period of Rain.

If there is pooled water encountered, which is hindering normal business operations at a tenants yard site, the following action is required. At no time can the pooled water be pumped to adjoining areas from where it could drain untreated to Johnson Creek.

A portable Baker tank of sufficient volume has to be brought to the location and the pooled water must be pumped into the tank. The water has to be kept in the tank for a minimum of 48 hrs so settleable solids have time to settle to the bottom of the tank for separate disposal. The water can then be discharged into the nearest catch basin for treatment at the Freeway Land storm water treatment system before reaching Johnson Creek.

3.1.11 Freeway Land SWBMPs

In addition to the above SWBMPs, Jameson Partners, LLC have prepared and distributed a listing of *Dos and Don'ts* regarding how to preserve the environmental integrity of the Environmental Protection Zone located by Johnson Creek. See Appendix for a copy of this listing.

3.2 Spill Prevention and Response Procedures

Freeway Land has prepared this portion of the Spill Prevention and Response Procedures to provide instruction for those tenants without a Spill Procedure and Counter Control plan. Tenants mandated by law to have an SPCC plan on site will supercede this and follow their SPCC plan.

Each of the tenants has his own emergency service provider. Freeway Land Company is using the 24-hour service of Thermo Fluid at 1-800-350-7565. Larger spills require the notification of the Oregon Emergency Management Division's Oregon Emergency Response System (OERS) at 1-800-452-0311. At that point, OERS will contact all agencies that are required to be notified.

Spills of any amount need to be reported to the Portland Bureau of Environmental Services (BES) at the contact information below.

Notification procedures for spill that are released into the environment are provided below and where applicable in tenant SPCC plans. Copies of tenant SPCC plans are contained in the Appendix.

Spill kits are available at site specific locations for each tenant, see Table I.

The following practices will be considered to help reduce the possibility of spills at the site:

- Discourage the topping off of fuel tanks and other containers.
- Recycle spent liquids or dispose of properly.
- Dispose of used oil as soon as possible. Dispose of properly.
- Avoid hosing down of maintenance areas with water.

Spill Reporting

BES Duty Officer 503-823-7180

- Spills of ANY quantity must be reported to the BES Duty officer at the number listed above.

Spill Hotline – Oregon DEQ 800-452-0311

- Spills of ANY quantity which **leave the site and enter the waters of the state** must be reported to Oregon DEQ at 800-452-0311. This phone report should be followed by a completed Spill Report Form, submitted to DEQ.
- Onsite spills of **over 42 gallons** must be reported to Oregon DEQ at 800-452-0311. This phone report should be followed by a completed Spill Report Form, submitted to DEQ.

3.3 Preventative Maintenance Program

Freeway Land has implemented a **daily** sweeping regimen and a **monthly** inspection program, which is administered by the landlord, who also maintains all records thereof. The inspection is performed by the Freeway Land maintenance crew or an environmental professional and is based on an Environmental Compliance Audit that covers OSHA, EPA, DEQ and other key agencies. The Freeway Land Maintenance manager and the Freeway Land Environmental Consultant, share responsibility for conducting a thorough **monthly** inspection of areas where potential spills of significant materials that include petroleum products, antifreeze, solvents used for paints and parts cleaners, and sediment runoff from outside storage areas.

All stormwater runoff from sensitive areas is captured by catch basins with sediment sumps and bio-socks which are cleaned and replaced on a regular monthly schedule. Iron Horse Vacuum Extraction, LLC, is contracted to clean all storm drains and the oil-water separator on a quarterly schedule. Maintenance repairs to the stormwater system are done by the in-house maintenance crew, and larger repairs will be contracted out.

The inspection practice also includes the inspection of all housekeeping procedures in an effort to prevent any accident or spill. The Freeway Land maintenance personnel has been trained to report and take corrective action upon any occurrence that they see as out of the ordinary, such as spills, leaks, or accidents.

Also included in the preventative maintenance program is the wet pond, per Portland Stormwater Management Manual the pond will be maintained and operated in the following manner as applicable:

Wet Ponds: Operations & Maintenance Plan

Wet Ponds are constructed ponds with a permanent pool of water. Pollutants are removed from stormwater through gravitational settling and biologic processes. **Extended Wet Ponds** are constructed ponds with a permanent pool of water and open storage space above for short-term detention of large storm events. Pollutants

are removed from stormwater through gravitational settling and biologic processes. **Dry Detention Ponds** are constructed ponds with temporary storage for the detention of large storm events. The stormwater is stored

and released slowly over a matter of hours. All facility components, vegetation, and source controls shall be inspected for proper operations and structural stability. These inspections shall occur, at a minimum quarterly for

the first 2 years from the date of installation, and 2 times per year thereafter, and within 48 hours after each major storm event. The facility owner must keep a log, recording all inspection dates, observations, and maintenance activities. The following items shall be inspected and maintained as stated:

Pond Inlet shall assure unrestricted stormwater flow to the wet pond.

- Inlet pipe shall be cleared when conveyance capacity is plugged. Sources of sediment and debris shall be identified and corrected.
- Determine if pipe is in good condition:
 - If more than 1 inch of settlement, add fill material and compact soils.
 - If alignment is faulty, correct alignment.
 - If cracks or openings exist indicated by evidence of erosion at leaks, repair or replace pipe as needed.

Forebay traps coarse sediments, reduces incoming velocity, and distributes runoff evenly over the wet pond.

A minimum 1-foot freeboard shall be maintained.

- Sediment buildup exceeding 50% of the facility capacity shall be removed every 2-5 years, or sooner if performance is being affected.

Embankment, Dikes, Berms & Side Slopes retain water in the wet pond.

- Slopes shall be stabilized using appropriate erosion control measures when native soil is exposed or erosion channels are forming.
- Structural deficiencies shall be corrected upon discovery:
 - If cracks exist, repair or replace structure.
 - If erosion channels deeper than 2 inches exist, stabilize surface. Sources of erosion damage shall be identified and controlled.

Control Devices (e.g., weirs, baffles, etc.) shall direct and reduce flow velocity. Structural deficiencies shall be corrected upon discovery:

- If cracks exist, repair or replace structure.

Overflow Structure conveys flow exceeding reservoir capacity to an approved stormwater receiving system.

- Overflow structure shall be cleared when 50% of the conveyance capacity is plugged. Sources of sediment and debris shall be identified and corrected.
- Sources of erosion damage shall be identified and controlled when native soil is exposed at the top of overflow structure or erosion channels are forming.
- Rocks or other armoring shall be replaced when only one layer of rock exists above native soil.

Sediment & Debris Management shall prevent loss of wet pond volume caused by sedimentation.

- Wet ponds shall be dredged when 1 foot of sediment accumulates in the pond.
- Gauges located at the opposite ends of the wet pond shall be maintained to monitor sedimentation. Gauges shall be checked 2 times per year.
- Sources of restricted sediment or debris, such as discarded lawn clippings, shall be identified and prevented.
- Debris in quantities sufficient to inhibit operation shall be removed routinely, e.g. no less than quarterly or upon discovery.

Vegetation shall be healthy and dense enough to provide filtering while protecting underlying soils from erosion and minimizing solar exposure of open water areas.

- Mulch shall be replenished at least annually.
- Vegetation, large shrubs or trees that limit access or interfere with wet pond operation shall be pruned or removed.
- Grass (where applicable) shall be mowed to 4"-9" high and grass clippings shall be removed.
- Fallen leaves and debris from deciduous plant foliage shall be raked and removed.
- Nuisance or prohibited vegetation from the Portland Plant List (such as blackberries or English Ivy) shall be removed when discovered. Invasive vegetation contributing up to 25% of vegetation of all species shall be removed and replaced.
- Dead vegetation shall be removed to maintain less than 10% of area coverage or when wet pond function is impaired. Vegetation shall be replaced within 3 months, or immediately if required to maintain cover density and control erosion where soils are exposed.
- Vegetation producing foul odors shall be eliminated.

Access to the wet pond shall be safe and efficient. Egress and ingress routes shall be maintained to design standards. Roadways shall be maintained to accommodate size and weight of vehicles, if applicable.

- Obstacles preventing maintenance personnel and/or equipment access to the wet pond shall be removed.
- Gravel or ground cover shall be added if erosion occurs, e.g., due to vehicular or pedestrian traffic.

Insects & Rodents shall not be harbored in the pond. Pest control measures shall be taken when insects/rodents are found to be present.

- If sprays are considered, then a mosquito larvicide, such as Bacillus thurendensis or Altoside formulations can be applied only if absolutely necessary, and only by a licensed individual or contractor.
- Holes in the ground located in and around the pond shall be filled.

If used at this site, the following will be applicable:

Signage shall clearly convey information.

- Broken or defaced signs shall be replaced or repaired.

Fences shall be maintained to preserve their functionality and appearance.

- Collapsed fences shall be restored to an upright position.
- Jagged edges and damaged fences shall be repaired or replaced.

*Table is from the City of Portland Stormwater Management Manual, Adopted July 1, 1999; revised September 1, 2004

3.4 Employee Education Program

Freeway Land employs a tenant Stormwater Agreement Form for each new tenant. This agreement is included in the tenant contracts and is located for reference in the Appendix. Copies of completed agreement forms are available through the site manager and are available for review upon request.

Monthly safety meetings are held at the CEMEX facility on the second Tuesday of every month. In order to ensure employee education, health and safety topics discussed typically consist of, but are not limited to, spill response, good housekeeping practices, vehicle maintenance, cold weather driving, heat exhaustion, confined space entry, personal protective equipment and emergency response activities.

Similar safety meetings are conducted at Apply-A-Line, and the Elder Demolition offices.

All employee education and training for Freeway Land staff and tenant staff occurs within 30 calendar days of his/her date of hire as overseen by Freeway Land site manager, Brett Sanchez. In those cases where s/he will be working in areas where stormwater may be exposed to industrial activities or when s/he performs duties related to the implementation of this SWPCP. After the initial orientation, subsequent education and training occurs on an annual basis. Annual refresher consists of completing an instructional stormwater DVD supplied by Freeway Land. Completed educational forms, as well as the schedule for employee education is included in the Appendix and are available from the site manager (Brett Sanchez) for review by BES/DEQ.

4.0 Recordkeeping and Internal Reporting Procedures

Recordkeeping and reporting procedures documents are maintained by the individual tenants. The documents include the following information:

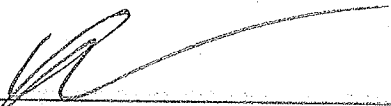
1. Inspection, maintenance, repair and education activities performed by the specific tenant, as required by this SWPCP.
2. Reports of spills or leaks of significant materials that impacted or had the potential to impact stormwater or surface waters. These reports include all corrective actions required to clean up the spill or leak. Additionally, the report describes all measures that were implemented to prevent future problems of the same nature.

The results from the Freeway Land Environmental Audit are maintained at the management office onsite. The results of the audit (which is available upon request) will be discussed with each tenant and a time limit will be set to correct discovered violations.

5.0 Closing Statement and Signature

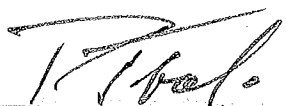
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Corporate Signature:



Kevin W. Loftus, Agent
Jameson Partners, LLC.

Plan prepared by:



Peter H. Trabusiner
BMEC, Inc., Engineer

Appendix

<p align="center">Freeway Land II Industrial Park</p> <p align="center">Annual Tennant Stormwater Training and Education Worksheet</p>	
<p>Company:</p>	<p>Date:</p>
<p>Facilitator:</p>	<p>Training/Education: Stormwater video</p>

Date:

Training/Education: Stormwater video

The listed facility has completed the required – requirement mandated by the Department of Environmental Quality 1200-Z Industrial General Permit – annual educational stormwater training. Training and education is provided via instructional training video, supplied by Freeway Land II Industrial Park, for all tenant employees on the above listed date.

The following employees attended:

[illegible]



PHYSICAL ADDRESS
5207 N.E. PORTLAND HIGHWAY
PORTLAND OR 97218

P (503) 288-7375

P (800) 452-7243

F (503) 288-7379

BILLING ADDRESS
P.O. Box 13386
PORTLAND OR 97213

WWW.PARAMOUNTPEST.COM

PARAMOUNT@PARAMOUNTPEST.COM

Recology
6400 SE 101st
Portland OR 97266

Paramount Pest Control has been in business since 1935. We are proud to be woman owned and operated with Oregon's best technicians; many who have represented Paramount Pest Control for over 20 years. We service some of the regions largest clients including PGE and the Port of Portland. We also serve sensitive clients such as hospitals, schools and universities. Accounts that we hold that are similar to your facility are; Waste Management and Metro Metals.

We understand the unique nature of pest control and take the time to make sure each customer understands all methods being used. Our goal is to have the best communication possible with our customers so everyone involved feels comfortable with any and all procedure(s). One of our main objectives has been and always will be a quick response with the highest level of service.

For Foster Road Recovery Facility we are recommending an initial service to establish a preventative program for both the exterior and interior. Paramount Pest Control will provide weekly monitoring, inspection and treatment throughout your facility for a minimum of 6 to 8 months during the initial setup period to prevent the rodent population. After the initial setup phase your program would change to every other week and be continually reviewed.

Paramount provides you with a logbook in which you will find the required licenses, special training certificates, documentation of services, MSDS's and Labels. There is also a section in your logbook where you can view any photo documentation that may be provided to communicate any issues with offsite personnel of any needed repairs and/or recommendations. A placement map will also be in the logbook to document where all stations are located. Your logbook also includes a section for the Recology staff members to document any and all pest issues as they arise, ensuring that the service technician has all the information they need before beginning each service.

Paramount does provide emergency on call service at the rate of \$135 per hour. The contract that was sent is to service for mice and rats; any other pests requested would be at an additional rate.

We pride ourselves on our commitment to excellent customer service and know the best outcome is when the service technician and customer work together as a team to manage the situation.

Thank you once again for allowing us to assist Recology with your pest control needs.

Sincerely,

Paramount Pest Control Inc.

&

Lauren Taylor Pest Control Service Technician



July 25, 2011

Mayor Sam Adams
City of Portland Mayor's Office
1221 SW Fourth Avenue, Suite 340
Portland, Oregon, 97204-1995

RE: City of Portland Case File No. LU 10-194818 CU; Response to Shaw Environmental Report regarding the Recology Foster Road Recovery Facility

Dear Mayor Adams,

This letter is in response to the Executive Summary prepared by Shaw Environmental regarding City of Portland Project LU 10-194818 CU - Recology Oregon Material Recovery (specifically, the Foster Road Recovery Facility). Shaw Environmental makes several assertions in their summary regarding Recology's application to the City of Portland for the food waste reload facility. This response discusses only those findings indicated in the Shaw Environmental report. Our response to the report is presented below:

City Zoning Code Approval Criteria 33.815.220, Mining and Waste Related:

A. There will be no significant health or safety risk to nearby uses:

Shaw Environmental Response: (see Appellant's Exhibit A Page 2-4 of 58) - Summary of Findings for Further Consideration: Shaw Environmental claims that the application did not contain any technical documentation to prove that the proposed use would not result in significant health or safety risks to nearby uses. Shaw Environmental further claims that odors,

vectors, noise, dust and air pollution, and stormwater pollution may result from the proposed use.

Recology Response: As indicated in our application, the proposed use will not cause significant health or safety issues to nearby uses. To answer specifically how potential health or safety concerns will be mitigated or eliminated, each concern has been segmented for response below:

Odor: As stated within the application and testimony given to the Hearings Officer by Recology, odors will be controlled at the facility with the use of an aerated floor system and a series of biofilters.

Prior to the submittal of the application, Recology obtained the services of Mr. Jeff Gage of Compost Design Services, based in Olympia, Washington. Compost Design Services assists in the development, design, permitting and operational startup and trouble shooting of large scale compost facilities. Mr. Gage has twenty five years of experience with the development, operations, marketing and politics involved in making organic processing systems thrive throughout the Pacific Northwest. For the proposed food waste reload project, Mr. Gage created a Design Component Evaluation for the aerated floor system and biofilters. The assumptions in Mr. Gage's evaluation were based on the highest estimates possible for the maximum capacity of the facility.

A key component in the controlling odors is the use of biofilters. A biofilter uses moist organic materials to adsorb and then biologically degrade odorous compounds. Biofilters have been used for over 20 years in the treatment of highly odorous compounds and possible air pollutants from wastewater facilities, solid waste processing plants, chemical manufacturing plants and composting operations. The employment of biofilters has been recommended due to their efficiency and simple and economical operation. The materials that are used for biofilter construction include compost, soil, peat, chipped brush and bark, sometimes blended with a biologically inert material such as gravel to maintain adequate porosity. Biofilter bed depths typically range from 1 to 1.5 meters deep, depending upon the amount of product to be aerated. Biofilters have been shown to be effective at treating essentially all of the odors associated with composting, including ammonia and a wide range of volatile organic compounds (including

sulfur compounds and amines). Since the Foster Road Recovery Facility will not be composting materials onsite, but rather only receiving and reloading, these measures will be more than sufficient for the control of malodors.

In accordance with the facility's current Metro Solid Waste License and Oregon DEQ Solid Waste Permit, a complaint log must be maintained at the facility. To date, there have been no complaints logged for the site. The facility has contact information posted at the scale house for those who wish to file a complaint. Additionally, the Conditional Use approval contained a condition where additional signs would be placed at the gate of the facility for complaint notification. Should a complaint be received, Recology staff will be deployed to investigate the complaint, determine if operations at the facility were the source of the odor, and adjust operations accordingly. Possible responses include but are not limited to: the blending of the odorous material with green waste, the placement of biofilter material over the odorous material, the immediate load out of the odorous material at the facility, discontinue the receipt of additional loads of organics until the receiving area has been cleared and washed down, evaluation and maintenance of the biofilters onsite to ensure their proper function, etc.,

In addition to the requirements contained in the Metro License, DEQ Permit, and CUP, the terms of a Good Neighbor Agreement with the Lents Neighborhood Association could reflect these same conditions for complaint response.

Odor complaint procedures and response protocol are included within the Nuisance Mitigation Plan for the facility.

Vectors: Good housekeeping and the prompt consolidation and removal of the organics will eliminate the food source and act as an additional deterrent for vector. In addition, a contract has been secured for the Foster Road Recovery Facility with Paramount Pest Control Inc.. Weekly inspections will be conducted by both Recology staff and representatives from Paramount Pest Control, to look for signs of rodents or other vectors in the area. Pests can be controlled by either physically changing the environment (such as keeping the organics covered with a layer of clean wood chips, loading it into containers or trailers to restrict access, keeping

entry to the building limited, etc.), using pheromones or other methods to lure vectors into traps, or setting up bait stations. The frequency of the service provided by the pest control company would be immediately increased were there to be evidence of existing controls not providing sufficient protection.

Vector control procedures are referenced within the Nuisance Mitigation Plan for the facility.

Noise: As indicated in the application, no appreciable noise will be added as a result of the organics receiving operations. This was confirmed by Daly-Standlee & Associates, Inc, who conducted an evaluation of noise generated from the current operations at the facility. This noise report has been submitted into the record. The report concludes that the noise levels from the existing and proposed operations are currently in compliance with both the City of Portland and the Oregon DEQ noise regulation limits and would remain so with the proposed organics reload operation.

Dust Air Pollution: The report from Shaw Environmental states that since there is no detailed technical data provided for the biofilters, and that the adequacy for the biofilters cannot be determined in regards to dust control. Since the biofilters are enclosed, and the media within them used for odor control is moistened, there is no source of dust from the biofilters. Biofilter technology has been proven to be an effective measure in controlling odors and improving air quality. It is not anticipated that an Air Quality Permit from DEQ will be required.

Dust created from the current dry waste operations is controlled by use of water for misting. This is outlined within the facility's Operations Plan, and which is currently in place and approved by Oregon DEQ and Metro. Furthermore, the facility has an ongoing obligation under existing regulations and operational permits to control dust from its operations, and is evaluated for the efficiency of its efforts during the regular Metro inspections conducted onsite. In the event that current mitigations are not sufficient to control dust, an industrial misting system specifically designed for recovery facilities will be investigated.

Stormwater Water Pollution: The report from Shaw Environmental states that material from inside the building (specifically leachate and solid waste) will be "tracked out" by trucks entering the building, causing stormwater contamination.

The facility is designed so that tracking of organics and liquids from the inside of the building to the surrounding roads outdoors will not occur. This is achieved by having designated unloading and loading areas, limiting equipment that comes in contact with the organics, good housekeeping and wash practices, and regular inspections.

The collection trucks delivering the organics to the facility will back into a roll up door, and unload the organics onto the aerated floor. The truck tires will not come in contact with the organics. Once they have unloaded the organics, the truck will leave through the same roll up door they entered through, thus not allowing their tires to encounter any organic materials and track it outdoors.

The semi-trucks that will transport the organics offsite will enter through a different roll up door, to the left of the aerated pad. A dedicated loader will be used to load the organics into the semi-truck, while it is parked parallel to the aerated floor. Once the truck is loaded, the truck will then continue through the building, driving out through a roll up door on the opposite side of the building from which they entered. Again, the truck tires will not encounter any organic materials.

The only equipment that will encounter organics will be the loader used to move, bulk, and load the organics. This loader will be washed down with water as needed. The wash water will be captured by the leachate collection system, and stored within the liquid storage tank. The contents of this tank are hauled offsite for treatment and disposal at an unassociated permitted facility. At no time will leachate or wash water contaminate or enter the stormwater system. Equipment is currently washed within the building, in compliance with the facility Operations Plan. There has never been an instance where wash water has exited the building, or contaminated stormwater runoff.

In addition, Recology owns a vacuum sweeper truck, and uses this equipment at its facilities to sweep and collect any debris or sediment from paved areas. This best management practice is extremely effective in controlling solids that might otherwise contaminate stormwater runoff. The sweeper truck is currently used onsite at least weekly, and can be used more often should the need arise.

Recology environmental compliance staff currently conducts monthly stormwater inspections which evaluate the conditions of the catch basins within Recology's leasehold, condition of waste storage areas, conditions of spill kits onsite, and stormwater best management practices employed at the facility. These inspections are documented, and will continue throughout future operations.

The Freeway Land Industrial Complex is currently covered by the General 1200-Z Stormwater Discharge Permit. All operational activities are communicated regularly to the landlord, so that they may include these activities within their Stormwater Pollution Control Plan. Recology's operations have not contributed to contamination of stormwater at the facility.

Traffic Impacts and Safety: A detailed traffic study prepared by Kittelson and Associates was submitted with the application. After the appeal was filed, Kittelson and Associates reviewed their report, confirmed their findings, and prepared a supplemental report (which has been submitted to the record).

Traffic and safety concerns have been thoroughly addressed in the application. The claim that 400 trucks per day will be added to the facility as a result of the organics reload project is simply not possible. Recology has committed to the limitation on the number of additional truck trips per day, and is prepared to accept this as a condition of approval as well as a condition within the Good Neighbor Agreement with the Lents Neighborhood Association.

B. There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas:

Shaw Environmental Response: (see Appellant's Exhibit A Page 4-6 of 58) Summary of Findings for Further Consideration: Shaw Environmental claims that the leachate collection system will potentially contaminate shallow groundwater in the area.

Recology Response: Shaw Environmental claims that the "underground leachate collection system" will contaminate groundwater within the area. To respond to this claim, an evaluation of the system was conducted by a professional engineer from Holtech Engineering. This

evaluation rebuts the presumption that groundwater quality would be endangered in anyway by the aerated floor, or leachate collection system.

C. The proposed use adequately addresses potential nuisance related impacts, such as litter:

Shaw Environmental Response: (see Appellant's Exhibit A Page 7 of 58) – Summary of Findings for Further Consideration: Shaw Environmental states that the application did not discuss the methods for addressing potential nuisance conditions, such as litter (and others, mentioned in several places within their document, such as odors, noise, etc.).

Recology Response: Shaw Environmental continues to reference leachate, odors, and noise in this section. A discussion of these nuisance controls is presented above. In reference to litter, the facility is required by its current Metro Solid Waste License to keep all areas within the site and all vehicle access roads within ¼ mile of the site free from litter and debris generated directly or indirectly as a result of the facility's operations. For this purpose, daily litter patrols are conducted to collect any litter. These litter patrols improve the overall quality and conditions at the Freeway Land Complex. Additionally, as mentioned previously in this report, Recology owns a vacuum sweeper truck and employs this best management practice on a regular basis. To date, the Foster Road Recovery facility has received no complaints or violations for litter.

D. The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related Uses;

33.254.020 Limitations

B. Hazardous Wastes: The disposal of hazardous wastes, defined by OAR 340.100 to 340.110, is prohibited.

Shaw Environmental Response: (see Appellant's Exhibit A Page 8 of 58) – Summary of Findings for Further Consideration: Shaw Environmental states that the application did not provide documentation to prove that hazardous waste is not received at the facility, and mentions concerns regarding the proper screening and handling of such wastes.

Recology Response: In accordance with the facility's current Metro Solid Waste License and Oregon DEQ Solid Waste Permit, the Operations Plan currently in place for the facility outlines the protocol for inspecting loads, rejecting loads, and the storage and handling of any hazardous wastes that may be inadvertently received within the mixed dry waste received at the site. These procedures and practices have been approved by Metro and DEQ. During Metro and DEQ inspections, the protocol has been evaluated, and the designated storage areas inspected for compliance with applicable regulations. Recology has not received any violations for mishandling of wastes at the Foster Road Recovery Facility. The organics operations will be handled in the same manner as the mixed dry waste. The Operations Plan that includes the expanded operations will be reviewed by Metro and DEQ during the process of applying for the modified operational permits and licenses necessary to add the organics receiving and reload component.

33.254.040 Operations

A. On-site queuing. The site layout must include adequate areas to accommodate the peak number of vehicles expected to come to the site at any one time.

Shaw Environmental Response: (see Appellant's Exhibit A Page 9 of 58) – Summary of Findings for Further Consideration: Shaw Environmental states that there is insufficient data provided within the application for proposed traffic flow and queuing areas for trucks.

Recology Response: There is sufficient space within the Recology leasehold to accommodate truck traffic. An existing condition within the facility's current Metro Solid Waste License is to provide sufficient capacity to adequately accommodate all on-site vehicle traffic. Access roads are maintained to allow the orderly egress and ingress of vehicular traffic when the facility is in operation. Recology currently takes steps to notify all persons delivering material to the facility that vehicles shall not park or queue on public streets or roads except under emergency conditions. Again, numerous inspections have been performed by Metro, and the facility has not been found in violation of this condition of the Solid Waste License. These practices will continue once the organics receipt and reload activities begin at the facility.

B. Processing of Waste Products. In the case of Waste-Related uses other than landfills and composting operations, all activities relating to the receiving, sorting, processing, storage, transfer and shipping of wastes must take place entirely within enclosed structures. The transfer of waste products from one vehicle or container to another vehicle or container and the cleaning of such vehicles or containers must be done within a containment area designed to ensure that waste materials will be confined so as to not enter the groundwater or any water body.

Shaw Environmental Response: (see Appellant's Exhibit A Page 9 of 58) Summary of Findings for Further Consideration: Shaw Environmental claims there will be tracking of dirt and debris from the trucks, which would contaminate stormwater.

Recology Response: In this section, Shaw Environmental's claims were identical to the claims outlined under Section C "Stormwater Water Pollution". As indicated under our response to Section C, Recology's response remains the same:

The facility has been designed so that tracking of organics from the inside of the building to the surrounding roads outdoors will not occur.

The collection trucks which delivering the organics to the facility will back into a roll up door, and deposit the organics onto the aerated floor. Once they have tipped their load onto the floor, they will leave through the same roll up door they entered through, thus not allowing their tires to encounter any organic materials and track it outdoors.

The semi-trucks that will transport the organics offsite will enter a different roll up door, to the left of the aerated pad. A loader will be used to load the organics into the semi-truck, while it is parked parallel to the aerated floor. Once the truck is loaded, the truck will then continue through the building, driving out through a roll up door on the opposite side of the building from which they entered. Again, the truck tires will not encounter any organic materials.

The only equipment that will encounter organics will be the loader used to move, bulk, and load the organics. This loader will be washed down with water as needed. The wash water will be captured by the leachate collection system, and stored within the liquid storage tank. The

contents of this tank are hauled offsite for treatment and disposal at an unassociated facility. At no time will leachate or wash water contaminate or enter the stormwater system. Equipment is currently washed within the building, in compliance with the facility Operations Plan. There has never been an instance where wash water has exited the building, or contaminated stormwater runoff.

Recology owns a vacuum sweeper truck, and uses this equipment at its facilities to sweep and collect any debris or sediment from the paved areas of its facilities. This best management practice is extremely effective controlling solids that might otherwise contaminate stormwater runoff. The sweeper truck is currently used onsite at least weekly, and can be used more often should the need arise.

Recology environmental compliance staff currently conducts monthly stormwater inspections which evaluate the conditions of the catch basins within Recology's leasehold, condition of waste storage areas, conditions of spill kits onsite, and stormwater best management practices employed at the facility. These inspections are documented, and will continue throughout future operations.

The Freeway Land Industrial Complex is currently covered by the General 1200-Z Stormwater Discharge Permit. All operational activities are relayed to the landlord, so that they may include these activities within their Stormwater Pollution Control Plan. Recology's operations have not contributed to contamination of stormwater at the facility.

C. Liquid waste pretreatment. The use, if other than a sewage treatment facility, must provide pretreatment of any liquids, being discharged into the City's stormwater or sanitary disposal system. The pretreatment must meet the standards of the Bureau of Environmental Services (BES).

Shaw Environmental Response: (see Appellant's Exhibit A Page 10 of 58) – Summary of Findings for Further Consideration: Shaw Environmental's claims center around concerns related to the tracking out of materials from inside of the building. Further claims suggested the need for a pre-treatment system or permit for the disposal of leachate.

Recology Response: Shaw Environmental's claims center around concerns related to the tracking out of materials from inside of the building. Further claims suggest the need for a pre-treatment system or permit for the disposal of leachate. This is an inaccurate statement. Recology has identified options for licensed and permitted facilities to accept the leachate collected from the operation for offsite treatment and discharge. These include the use of existing facilities that have the design capability and necessary permits to handle the leachate generated from the organics collection system.

D. Posted Information. A sign must be posted near the entrance to the site, stating the telephone number(s) where a representative of the use may be reached at all times.

Shaw Environmental Response: (see Appellant's Exhibit A Page 10 of 58) – Summary of Findings for Further Consideration: Shaw Environmental states that no additional comments have been identified related to the signage recommendations of the Hearings Officer.

Recology Response: Signage currently exists at the facility, including phone numbers for the contact of Recology staff. Increased signage will be implemented when the additional use is permitted, in accordance with the conditions of approval in the CUP.

33.254.060 Nuisance Mitigation Plan

The applicant must submit a mitigation plan that addresses potential nuisance impacts which might be created by the proposed use. The plan must include the following components:

A. Offsite Impacts. The plan must document that the use will comply with the off-site impact standards stated in Chapter 33.262;

In order to address the compliance with the codes, each of these sections are addressed individually below:

33.262.030 Exemptions

The offsite impact standards do not apply to machinery, equipment, and facilities which were at the site and in compliance with existing regulations at the effective date of the regulations. Any new or additional machinery, equipment, and facilities must comply with

the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.

Shaw Environmental Response: (see Appellant's Exhibit A Page 11 of 58) Summary of Findings for Further Consideration: Shaw Environmental's claim center around concerns related to the specifications for the components of the aerated floor system.

Recology Response: Shaw Environmental's claim center around concerns related to the specifications for the components of the aerated floor system. As indicated by Sheila Frugoli, City Staff evaluates these specifications during the building permit phase of the project, not during the land use phase. Registered Professional Engineers will address any and all comments and concerns raised by City of Portland staff during the building plan review. The system will not create nuisances at the facility, rather, the system is being implemented for the mitigation and control of possible nuisances.

33.262.070 Odor

A. Odor Standard. Continuous, frequent, or repetitive odors may not be produced. The odor threshold is the point at which an odor may just be detected.

B. Exception. An odor detected for less than 15 minutes per day is exempt.

Shaw Environmental Response: (see Appellant's Exhibit A Page 12-14 of 58) – Summary of Findings for Further Consideration: Shaw Environmental claims that the facility will be processing food waste and that "odor will be an ongoing problem for this facility"

Recology Response: Shaw Environmental's claims are again based on incorrect information, by way of the assertion that "animal and vegetable products in the food waste would be processed at this location." There will be no processing, composting, treatment, heating, rendering, or steaming (as suggested by the report) of the organics at the Foster Road Facility. The material is only received and reloaded for shipment offsite.

The Shaw Environmental report references OAR 340-096-0040 regulations, which states that the facility is required to minimize all odors from the facility by some means. As indicated

previously, mitigations will be in place to minimize odors. In addition to operational practices and good housekeeping, the use of biofilters have been proven to be an effective odor control mechanism for many years, in many applications where there is a greater possibility of odors generated.

The Shaw Environmental report references the need for further operational permits from DEQ for the biofilters. As indicated before, Recology must first secure the land use permit before pursuing operational permits from DEQ and Metro

33.262.050 Noise

The City noise standards are stated in Title 18, Noise Control. In addition, the Department of Environmental Quality has regulations which apply to firms adjacent to or near noise sensitive uses such as dwellings, religious institutions, schools, and hospitals.

Shaw Environmental Response: (see Appellant's Exhibit A Page 15-18 of 58) – Summary of Findings for Further Consideration: Shaw Environmental claims that no information was submitted in the application to state how the facility would maintain compliance with noise standards.

Recology Response: Recology's application stated that no appreciable noise would be added as a result of the organics receiving operations. This was confirmed by Daly-Standlee & Associates, Inc., who conducted an evaluation of noise generated from the current operations at the facility, which has been submitted into the record. Daly-Standlee & Associates' report concluded that the noise levels radiating from the existing and proposed operations are currently in compliance with both the City of Portland and the Oregon DEQ noise regulation limits and would remain in compliance with the proposed organics reload operation.

NOTE: The Shaw Environmental Report shifts from Noise to "B. Litter" with no reference to the City Code. This document follows the format presented by Shaw Environmental, and continues the requirements for the Nuisance Mitigation Plan. 33.254.060).

B. Litter. For Waste-Related uses, the plan must address litter generated on the site and litter along roadways leading to the use that is generated by vehicles coming to the site.

The plan must also address illegally dumped waste products near the site. The plan must provide for regular litter removal. The plan must also include means to limit litter from vehicles coming to the site.

Shaw Response: Findings for Further Consideration (see Appellant's Exhibit A Page 18 of 58)

Recology Response: As indicated previously, the facility is required by its current Metro Solid Waste License to keep all areas within the site and all vehicle access roads within 1/4 mile of the site free from litter and debris generated directly or indirectly as a result of the facility's operations. For this purpose, daily litter patrols are conducted to collect any litter. These litter patrols improve the overall quality and conditions at the Freeway Land Complex. Additionally, as mentioned previously in this report, Recology owns a vacuum sweeper truck and employs this best management practice on a regular basis.

Trucks entering and exiting the Recology facility are required by the Metro Solid Waste License and DEQ Solid Waste Permit to be tarped or otherwise contained to prevent blowing litter or debris. Recology is responsible for not only notifying and reminding haulers to properly control their loads, but also to collect any blowing litter or debris from these trucks in the event that the haulers did not secure their loads. Recology reserves the rights to charge haulers for litter resulting from an uncovered load, or to outright reject the hauler from returning to the facility.

C. Dust, mud, and vector control. The plan must provide mechanisms to limit impacts from dust, mud, and disease carrying organisms such as rats and mosquitoes.

Shaw Environmental Response: (see Appellant's Exhibit A Page 18 of 58) – Summary of Findings for Further Consideration: Shaw Environmental claims that there are no nuisance abatement plans were included within the application.

Recology Response: Responses to Shaw Environmental's claims have been discussed previously in this response. Please see the above response to sections.

The report prepared by Shaw Environmental contains baseless claims about the current Recology facility, and the proposed organicis reload operations. Recology's application, testimony to the Hearings Officer, and existing permits and related documents fully support the findings of the Hearings Officer. We feel confident that the additional information submitted to the City Council, along with our strong conviction to operate the facility responsibly adequately refutes Shaw Environmental's claims.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Dutra", with a horizontal line extending to the right.

Dave Dutra
Group General Manager

Foster Road Organics Receiving System Design Components

Foster Road Aeration Pad System Configuration from Jeff Gage, Compost Design Services

Assumptions:

- 64,000 tons per year of mixed source separated organics
- 126 tons per day average based on handling it 5.5 days per week, 5 trucks per day average
- Peaking factor estimates for April through June and October, November is 2 times the average volume so 252 tons per day or 10 load-out truck trips per day.
- Load-out truck capacity assumed to be 25 tons net or 110 cubic yards maximum.
- Top loading of a load-out truck takes 30 minutes or 2.5 hour average or 5 hours during peak seasons.
- It is likely that 3 trucks on average and 6 trucks during peak times, running over 8.5 hours a day, can transport these materials to a local compost facility like Nature's Needs in three to four trips each per day.
- Collected volumes are mostly received at the transfer station from 10 am to 3 pm and must be pushed up from the collection trucks into a load out pile.
- The designed maneuvering room must allow for loading out and receiving and pushing up to happen simultaneously during peak receiving times.
- The load out pile and any residual left over materials must be stored on an aerated pad that allows for liquids to drain and for stored materials to be kept aerobic and cool.
- Only 200 cubic yards of material will be left overnight on air.

Facility Pad Configuration (see drawings on Page 4,5 and 6)

1. Allowable working pad dimensions are 80 by 60 feet as shown in the most recent drawing provided to CDS from PBS.
2. It is assumed that the loader requires 40 feet of maneuvering room to turn and approach a pile and that a delivery packer truck needs 40 feet to unload his truck completely and clean off debris from the hatch. The materials will be unloaded along the 80 foot length of the pad.
3. It is assumed that the maximum height of stored materials will be 6 feet and that the push walls will be at least 2 feet higher than the stored material height to limit the amount of spillage over the push walls. The push walls will be on the west a net length of 28 feet and on the north a net length of 80 feet.
4. Loaders will place scoops into the transfer trailers located 25 feet from the east side of the pad using roll-out buckets. So 15 feet of the east side of the pad will be needed for the loaders to maneuver towards the trucks, leaving a net wall storage space of 65 feet on the north wall.

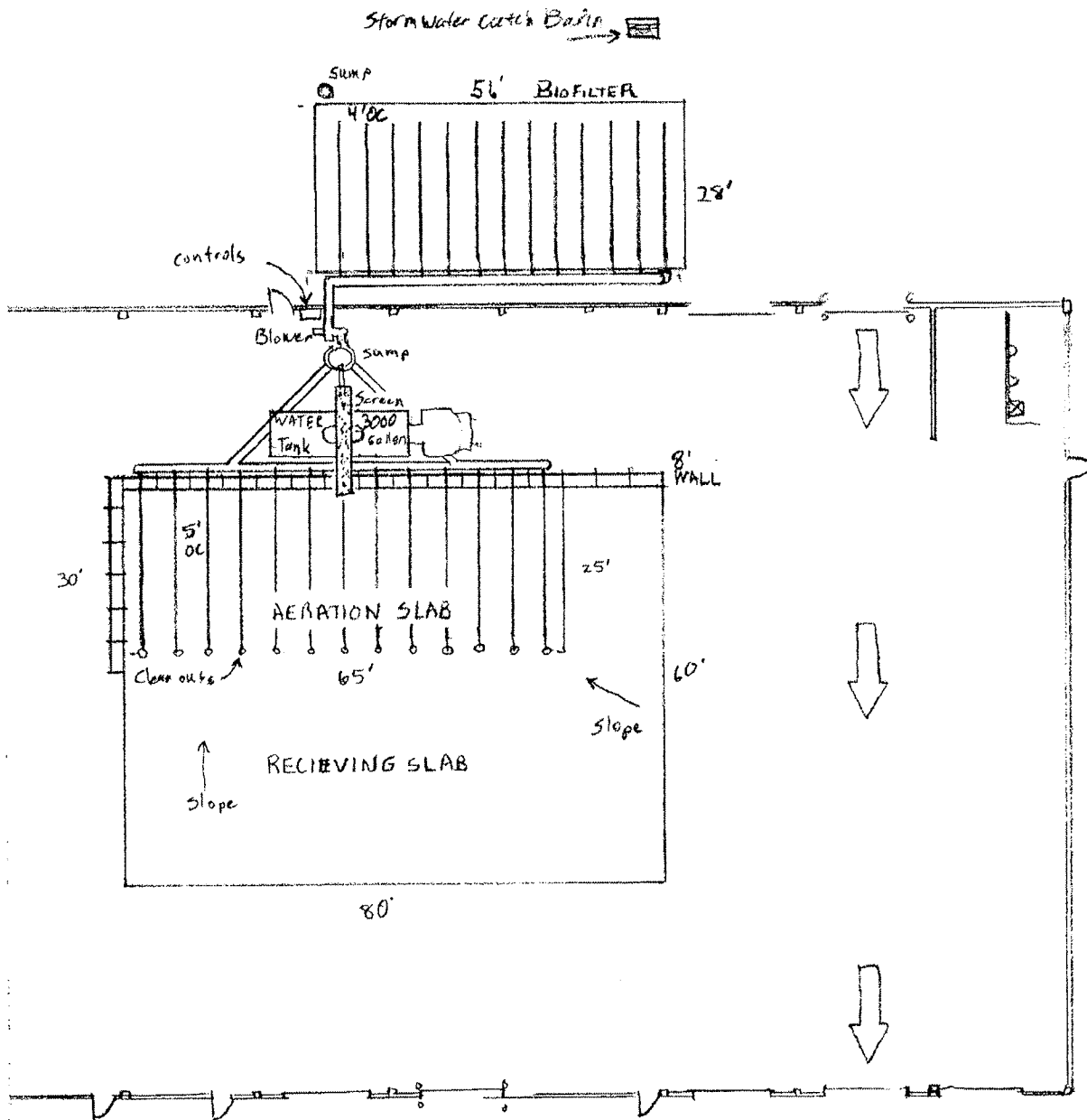
5. Considering the above handling area needs, the pushed up material storage area available for this design is 20 foot wide, by 6 foot tall by 65 feet long or 288 cubic yards capacity. Client requested aerated storage capacity is 200 cubic yards which would take up only 45 feet of this length. To improve the area available for loader mixing, and striving for first in/first out staging, it is recommended that an equivalent area of one extra truck load be designed into the aeration floor to allow for these issues. It is also suggested that at least five more feet in width be exposed at the base of the pile to allow liquids on the pad to be collected into the aeration system. The mixing and receiving areas outside of the aeration area should slope to drain towards the aeration area. An overall aeration area of 25 feet by 65 feet is recommended. The pipe spacing for the 13 pipes aligned north and south, should be 5 feet on center starting 2.5 feet from the interior of the west wall. The sparkers from each pipe can be 2 to 4 foot on center depending on the sparger outlet orifice diameter limitations engineered to get even air distribution in the pipes.
6. The blower capacity design must assume that at most the aeration floor coverage would leave over $\frac{1}{3}^{\text{rd}}$ of the pad exposed without materials on it during over night, and more generally over $\frac{2}{3}^{\text{rd}}$ of the pad exposed during operation. So the blower motors should allow for a wide range of pressures and it is good to design the floor nozzles with enough back pressure to reduce the over-amping of the blower motors.
7. A 1,625 square foot area needs to be aerated at a rate of 3 cubic feet per minute per square foot of aerated area. This is the minimum amount needed to keep pile temperatures below 40 degrees C in a 6 foot tall pile of fresh food waste and yard waste. Blower capacity will need to deliver up to 5,000 cfm at over 15 inches water column at the pad surface not counting any of the system losses through the nozzle, ducting, sump and biofilter. As far as the orifice design size, the Sparger nozzle velocity should exceed 80 feet per second to assure self cleaning of the nozzle. It is not recommended that this aeration system be turned off automatically using timers or variable frequency drives, but only manually switched off when the pad is empty and clean at the end of a work day. The media back pressure can range from zero when empty to 3 inches water column when filled at 6 feet deep.
8. Based on the desire to have liquids removed from an essentially flat receiving pad, and the desire to treat as much air coming from the stored piles as possible, it is suggested that the aeration mode be only suction and not pressure. This then requires a good method to remove solids and liquids that will be pulled into the aeration pipes during continuous aeration cycles.
9. The manifold and blower system with water and debris removal is best located in the center of the north push-wall to the North in the 25 foot wide open area in the building. All pipes will flow to a collection sump and the blower will induce suction to the system at the collection sump vertically. The collection sump volume allows the air velocity to slow down to allow debris to also drop out of the air stream. A small chopper pump is used to remove liquid and debris from the sump using float switches. The debris is removed from the water using a small rotary screen with $\frac{1}{4}$ inch openings, which deposits the debris back onto the aeration pad. The liquid is deposited into a 3,000 gallon storage and treatment tank which is provided with pressurized fine pore bubble system to keep the contents aerobic. The suction side of the blower is

connected to the collection sump and the pressure side of the blower is connected to the biofilter ducting which leads outside to the north.

10. The biofilter will be used to treat the air stream from the aeration pad. The biofilter loading will be less than 5 cfm per square foot of biofilter effective floor area. For a 5,000 cfm maximum blower volume this is at least a 1,000 ft² system. The biofilter will be constructed at a four foot depth and be comprised of ground stump wood or screened woody overs from composting. Biofilter media back pressure may range from 0.5 to 4 inches water column as it settles and becomes saturated. The 60 foot long and 40 foot wide outside area north of the aeration pad and between the storm drain, the overhead door opening and the man door is the best location for the biofilter. The biofilter foot print will be 58 feet by 28 feet laid on the surface of the pavement. The distribution pipes will be four foot on center and have sparger outlets placed every two to four feet along the length depending on the air flow distribution needs of the mechanical engineer to provide even flow from each orifice. A perimeter collection berm or trench and sump will be used to collect excess stormwater and condensate drainage from the biofilter. A ¾ inch domestic water hose automatic sprinkler system will be used to maintain adequate moisture in the biofilter.

Aeration and Leachate System Materials and Equipment Source List

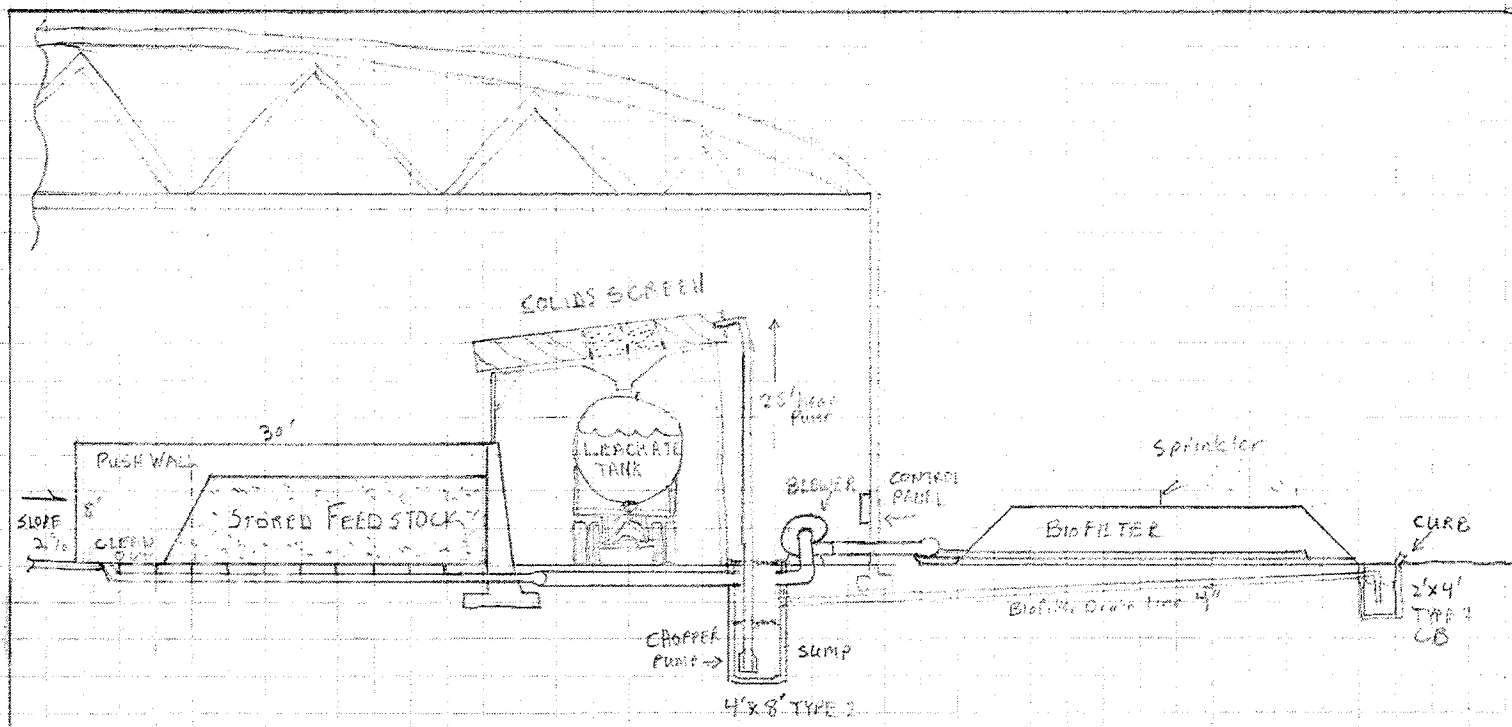
- Blower should be all stainless steel construction except shaft and motor or alternatively fiberglass. The blower may be sourced from Doug Giese at Applied Systems.
- Vaughn Chopper Pumps has a vertical pump that allows the motor to be out of the confined space.
- ADS pipe has done this kind of manifold for me in the past they are out of Battle Ground in Washington State.



FOSTER ROAD AERATION SLAB DESIGN PLAN VIEW
COMPOST DESIGN SERVICES
DRAWN BY JEFF GAGE 9/27/2010

↑
NORTH

1" = 20'

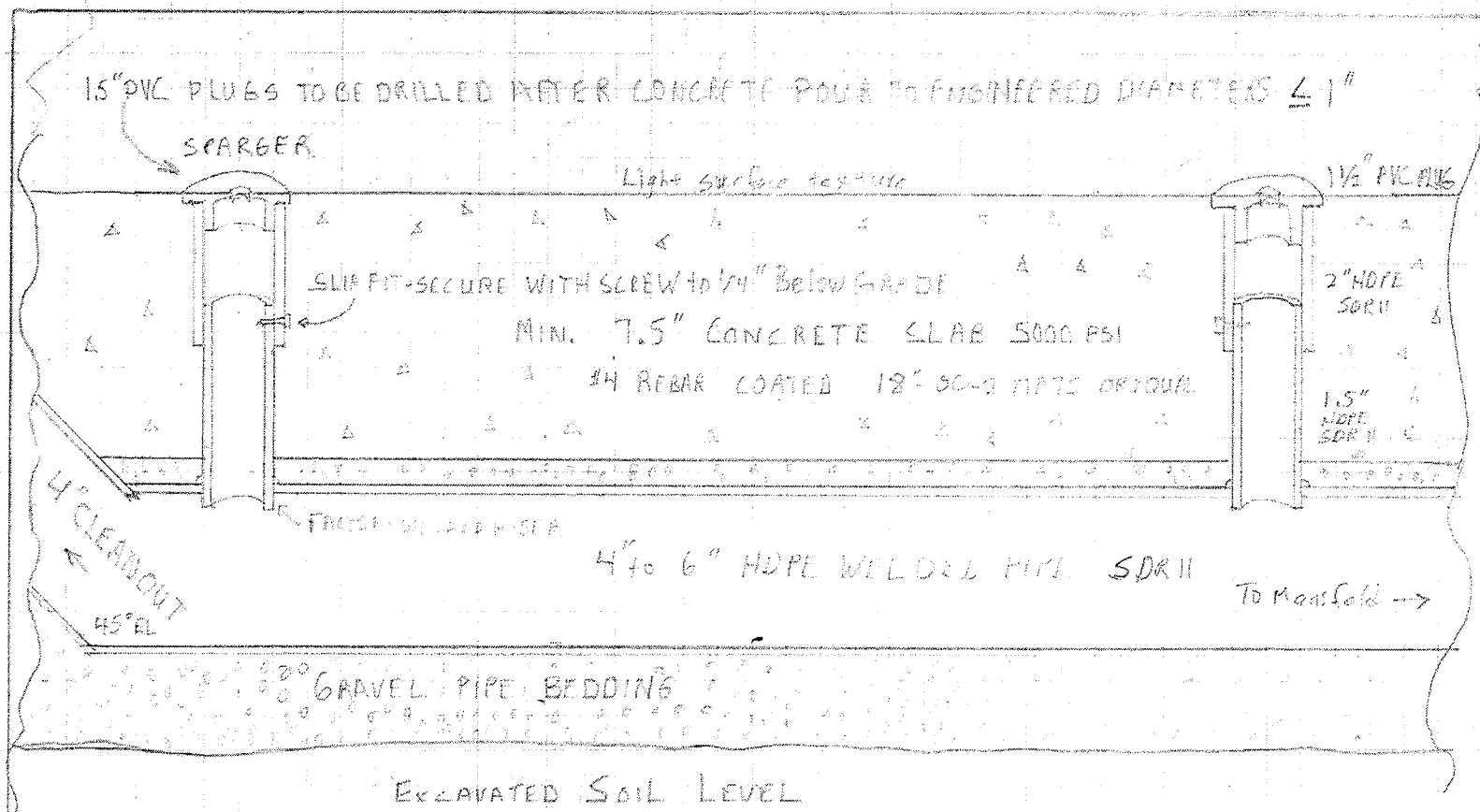


FOSTER ROAD AERATION SYSTEM EAST ELEVATION

SEPT. 29, 2010

COMPOST DESIGN SERVICES DRAWN BY JEFF GAGE

SCALE 1" = 10'



FOSTER ROAD AERATION PAD DISTRIBUTION PIPE DETAIL

COMPOST DESIGN SERVICES

DRAWN BY Jeff Gage

SEP 27 2010

SCALE 1 1/2" = 4'



Biofilters for Odor Control

Background

Biofilters are a simple and relatively inexpensive method for control of odors produced from compost facilities, wastewater treatment plants, pump stations, solid waste facilities, and industrial facilities. If properly maintained and operated, biofilters are successful at mitigating ammonia, sulfur, and volatile organic compound odors.

The principals of operation are simple. Odor-laden gases from the area or facility of concern are removed by a ventilation system and pumped through a biofilter. The biofilter is essentially a media bed with a mixture of compost, woodchips, and leaf mold. The type of media varies depending on the odorous compounds to be removed. The media that makes up the biofilter becomes the substrate on which microorganisms grow. Compounds passing through the biofilter are absorbed into the media, or adsorbed in the water film surrounding the media. Microorganisms break down the odorous compounds absorbed within the media.

Representative Projects

City of Corning, New York, Water Pollution Control Facility. Stearns & Wheeler designed a biofilter for treating odors from the primary settling tank and influent wet well. These unit processes were provided with flat covers to minimize the air volume for treatment and reduce the size of the biofilter.

Saratoga County Sewer District. Stearns & Wheeler designed separate biofilters for four different pumping stations affiliated with the Saratoga County sewer system, and one biofilter for the wastewater treatment plant influent channels. Severe odor problems existed at each of the pumping stations due to poor sewer system hydraulics and long residence times. For this project, the ventilation system and biofilters for the pump stations were designed for continuous ventilation.

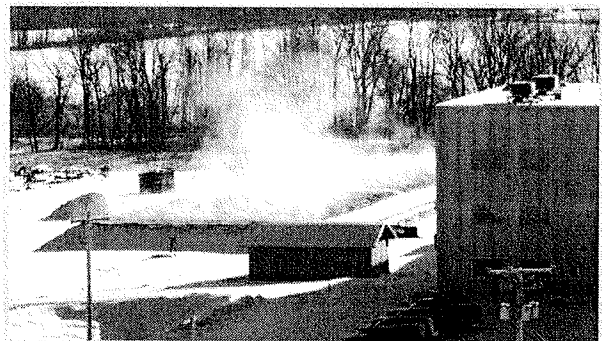
The primary compound being removed at the influent wet well and each pump station is hydrogen sulfide at concentrations up to 50 parts per million. A specific media was designed from ground wood pallets for removal of the sulfur compounds.

MSW Co-Composting Facility, Delaware County, New York. Stearns & Wheeler designed a biofilter for the County's 125 TPD MSW co-composting facility. Air from the entire 3-acre building is collected and treated through a 20,000 square foot biofilter.

Ventilation air is removed from the facility at a rate 75,000 cubic feet per minute and pumped through a biofilter comprised of a mixture of finished compost, woodchips, and peat slag. The biofilter was designed to remove ammonia and hydrogen sulfide odors emitted during the active composting and curing processes.

Stearns & Wheeler Services

- Biofilter Odor Control Systems
- Ventilation Systems
- Media Selection
- Design and Build Services
- Sampling and Analysis Programs



Delaware County MSW Co-Composting Facility

[illegible]

Foster Road Recovery Facility Complaint Log

Date	Nature of Complaint	Name/Address/Phone number of Complainant	Actions taken/Resolution

R



Response to Allegations Regarding Odor Complaints at Nature's Needs Compost Facility

Summary of Complaints

Only three complaints between December 15, 2009 and June 17, 2011 were confirmed as malodors from the Nature's Needs operations. The following factors should be considered in evaluating these complaints:

- 1. Most of the complaints are received from habitual complainants who are against the presence of a compost facility at the entry of North Plains. Three individual complainants are responsible for 69% of all complaints received.**
- 2. Recology is committed to the ongoing control and timely reduction of any nuisance conditions that may be generated from the composting process.**
- 3. The Foster Road Recovery Facility will not be composting any material, so a comparison of the two sites is not applicable.**

History of Recology's Management of Facility

Recology started operations at the Nature's Needs Composting Facility near North Plains, Oregon in April 2009. When we acquired the facility, it was in poor condition due to the manner in which it had been operated by past owners. Recology immediately began work to improve the overall conditions onsite. This work included developing and implementing an improved Operations Plan and Odor Minimization Plan, conducting two independent operations reviews focusing on odor control, instituting training programs for onsite staff, including odor control training by a third party expert, and maintaining continuous contact and discussion with Oregon DEQ and Washington County. To date, the facility has received high praise from these entities for the responsible manner in which the facility is operated.

Protocol for Responding to Odor Complaint

Any time an odor complaint is received, a full investigation is conducted by Recology staff. This investigation includes:

- Evaluating data from the onsite weather station maintained at the facility to observe and record weather conditions in the area, determine wind direction and speed in relation to the complaint location, etc.
- Gathering data from the composting process onsite (such as compost windrow temperature and oxygen readings) to determine if anaerobic conditions are developing and if operational adjustments are warranted
- Conducting on and offsite odor monitoring (by Recology Environmental Compliance staff as well as onsite operational staff) to attempt to confirm the odor detected, and identify the source
- Speaking to residents and neighbors in the area of the complaint location to determine if the odor complaint can be corroborated
- Creating an investigation report with the above data included
- Creating and submitting a detailed response letter to Washington County and Oregon DEQ with all of the findings above

In addition to Recology's efforts, Washington County Code Enforcement Officers are dispatched as they are available to respond to odor complaints. The Code Enforcement Officers conduct independent odor investigations, which include walkthroughs of the facility and the vicinity of the complaint to verify the origin and intensity of the malodor.

Attachment

Attached is a summary log, generated and maintained by Washington County, outlining all odor complaints received since December 2009 to present date. The summary log has been highlighted to show the following categories of complaints:

- Yellow: Indicates when an odor complaint was not confirmed by either Washington County Code Enforcement Officers or Recology staff
- Pink: Indicates when an alternate source for the odors was discovered
- Green: Indicates confirmed odor complaints, where Nature's Needs was identified as the source of the odor.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
12/15/2009	Karen Lee Stolte	503-647-5555	31360 NW Commercial, North Plains	Complainant observed the odor along HWY 26. Complaint was received via fax from the City of North Plains on December 12, 2009 @ 1:31 P.M.	Bjornskov	Bjornskov responded to this complaint at about 2:00 PM. on 12/15. At the time of arrival, there was a faint odor of composting material detected from Hwy 26 at Glencoe Rd. No malodors were detected. Bjornskov went to the Natures Needs facility and observed that the windrows were covered with tarps. There was steam emitting from the windrows that was blowing toward Hwy 26 and is likely the source of the odor for this complaint. Bjornskov also contacted Pedro at the facility and learned that he too received the complaint via fax. At this time it appears that this complaint is unfounded as no malodors were detected on and off site.
12/15/2009	Karen Lee Stolte	503-647-5555	31360 NW Commercial, North Plains	Complainant observed the odor along HWY 26. Complaint was received via fax from the City of North Plains on December 12, 2009 @ 1:31 P.M.	Hirn-Shepherd	I was in North Plains early in the afternoon of 12/15/09. I had not heard about any complaint at this time. I was passing through North Plains on last Thursday also. On both dates only compost/yard debris smell was detected, no malodors were detected on either 12/10/09 or 12/15/09. I stopped by again on 12/16/09 in the early morning before I reported back to the office at WC Solid Waste. I detected only a compost/yard debris smell at the gate, and not any smell at all within the town of North Plains.

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
12/17/2009	Charlynn Newton	503-970-4952	31360 NW Commercial, North Plains	Odor observed on Hwy 26 at Glencoe Rd off-ramp on 12/16/2009 at both 2:38 PM and 9:45 PM	Bjornskov	Complainant reports that on 12/16/2009 at 2:38 PM and 9:45 PM she smelled an odor she describes as "chemical - putrid/acrid". Due to the untimely report of these incidents it is not possible to confirm these complaints. Bjornskov attempted contact with the complainant by telephone to ascertain more information. Ms. Newton was not available at the time of attempted contact. A message was left on her phone advising her that County code enforcement would like to follow-up on her complaint. As of January 6, 2009 no return call from Ms. Newton has been received.
12/17/2009	Charlynn Newton	503-970-4952	31360 NW Commercial, North Plains	Odor observed on Hwy 26 at Glencoe Rd off-ramp on 12/16/2009 at both 2:38 PM and 9:45 PM	Hirn-Sheppard	Arrived in North Plains at 11:15 AM on Thursday, December 17. Drove west on Hwy 26 from 185th exit. Then drove up the frontage road to the site. I could smell only a compost smell not any chemical odors. Saw steam rising from windrows. Active turning of rows in process. Tarps were on new product. Pedro, the site manager, was not on site. The office person said that they did receive both faxes from the complainant.
12/28/2009	Cheri Olson	503-647-0899	31118 NW Commercial, North Plains	Odor observed on Hwy 26 at Glencoe Rd off-ramp on 12/27/09 at 6:40pm. Received fax on 12/28/09 at 2:07pm.	Hirn-Sheppard	I drove westbound from Cornelius Pass road and took the Glencoe exit into North plains on 12/29/2009 at 12:45pm. No odor was detected. I did not see any reason to make a site visit as there was no violation.

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Date	Complainant Name	Phone Number	Address	Description		
					Hirn-Sheppard	I left a message for Cheri Olson that I was responding to her complaint that was received almost two days after the odors were detected by her and to call if she had anymore information or questions on 12/29/09. Ms. Olson called me back and left a message that she did not have any further information for me. Ms. Olson is the past Mayor of North Plains. I am still unsure if she currently works and/or lives in North Plains. Or if she only detects odor on the highway. I will continue to monitor the area for mal odors.
				Response from Recology received on January 5, 2010.	Green	<p>Jerry Green contacted Nature's Needs on-site staff on 12-29-09 to confirm that they had received the complaint filed by Cheri Olson. Jessica so confirmed. A formal response to the odor complaint was received from Recology via email on January 5. At the time and date of the complaint, the Nature's Needs facility was closed and no activity was underway on site. There was no anaerobic activity underway.</p> <p>Also, the weather station report from on-site indicates that the winds at the time the odor was allegedly detected were blowing north which would have blown any odors generating from the site north toward West Union Road and not south toward Hwy. 26.</p>

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
01/25/2010	Rick Dobbs	503-647-5184	8800 NW Glencoe Road, Hillsboro, OR 97124	Complainant described the odor as putrid/fishy and had the smell of rotten eggs. Complainant detected the odor at 8800 Glencoe Rd. Response from Recology received on January 26, 2010.	Green	Green spoke with Jessica at the Nature's Needs site staff on Monday, January 25 and verified that they had received the complaint directly from the City of North Plains. A response to the complaint was received from Jordan Norris with Recology on Tuesday, January 26. This response reported the following: compost windrows were turned on Saturday until 3:00 p.m. on the east side of the property. It was stated by David Leyse, Machine Operator, that there was no anaerobic activity detected while the windrows were aerated. Wind was blowing to the SW at 4.6 MPH at the time of the complaint. The location of the complaint was to the SW of the site south of Hwy 26.
01/25/2010	Sarah Baker	503-351-4579	PO Box 675, North Plains, OR 97133	Complainant described the odor as putrid/fishy and sour/vinegary. Complainant detected the odor West Bound HWY 26, about 100 feet before the Glencoe exit.	Green	Green spoke with Jessica at the Nature's Needs site staff on Monday, January 25 and verified that they had received the complaint directly from the City of North Plains.

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
				Response from Recology received on January 26, 2010.		A response to the complaint was received from Jordan Norris with Recology on Tuesday, January 26. This response reported the following: compost windrows were turned on Saturday until 3:00 p.m. on the east side of the property. It was stated by David Leyse, Machine Operator, that there was no anaerobic activity detected while the windrows were aerated. Wind was blowing to the NNW at 3.5 MPH at the time of the complaint. The location of the complaint was to the SW of the site.
05/13/2010	Don Otterman	503-647-5555	31360 NW Commercial, North Plains 97133	Complainant described the odor as sewery and described it as being very intermittent - there momentarily and then gone. Odor was detected at City Hall at approximately 8:45 a.m.	Bjornskov	Bjornskov responded to this complaint at about 9:45 a.m. on 5/13. At the time of arrival at the City Hall, met with Don Otterman and Phil Graham, General Manager for the Nature's Needs facility. No odor of composting material was detected. No malodors were detected. Mr. Otterman described to Bjornskov that the odor was more like "rotting garbage than anaerobic rotting grass". Bjornskov drove the roads closest to the perimeter of Natures Needs and did not detect any malodors distinctive to Natures Needs operations.

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
05/17/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Complainant described the odor as sour/vinegary, putrid/fishy, skunky and dirty/old	Hirn-Sheppard	<p>suspected odor coming from Nature's Needs at 4:57 p.m. last Friday. It was forwarded to us from the City of North Plains. Mr. Thiessen stated that he smelled a "fishy" odor in the area of Glencoe Road just before the above time. I drove westbound on Hwy 26 and exited the highway at the Glencoe Road, exit today. I proceeded to the Nature's Needs site. I did not find a "fishy" odor or any mal odors on site today at 1:00 p.m. I spoke to their on site manager, Pedro. He told me they received the faxed complaint but were unable to find such an odor. As I drove off site towards Glencoe Road I smelled a "fishy" odor as I passed Van Dyke Grain Elevator Co. It is directly west of the Nature's Needs site. I went into the Van Dyke's office and spoke with Barb. She told me the odor was their stored fish meal.</p> <p>In conclusion, the odor that was offensive to Mr. Thiessen was from Van Dyke Grain Elevator Co. not Nature's Needs. Van Dyke Grain Elevator Co. is located at 9620 NW 307th Ave in North Plains and is not in my jurisdiction.</p>

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
05/27/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Complainant observed the odor along HWY 26 w/b about 1/2 mile before exit to Glencoe Road. Complainant described the odor as putrid/fishy, and pungent	Koppang	Complaint was forwarded to Don Otterman, City Manager for North Plains. <i>as the complainant was a city resident and the odor being contested has most recently been tracked by Washington County Code Enforcement staff to Van Dyke Grain Elevator, a company located within the North Plains City limits (see complaint of May 17).</i>
06/04/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Received complaint via fax from the City of North Plains, 6-4-10 @ 4:24 P.M. Location of Odor: Heading west off Ramp HWY 26 into North Plains. Description of Odor: Rotten Eggs; Dirty Diapers.	Hirn-Sheppard	Note from Jerry Green (June 7, 2010): Phil Graham called me Friday afternoon shortly after they had received their copy of the faxed complaint. He and Stephanie Rawson from DEQ were standing on site observing installation of the new aeration system when this complaint came in from the city. They had been there for at least an hour prior to receipt of the complaint. Phil told me that neither of them could smell anything while they were there. Note from Kelee Hirn-Sheppard (June 7, 2010): I heard the same from Pedro today. Clean Water Services crews were working in the area on Friday, too, popping open man hole covers. <i>I can smell a "rotten, fishy" odor from Van Dyke's today (June 7).</i>

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
06/22/2010	Charlynn Newton	503-970-4952	10260 NW 313th Ave., North Plains, OR 97133	Complaint received via fax 6/22/10 @ 3:53 P.M. Complaint received by the City of North Plains: 6/22/10 @ 1:53 P.M. Location of odor: Highway 26 EB at the ramp all the way to Jackson School Rd. Description of odor: Rotten.	Hirn-Sheppard	We received two complaints about odors detected between 2:00 - 8:30 p.m. yesterday. One was from Charlynn Newton and one was from Rick Dobbs. Both complaints stated the odor was a "rotting" smell. I went on site today and found a concentrated grassy smell. I could not detect any odor off site. They were turning windrows today. Pedro said that they finished turning about 2:00 p.m. yesterday and were almost done today. They are turning windrows twice a week. But they do not turn them on the weekend.
06/22/2010	Rick Dobbs	503-647-5184	8800 NW Glencoe Road, Hillsboro, OR 97124		Hirn-Sheppard	We received two complaints about odors detected between 2:00 - 8:30 p.m. yesterday. One was from Charlynn Newton and one was from Rick Dobbs. Both complaints stated the odor was a "rotting" smell. I went on site today and found a concentrated grassy smell. I could not detect any odor off site. They were turning windrows today. Pedro said that they finished turning about 2:00 p.m. yesterday and were almost done today. They are turning windrows twice a week. But they do not turn them on the weekend.

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
06/23/2010	Jill Putz	503-647-7567	11150 NW Timeric St., North Plains, OR 97133	Complaint received via fax 6-23-10 @ 10:57 A.M. from the City of North Plains. Complaint received by the City on 6-23-10. Complainant said that she has smelled the odor at all times during the day and night for the past three weeks or so. Location of Odor: Highway 26 just E of N.P./Glencoe Rd. exit, adjacent to Natures Needs/Recology. Description of odor was sour/vinegary.	Hirn-Sheppard	Complaint was investigated by Kelee Hirn-Sheppard on 6/23/10. Code Enforcement was unable to confirm the reported odor condition.
06/24/2010	Connie Barons	503-647-2627	10826 NW McKay Creek Cl., North Plains, OR 97133	Reported odor of rotten eggs at her home location	Hirn-Sheppard	Complaint was investigated by Kelee Hirn-Sheppard on 6/24/10. Code Enforcement was unable to confirm the reported odor condition.
06/25/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Reported at 3:45 p.m. Odor reported on south east side of off ramp exiting from Hwy. 26. Odor reported as that of dirty diaper. Complainant reports that he has inspected site. States that it smells like the odor control berm is not working at all.	Bjornskov	Bjornskov traveled to the site at approximately 5:00 p.m. on 6/25. Was not able to detect any odor at the Nature's Needs site other than a slight compost odor. Stopped at Van Dyke Grain Elevator which is located next door to Nature's Needs. Detected a strong, punget odor emanating from the Van Dyke facility. Facility was closed so was not able to investigate cause of odor. Bjornskov spoke to Mr. Thiessen at approx. 5:45 pm and related to him that no mal odor was detected at Nature's Needs, however, a mal odor was detected at Van Dyke Grain Elev.

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
06/28/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Filed with the County on 6/28/2010 at 4:38 p.m. Odor reportedly detected on 6/26/2010 at 2:20 p.m. Odor detected while driving west on Hwy. 26 to off ramp. Odor reported as that of dirty diaper. Complainant reports that he has inspected site. States that it smells like the odor control berm is not working at all.		Complaint was received too late by the County to conduct a timely response. Nature's Needs on-site staff conducted a post-complaint investigation and determined that no activity was underway on site at the time of complaint as this was a Saturday afternoon. Weather information indicated there was no wind velocity at the time to carry the odor in the direction of the off ramp.
06/29/2010	David Flemming	503-647-2813	31350 Pacific, North Plains, OR 97133	Complaint was received via a Green phone message at City of North Plains on 6-28-10. Complaint was faxed to County at 8:08 a.m. on 6-29-10. Complainant reports odor detected on 6-24-2010 at between 5:45 and 6:00 p.m. Odor detected on Hwy. 26 going east before McKay Creek before Jackson School Road exit. Odor described as pungent. Complainant states that "repeat odors detected. Fear it will get worse. North Plains stinks".		Complaint was received too late by the County to conduct a timely response.

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
06/30/2010	Charlynn Newton	503-976-4952	10260 NW 313th Ave., North Plains, OR 97133	Complaint received via fax from the City of North Plains 6/30/10 @ 4:48 P.M. Time odor detected by complainant: 6/30/10 @ 4:50 P.M. No description of odor. Other Information stated: "Recology is reeking again".	Hirn-Sheppard	Both Hirn-Sheppard and Theresa Koppang called complainant and left a voice mail message to contact them re: the complaint. As of July 14, 2010, no return call has been received by Ms. Newton.
07/02/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Reported at 1:52 p.m. Odor reported on Glencoe Road to NW Commercial St. and on Glencoe behind Sunshine Market @ CWS Pump Station. Odor reported as that of dirty diaper.	Crowdis	Kellie Crowdis responded to the site at 3:30 p.m. on July 2. No odor was detected in the reported location. No odor was detectable at the entrance to Nature's Needs or along the entrance road. A strong malodorous odor was detectable coming from the Van Dyke Grain Elevator facility located at the intersection of Highland Ct. and 307th Ave. Attempts to contact Van Dyke were unsuccessful.
07/02/2010	Connie Barons	503-647-2627	10826 NW McKay Creek Ct., North Plains, OR 97133	Reported at 1:56 p.m. Odor of rotten garbage at her home location all around house and neighborhood.	Crowdis	Kellie Crowdis responded to the site at 3:30 p.m. on July 2. No odor was detected in the reported location. No odor was detectable at the entrance to Nature's Needs or along the entrance road. A strong malodorous odor was detectable coming from the Van Dyke Grain Elevator facility located at the intersection of Highland Ct. and 307th Ave. Attempts to contact Van Dyke were unsuccessful.

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
07/03/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Reported July 6 at 4:16 p.m. Odor detected at 8:22 p.m. on July 3rd 3/4 to 1/2 mile before westbound off ramp from Hwy 26 to Glencoe Road. Odor reported as that of dirty diapers. Complainant offered comment that "the smell still exists".	complaint not received in a timely enough manner to conduct a field response.	July 7, 2010. Theresa Koppang, Program Supervisor, attempted to contact complainant and spoke with Mrs. Thiessen. Was advised that April Clemens, daughter to the Thiessen's, also lived at this residence.
07/06/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Reported July 6 at 3:59 p.m. Odor detected at 4:00 p.m. on July 6th at off ramp from Hwy 26 to Glencoe Road. Odor reported as foul, nasty, nasty, strong! Nature's Needs.	complaint not received in a timely enough manner to conduct a field response.	July 7, 2010. Theresa Koppang, Program Supervisor, attempted to contact complainant and spoke with Mrs. Thiessen. Was advised that April Clemens, daughter to the Thiessen's, also lived at this residence.
07/09/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Reported July 9 at 4:39 p.m. Odor detected at 3:45 p.m. on July 7th at off ramp westbound from Hwy 26 to Glencoe Road. Odor reported as woody, skunky.	Green	Jerry Green was on site at both Nature's Needs and Van Dyke Grain Elevator on July 7 between 3:40 p.m. and 4:40 p.m. No odor detected at Nature's Needs at 4:00 p.m. No odor detected at either 76 station or Subway at approximately 4:30 p.m. Noticeable odor detected on west side of Van Dyke Grain Elevator at approximately 4:10 p.m. due to them cleaning their grain storage silos.
07/09/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Reported July 9 at 4:39 p.m. Odor detected at 4:30 p.m. on July 9th at off ramp westbound from Hwy 26 to Glencoe Road. Odor reported as woody, skunky.	Jerry Green and Theresa Koppang	Green and Koppang were on site at McDonald's restaurant parking lot at approximately 4:20 p.m. following a meeting with Don Otterman at 3:00 and a visit to the Van Dyke Grain Elevator main office at approximately 4:10 p.m. No odors were detected at either the Van Dyke site or at the McDonald's site.

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
07/23/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Reported July 23 at 2:24 p.m. Odor reportedly detected on 8 separate dates at different times: 7/14 @ 3:45 p.m.; 7/15 @ 6:20 a.m.; 7/15 @ 3:40 p.m.; 7/16 @ 5:50 p.m.; 7/19 @ 3:45 p.m.; 7/20 @ 6:24 p.m.; 7/21 @ 6:20 p.m.; and 7/22 @ 3:45 p.m. Odors reportedly detected going west on Hwy 26 1/2 mile before the off ramp to Glencoe Road and going east on Hwy. 26 3/4 mile after the on ramp to Glencoe Road. Odor reported as nasty, pungent, dirty diaper smell. Complainant comments that there is an ongoing odor problem - the bio-filter (odor control) not working - need better control.	Hirn-Sheppard	On July 14 Hirn-Sheppard drove through North Plains and on site at Nature's Needs at about 10:30 a.m. No odor was detected off site. Compost odor was present near the office area of Nature's Needs. On July 20 Hirn-Sheppard drove up Hwy 26 about 8:30 a.m. No odors detected. Took exit and drove around North Plains. Still no odors detected. Both observations were made prior to receipt of complaint.
07/23/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Reported July 23 at 4:05 p.m. Bjornskov Odor detected at 4:02 p.m. on July 23 westbound on Hwy 26 approximately 1/2 to 3/4 mile before off ramp to Glencoe Road. Odor reported as hot/nasty/smell all its own.		Andre Bjornskov was in North Plains on a random monitoring on July 23 at 4:00 p.m. Bjornskov drove the perimeter of the Nature's Needs facility and checked other locations in town. No odor was detected.

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
07/29/2010	Bill Thiessen	503-647-0107	PO BOX 452, North Plains (30983 NW Wascoe St.)	Reported July 29 at 3:53 p.m. Crowdis Odor detected at 3:45 p.m. on July 29 approximately 1/2 to 3/4 mile east on Hwy 26 from North Plains off ramp. Odor reported as really ripe. Smell today - dirty diaper.	Crowdis	Kellie Crowdis responded to the site at 4:45 p.m. on July 29. No odor was detected in the reported location. No odor was detectable at the entrance to Nature's Needs or along the entrance road. No odor was detected next to either of the windrows on site. A malodorous odor was detectable coming from the Van Dyke Grain Elevator site and from the road area immediately surrounding this facility.
09/13/2010	Charles Rogers	503-429-9107	57743 Timber Road, Vernonia, OR	Complaint filed with City of North Plains at 8:40 a.m. Received by Nature's Needs staff and County at 10:29 a.m. Location of odor reported as being Kaybern @ 313th Ave. This location is in the center of North Plains. Odor reported as sour/vinegary.	Green	Complaint does not identify Nature's Needs as the alleged source of the odor. The reported location is .8 miles from the Nature's Needs facility.

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
				Response from Recology received on January 26, 2010.		Recology filed an Odor Complaint Investigation Report on this complaint on September 22. Nature's Needs site staff responded to the complaint at 10:45 a.m. by visiting the corner of NW Kaybern St. and NW 313th Ave. Staff also traveled surrounding area up to a 4-block radius. No mal odor was detected. Staff did observe multiple residential yard debris containers at curbside as this date was the scheduled yard debris collection day. Staff also noted that the outside walls of the North Plains City Hall, located adjacent to the location of the complaint, were being either painted or stained. No anaerobic conditions were noted on site.
09/24/2010	Rick Dobbs	503-649-5184	8800 NW Glencoe Road, Hillsboro	Reported odor detected at 7:30 p.m. on September 24. Complaint received via fax at 6:32 p.m. on September 24. Odor described as sweet sickly heavy odor. Smell was coming from facility Sept. 23 from 10:00 p.m. til 7:00 a.m. Friday morning also. Second copy of complaint received from City of North Plains via fax at 7:36 p.m. on September 24.	Green	Confirmed with Recology that complaint had been received by Nature's Needs site personnel. Recology personnel are conducting a standard odor investigation.

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
				Response from Recology received on October 1, 2010.		An investigation of the complaint was conducted by Recology staff as detailed in their odor management plan. No malodorous conditions or odors matching those described on the complaint form were noted. No odors matching the descriptions on the complaint form were detected by site staff who responded to the odor complaint at 6:15 a.m. on September 25. Further, on September 24, between 1:00 p.m. and 3:00 p.m., prior to the complaint being submitted, Recology staff conducted routine odor monitoring using a "Nasal Ranger" odor-monitoring device at various locations on and around the NN facility. The nasal ranger monitoring program is conducted routinely to proactively monitor for odors emanating from the site and provide data for comparison. No odors matching the description on the complaint form were detected during this round of monitoring.

Nature's Needs Odor Complaint Log

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Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
12/20/2010	Don Otterman	(503) 647-5555	31360 NW Commercial Street, North Plains, OR 97133	I just got a phone call regarding odors from Nature's Needs. The complaint was for Thursday and Friday of last week and were approximately 6.30 pm. I know it is a little late now but just wanted to let you know.	Kelee Hirn-Sheppard (see comment in observation log); Scott Heidegger, Environmental Compliance Manager for Recology	Response from Recology: This is in response to odor complaints received on December 29, 2010, submitted via email by Mr. Don Otterman on behalf of a third party who detected an odor. The complaint filed by Mr. Otterman indicates that a strong odor was detected on West Union Road in North Plains near the Metro Newholland facility on December 29 at 9:30 AM. The complaint states that the wind was blowing from the south at the time the odor was detected. An investigation of the complaint was conducted as detailed on the attached Odor Complaint Investigation Form. No anaerobic conditions or odors matching those described in the complaint were noted. No odors matching the descriptions on the complaint form were detected by site staff who responded to the odor complaint at 11:36 AM on December 29, after receiving the odor complaint. Also on December 29, between 12:00 PM and 1:30 PM, Recology staff monitored for odors using a "Nasal Ranger" odor monitoring device at various locations on and around Nature's Needs, including at the Metro Newholland site. No odors matching the de
02/03/2011	Cheri Olson	503-647-0899		Odor detected on 2/2/2011 at 6:16 p.m. coming west off Hwy 26 into North Plains on Glencoe Road. Bad smell. Usually at night when you cannot make a complaint.	Andre Bjornskov	Bjornskov contacted Nature's Needs site staff and was informed that employees had been turning piles most of the day on February 2.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
03/16/2011	Don Otterman			Odor complaint around the area of Hwy 25/Glencoe road	Kelee Hirn-Sheppard	Responded to the North plains area after 2 p.m. Detected mal odor near the Arco at Glencoe/ Hwy 26. I did not detect any odors on 307th Ave. I walked the site with Pedro and Mr. Zeiger of Recology. They had a semi truck bring in a mixed load of evergreen/ organics at 1 p.m. The odor was a strong evergreen scent. I walked the rows and did not find the odor that I detected at the Arco station. The odor may be stagnant water in the area. The wood cutting business next to the Arco was cutting and burning. May be a source of odor too.
05/13/2011	Charles Rogers	503-429-9107	31360 NW Commercial, North Plains, Oregon 97133	Driving by on Hwy. 26. Just stinks!!	Pedro Campuzano, Nature's Needs Site Supervisor	Recology reported that they received a call from Stephanie Rawson of DEQ, she informed us that North Plains City Hall faxed a Complaint Form issued by Charles Rogers. Charles Rogers did not specify a specific odor description, just stated that it "just stinks" when he was driving by on Hwy 26 at 1:10 pm. When ROC Nature's Needs Site Supervisor Pedro Campuzano was notified of the complaint he walked around the active windrows to assess the area. Pedro determined that the odors near the active windrows dissipated as he walked away from the active windrow area & moved towards the highway. Determination by site Personnel. It was determined that the odors in the active windrow area were not anaerobic & were not detected near Hwy 26.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
					Recology - Amy LeCoq	The first complaint was received on May 13, 2011, filed by Mr. Charles Rogers. The complaint filed by Mr. Rogers indicates that an offensive odor was detected while "driving by on Highway 26" at 1:10 PM. An investigation of the complaint was conducted as detailed on the attached Odor Complaint Investigation Form (attached). At the time of the complaint, the wind direction was variable, with a wind speed of approximately 3.5 mph, as shown on the Hourly Observations Log (attached). The description of the odor given by Mr. Rogers was vague, only saying that it "just stinks." Site Supervisor Pedro Campuzano conducted a physical assessment of the conditions onsite at the time the complaint was received. Odors were detected within the immediate surrounding areas of the active windrows, however, these odors were not detectable once Mr. Campuzano traveled away from the area. No odors from the composting process were detected offsite by Mr. Campuzano.
05/13/2011	Cheri Olson	503-647-0899	31118 NW Commercial, North Plains, Oregon 97133	On way to and from work in North Plains. Reported odor in a.m. on way to work and in p.m. on way home from work. Left message.	Kelee Hirn-Sheppard	Washington County received a fax from Cheri Olson this morning. She smelled mal odors on Friday. I contacted Nature's Needs today and they had received the same complaint and another one from a Mr. Rogers. They were moving the rows and had them off the bio filters. No mal odors today.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
					Response from Recology - Ame LeCocq	Response from Recology: The complaint was received on May 16, 2011 at 8:53 AM, filed by Ms. Cheri Olson. The complaint filed by Ms. Olson indicates that an odor was detected while "on the way to and from work in North Plains" on May 13, 2011, however no specific time was indicated (see attached) . Since this complaint was not received until three days after the alleged odor was detected, and no specific descriptors were given to describe the odor, it is difficult for site staff to confirm the odor was generated by Nature's Needs. Over the past three weeks the facility has been in transition, as construction of leachate collection systems (catch basins) were installed. During this period, procedures were implemented to minimize the possibility of odors escaping the facility. We believe that our efforts have been successful so far.
05/20/2011	Cheri Olson	503-647-0899	31118 NW Commercial, North Plains, Oregon 97133	Eastbound on 25 leaving North Plains. Already called DEQ and spoke with Stephanie Lawson. Spoke with Jessica at Recology.	Theresa Koppang	Theresa Koppang drove westbound on Hwy 26 and onto Nature's Needs frontage road. She did not detect any mal odors at 10:15 am.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
					Response from Recology - Ame LeCocq	The first complaint was received on the morning of May 20, 2011. filed by Ms. Cheri Olson. The complaint filed by Ms. Olson indicates that an odor was detected while heading "eastbound on (Highway) 26 leaving North Plains" at 7:38 AM. An investigation of the complaint was conducted as detailed on the attached Odor Complaint Investigation Form (attached). Ms. Olson did not provide a description of the odor she observed. Site Supervisor Pedro Campuzano conducted a physical assessment of the conditions onsite at the time the complaint was received. No evidence of anaerobic conditions was observed. Chris Chaote of Recology was also on-site and did not detect any onsite malodors. A slight yard debris odor was detected at the facility entry in the early morning but dissipated soon after. No odors from the composting process were detected offsite by Mr. Campuzano.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
05/25/2011	Cheri Olson	503-647-0899	31118 NW Commercial, North Plains, Oregon 97133	Cheri Olson called the ROC Nature's Needs office this morning at 9:05 am returning a missed call from Pedro Campuzano, ROCNN Site Supervisor, to answer some of his inquiries from a previous complaint submitted by Mrs. Olson on 5/20/11. She then mentioned that she smelled an odor yesterday afternoon around 5:18 pm, but stated that it was not strong. I asked her for an odor description & she said that the only way she can describe it as is "garbage/rotting food" smell. Soon after the call ended we received an Odor Complaint Form from N. Plains City Hall in regards to the faint odor noted by Mrs. Olson on Tuesday afternoon.	Response from Recology - Ame LeCocq	Please note: Jeffery Leyse & Jessica Campuzano, ROCNN site personnel, were the last to leave the NN facility at 5:45 pm. No malodors were noted on the drive out on 3071h Ave, which runs along side Hwy 26, at 5 miles per hour with the windows rolled down.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility.

Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
					Response from Recology - Ame LeCocq	The second complaint was received the morning of May 25, 2011, again filed by Ms. Cheri Olson. Ms. Olson was returning a call from Mr. Campuzano regarding the May 20, 2011 complaint detailed above. She mentioned that she had noticed a mild "garbage/rotting food" odor the previous afternoon (May 24, 2011) around 5:18 pm while "entering North Plains off of 26". Since this complaint was not received until the following morning after the alleged odor was detected, it is difficult for site staff to determine the exact nature of the odor and whether or not it was generated by Nature's Needs. It should be noted that upon leaving the facility at 5:45 via 307th Avenue (alongside Highway 26), two Recology employees did not detect any malodors. After her complaint, Mr. Peter Branda, General Manager of Recology Oregon Compost, spoke with Ms. Olson and explained our on-going construction and extended an invitation for her to visit the facility. He asked Ms. Olson to contact him next time she had a complaint regarding odor.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
05/26/2011	Cheri Olson	503-647-0899	31118 NW Commercial, North Plains, Oregon 97133	Complaint received @ 8:49 A.M.; Date odor detected: May 26, 2011; 7:39 A.M. Location Odor detected: US 26 & Glencoe Rd. No Description of odor was given by complainant. Other information given by complainant: "Especially strong this morning".	Kelee Hirn-Sheppard Response from Recology - Ame LeCocq	I arrived on site at 11:45 driving westbound from Hwy 26. I did not detect odors off site but did smell a sweet odor on site. Van Dykes had 3 semi trucks on site as I drove by. It is unclear if they were off loading today. At the time of the complaint there was no activity on site at Nature's needs. All the bio filters were working during my visit.
05/26/2011	Kelly Stadelman	503-647-0892	10150 NW Glencoe, North Plains, OR 97133	Complaint received via fax May 26, 2011 @ 11:43 A.M. Date Odor Detected: 5/26/11 Time Odor Detected: 8:37 A.M. Location of Odor: 1050 NW Glencoe Rd. Description of Odor: Rotting Trash	Kelee Hirn-Sheppard	I arrived on site at 11:45 driving westbound from Hwy 26. I did not detect odors off site but did smell a sweet odor on site. Van Dykes had 3 semi trucks on site as I drove by. It is unclear if they were off loading today. At the time of the complaint there was no activity on site at Nature's needs. All the bio filters were working during my visit. I contacted the complainant who said in her parking lot at 10150 nw glencoe at about 8:30 this morning that a rotting garbage odor was lingering but when she went back out at noon it was gone.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
					Response from Recology - Ame LeCocq	Shortly after the 7:39 complaint (also May 26, 2011), a fourth complaint was received by the facility from Kelly Stadelman. Ms. Stadelman indicated that she had detected a "rotting trash" odor at 8:37 am in the 10150 NW Glencoe parking lot. Follow up by Kelee Hirn-Sheppard. I contacted Ms. Stadelman who stated that she and her students smelled a bad odor like rotting trash in her parking lot about 8:30 am. When she left her studio at noon the odor had disappeared.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
06/03/2011	Charlynn Newton	503-516-6558	10260 NW 131th Ave, North Plains, OR	Complaint received via fax 6/3/11 at 12:57 pm. Offensive odor detected by complainant: 12:38pm Location of offensive odor: Eastbound on 26 Description of odor: complainant writes "Other: oh my god!" and "Rotton odor." Ashley Tjaden called Andre Bjornskov to investigate odor at 1:30pm and informed Theresa Koppang of the fax received. -AT	Andre Bjornskov	Bjornskov arrived at the site at 2:10 pm. A strong mal-odor was detected on Hwy 26. Odor was absent as he turned onto Glencoe Rd. Odor was detected again as Bjornskov came upon the Van Duyck Seed and NN border. Bjornskov stopped in at Van Dyke Seed and detected no odor. Upon arrival he spoke with Pedro Campazano. Pedro said he investigated the odor after receiving the complaint. Pedro didn't detect a malodor, just normal compost smell. Bjornskov walked the site, checking every windrow with Pedro. Bjornskov particularly noticed an anaerobic odor, a malodor, from the pile that had been delivered that morning 6-3- 11. He determined that the odor was coming from other piles as well. Bjornskov then looked at the biofilter and at that time Recology staff was cleaning leachate out of the piping. Bjornskov went to SW end of biofilter where steam was coming off, however the odor was not a malodor, so the biofilter appeared to be working properly. Next Bjornskov visited the piles that were undergoing screening and there was no malodor detected. Bjornskov then spoke with Amy

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
					Theresa Koppang	Recology staff (Amy LeCoq) followed up with Solid Waste Supervisor Koppang after Koppang asked to speak to Amy LeCoq. LeCoq confirmed that a malodor was present in more than one windrow. The steps Recology planned to take over the next 24-48 hours: 1)Limit or stop activity on the site to reduce disturbing the windrows and releasing odor. 2)Add more oxygen to piles if they were found to have become anerobic. 3) remove standing water/leachate 4) put rows that had been taken off positive air back on positive air (if determined that was needed) 5) get the recently received material into a pile to control the odor 6) not take more material on Saturday 7) continue to check piles for anerobic conditions and adjust temp and moisture as needed. LeCoq will follow up w/Kelee Hirn-Sheppard Monday, June 6 with a full report of the remedial actions taken over the weekend to stop the malodor coming from the site.
06/07/2011	Cheri Olson	503-647-0899	City of North Plains	Complainant stated that the odor was very strong	Officer Hirn-Sheppard	Two complaints were received by via fax on 6-7-11 by Cheri Olson. Olson's complaints were received by the City of North Plains on 6-6-11. The odors were detected by Olson on the mornings of 6-3-11 and 6-5-11. The facility was already under investigation by Officer Bjornskov and Hirn-Sheppard upon the county's receipt of the two complaints, see the above for the findings regarding the complaints. - KC

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
06/13/2011	Charlynn Newton	503-976-4952	10260 NW 313th Ave., North Plains, OR 97133	Offensive odor detected while driving "east on Highway 26 by Glencoe Road" at 6:40 PM on June 9, 2011. "full of rot"	Response from Recology - Amy LeCocq	Complaint was not filed until the morning of June 13th. The description of the odor given by Ms. Newton was vague, only stating "full of rot." A proper follow up investigation of the complaint could not be conducted, as the complaint was received four days after the odor was detected. Weather data from the time of the complaint indicates a northeast wind was present at roughly 11.5 mph.
06/15/2011	Cheri Olson	503-647-0899	City of North Plains	Offensive odor detected while driving "West on Highway 26 at Glencoe Road" at 4:19 PM on June 15, 2011. The description of the odor: "stinks".	Response from Recology - Amy LeCocq	An investigation of the complaint was conducted. Shortly after the complaint was received, Recology Vice President Chris Choate and California Composting General Manager Greg Pryor conducted an on- and off-site odor investigation. After travelling both east and west along Highway 26, they were unable to detect any odors. A review of the weather data from the time of the complaint indicates a west-northwest wind was present at roughly 16 mph. This would indicate that the wind was blowing in the opposite direction of the complaint location. Operational conditions were evaluated at the site, and no anaerobic conditions were identified.
06/17/2011	Charles Rogers	503-429-9107	31360 NW Commercial, North Plains, Oregon 97133	Stinks!	Officer Hirn-Sheppard	Odor detected at 313th & Kaybern, - KC

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility. Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		

Response from
Recology - Ame
LeCocq

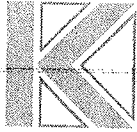
Complaint indicated that an offensive odor was detected at 313th and Kaybern Street at 8:39 AM on June 17, 2011. No specific descriptors of the odor were given by Mr. Rogers, who described the odor as "stinks." Weather data from the time of the complaint indicates a mild southeast wind was present at 2 mph.

Nature's Needs Odor Complaint Log

This log is to be used to record all complaints that are received related to odors associated with the Nature's Needs Compost facility.

Both the nature of the complaint and the finding from the field response are to be posted to this log.

Complaint Information					Responder	Finding
Date	Complainant Name	Phone Number	Address	Description		
06/17/2011	Don Otterman	503-647-5555	31360 NW Commercial, North Plains, Oregon 97133	Sour, Vinegary. Rotten garbage odor	Response from Recology - Ame LeCocq	The first complaint was received at Nature's Needs at 9:23 AM. Immediately following receipt of the complaint, Site Supervisor Pedro Campuzano and Recology Vice President Chris Choate began an offsite odor investigation. At 9:50 AM, Mr. Campuzano encountered two North Plains residents during their morning walk through town, at Main Street and Kaybern Street. Mr. Campuzano asked the residents if they had detected any malodors during their walk. The two residents stated that they had been walking through town for approximately 30 minutes, and had not detected any odors during that time. At approximately 9:55 AM, Mr. Campuzano approached a City of North Plains employee within the City Hall parking lot, which turned out to be Mr. Rogers. Mr. Rogers commented to Mr. Campuzano that earlier that morning he had noted a "sweet sour fermented odor" while watering plants, but confirmed that the odor was no longer detectable. The second complaint from Mr. Otterman was received during the time that Mr. Campuzano was interviewing Mr. Rogers (Mr. Campuzano was notified at 10:05 AM description given by the complainants. Could not investigate complaint as complainant stated that the odor was detected 6/21/11 at 6:24 P.M. The County was not in receipt of the complaint until 9:38 A.M. the next day- 6/22/11. - KHS
06/22/2011	Cheri Olson	503-647-0899	31118 NW Commercial, North Plains, Oregon 97133	Bad!	Kelee Hirn-Sheppard	



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

July 21, 2011

Project #: 11183

Mayor Sam Adams

City of Portland

1221 SW 4th Avenue, Room 340

Portland, OR 97204

RE: Recology LU 10-194818 CU AD

Dear Mayor Adams,

Kittelison & Associates, Inc. prepared the traffic impact study for the Recology project LU 10-194818 CU AD (Recology at SE 101st Avenue). As a result of the testimony and questions asked by City Council at the July 13, 2011 appeal hearing, we have prepared the following memorandum to summarize how the trip generation rates were developed as part of the formal traffic impact study.

TRIP GENERATION RATE

The trip generation estimate for the expanded Recology facility was developed based on how the facility operates today and how it is anticipated to operate in the future with the accommodation of added delivery of organic waste and soil sales activity. Detailed conversations were had with Recology officials regarding the anticipated increase in vehicular and truck traffic. From these discussions, Recology estimated that the site would likely experience, at most, an increase in roughly 45 organic waste related truck trips to/from the site spread between the hours of 8:00 a.m. and 5:00 p.m. Given the inability to precisely estimate the arrival/departure patterns of the added truck trips during the critical weekday a.m. and p.m. peak hours, it was assumed for the purposes of the traffic study that that expanded use of the recycling center may generate a doubling of existing weekday a.m. and p.m. peak hour trips. While overly conservative, this estimate accounts for any variability in projected traffic increase associated with the organic waste component of the expansion.

In addition to the anticipated increase in truck traffic, the trip generation estimate also took into account the site's addition of retail soil amendment sales. Recology officials anticipated that there could be up to ten soil amendment sales transactions on a typical weekday. It is likely that some of these transactions will be made by customers dropping off recycling materials (thereby already accounted for in the site traffic counts). Further, these transactions will most likely occur throughout

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EXHIBIT S

a typical day. However, to be conservative, it was assumed that approximately half of these transactions would occur during the weekday a.m. peak hour and the other half would occur during the weekday p.m. peak hour. The resulting trip generation estimate is outlined in the table below and shows that the weekday a.m. peak hour will experience a 160% increase in total trips while the weekday p.m. peak hour will experience a 300% increase in total trips.

Foster Site Trip Generation Estimate

	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
		Total	In	Out	Total	In	Out
Existing SE 101 st Avenue Site	290	15	10	5	5	<5	5
Expanded Use Site	+90 ¹	+15	+10	+5	+5	+<5	+5
Expanded Soil Amendment Sales	+20	+10	+5	+5	+10	+5	+5
Total Future Trips	400	40	25	15	20	5	15

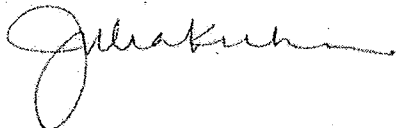
¹This includes 45 in bound trucks (35 garbage style trucks to deliver the food waste and 10 semi-trucks to haul the waste away to an off-site composting facility) and 45 out bound trucks.

As described above, both the organic waste related truck trips to/from the site and the soil amendment sales trips were conservatively estimated during the weekday a.m. and p.m. peak hours. This methodology and resulting calculations were reviewed by City development review staff and found to be acceptable. As such, the trip generation estimate for the expanded Recology facility is a conservative but appropriate approximation of the site's future trip generation potential.

Please let us know if you have any questions.

Sincerely,

KITTELSON & ASSOCIATES, INC.



Julia Kuhn, P.E.
Principal Engineer



Matt Hughart, AICP
Senior Planner

Lents Neighborhood Association
Draft V_7-26-11 Good Neighbor Agreement with
Recology Oregon Material Recovery, Inc.

1.0 Background

Recology Oregon Material Recovery, Inc. is a business (hereinafter simply referred to as the "Recology") located at 6400 Southeast 101st Avenue, within the boundaries of the Lents Neighborhood Association (LNA). The parties to this agreement are committed to promoting business practices that serve the needs of the community and contribute to neighborhood livability.

2.0 Formation of the Partnership

The following Good Neighbor Agreement is made between LNA and Recology Oregon Material Recovery, Inc. (hereinafter referred to as the "Partners"), operated by Dave Dutra, General Manager. The issues addressed in this Agreement have been developed by Recology, LNA, and the Office of Neighborhood Involvement Crime Prevention.

This Agreement is founded in the belief that successful business relies, in part, on the strength, cooperation, and support of the neighborhood around it, and that the strength of the neighborhood relies, in part, on the responsibility, vitality, and strength of the businesses operating within it.

The issues addressed in this Agreement have been agreed upon by all of the parties mentioned above. We acknowledge that this document represents the good faith effort by all parties to resolve the issues identified herein.

3.0 Effective Date

This agreement shall begin *September 1, 2011*. The Partners to this agreement will be available to meet annually to review the status of the agreement.

4.0 Goals of this Good Neighbor Agreement are to:

- Maintain the livability and safety of the neighborhood.
- Minimize negative impacts to the neighborhood; including increased heavy truck traffic, odors, vectors and noise.
- Develop and maintain clear communication channels between the Partners.

5.0 Business Operating Policies

5.01 Operations Plan

Recology currently operates Monday-Friday 6:00am to 5:00pm, Saturday 8:00am to 12:00pm, and is closed on Sunday. It is understood by the Partners that Recology may need to adjust its hours of operation.

Recology shall post on its sign at the boundary of the Jameson Partners "Freeway Lands" site and on its website operating hours during which the facility is open for the receipt of authorized waste.

Should a change be necessary, Recology will notify the LNA 30 days prior to the change.

Recology shall operate the facility in compliance with an operations plan approved by DEQ and Metro. Recology shall provide the LNA a copy of the proposed operations plan when submitted to DEQ and Metro for approval. Any time Recology proposes to change aspects of the operations plan governing truck traffic, hours of operation, noise or odor, Recology shall provide the LNA a copy of the proposed changes when submitted to DEQ and Metro for approval. When it proposes changes to its operations plan to Metro, Recology shall (1) explain the reasons for the change; (2) describe how Recology has evaluated any impact to the neighborhood; and (3) include a copy of the notice of the change provided to the LNA. Recology acknowledges that Metro will accept comments for 30 days after plan submission to Metro.

5.02 Plan Freight Routes/Truck Traffic

In cooperation with the LNA, Recology shall develop preferred truck routes for truck traffic to and from the Facility. Recology shall inform drivers of the preferred truck routes and shall encourage their use. Recology will refer to the preferred truck routes in its supplier agreements. Recology will make every effort to ensure that truck traffic generated by its own operations stay on Southeast 101st Avenue, south of Foster Road, and Southeast Foster Road, east of I-205. Exceptions to the designated routes are reserved for regularly scheduled pick-ups or other business activities within the neighborhood.

Additional signage at both of the I-205 off-ramps and the intersections of SE 101st Avenue and SE Foster Road and SE 101st Avenue and Woodstock Boulevard will be installed by Recology to reduce the likelihood of truck drivers, unfamiliar with their location, turning into the wrong residential streets.

5.03 Noise

Recology shall manage and control noise levels inside and outside the facility in a manner which minimizes the creation of noise sufficient to cause adverse off-site impacts. The facility shall be operated at all times to comply with all applicable laws, regulations and ordinances respecting noise.

Noise generated outside of normal business hours will be subject to additional scrutiny and conditions.

5.04 Water Quality

Recology shall comply with all applicable laws to ensure that the facility and its operations do not negatively impact the water quality in Johnson Creek.

Recology will produce a flood plan for events that effect delivery to or actual operations within the facility. The plan will include details for ceasing deliveries and other truck traffic to the facility when 101st Avenue is submerged. This plan will also include a plan for the highly unlikely, but possible, flooding of the actual facility and measures that would be taken to prevent the commingling of materials on the Recology site with the flood waters of Johnson Creek.

5.05 Complaint Procedures and Complaint Log

Recology shall post on its website and the Facility gate an e-mail address and phone number at which complaints may be made 24 hours a day to Recology and also the phone numbers at which complaints may be submitted to Metro and DEQ.

Recology will respond to all nuisance complaints in the manner required by its Metro License agreement (including but not limited to, litter, dust, odors, noise, traffic, and vectors), and will keep a record of such complaints, including actions to remedy the conditions that caused the complaint. This record shall be available for inspection by members of the LNA board with advance notice to Recology of two business days.

For every nuisance complaint received, Recology will record the following details within a log:

- The nature of the complaint
- The date and time the complaint was received
- The name, address, and telephone number of the person or persons making the complaint
- Any actions taken by Recology in response to the complaint
- Recology will retain each complaint record for a period of three years

Should 10 complaints deemed legitimate by DEQ occur in 45 day period, the LNA will seek to have the Recology facility cease operating until it has performed the necessary remediation to prevent a future outbreak of problems and violations. The LNA will contact the City of Portland, Metro and DEQ for enforcement of this clause. Should civil court action be necessary, Recology will be held responsible for any legal costs.

5.06 Litter/Vandalism

Recology will make every effort to operate in a manner that minimizes and mitigates the generation of litter, and will make attempts to keep litter from migrating beyond its property boundaries. Recology will keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation. Should litter in this area be originating from another business it will be the duty of Recology to notify the LNA and also be willing to participate in shared responsibility for litter collection in the area.

Recology will take reasonable steps to remind persons delivering waste materials to the facility, and require from those delivering materials on behalf of Recology, that all loads must be secured and covered to prevent materials from blowing off the load during transit.

Recology will make efforts to document any graffiti by taking pictures and/or writing down descriptions of the graffiti before cleaning it off of the premises. All pictures or descriptions of graffiti will be shared with either the Graffiti Abatement Program (phone: 503-823-4824, or at their website: www.portlandonline.com/oni/index.cfm?c=28984), or the Portland Police Bureau.

Recology will attempt to secure the site during non-business hours, in order to minimize availability of garbage and recycling for transients.

6.0 Collaboration

6.01 Jobs and Business Opportunities

Recology shall encourage residents of Lents neighborhood and other stakeholders near the facility to apply for employment opportunities at the Facility. Among qualified candidates, Recology shall prefer residents of Lents neighborhood and stakeholders near the facility for filling open positions. Stakeholders to develop programs for workforce and contracting opportunities that will benefit workers and businesses in the neighborhoods near the facility.

6.02 Byproduct, Fertilizer and Soil Amendment Products

Recology also shall consider proposals for uses of fertilizer and soil amendment products that benefit the community and shall give reasonable preference to proposals that benefit the community provided all material terms are comparable to other available options.

6.03 Education

Recology shall make the Facility available for tour by educational institutions, including local schools, colleges and after-school programs.

6.04 Community Enhancement Fee

The partners shall make every effort to work with the Metro Oregon regional governing body to establish a community enhancement fee to mitigate the impact the operation of the Recology operation on the Lents Neighborhood. This fund is created to benefit community enhancement programs in Lents and Stakeholders affected by the Facility.

7.0 Roles/Duties of Partners

7.01 Business agrees to:

- Follow the operation guidelines agreed upon in the previous section.
- Make an effort to maintain an ongoing relationship and open communication with neighbors and partners.
- Participate in follow up meetings regarding this Agreement.
- Make an effort to promptly respond to neighborhood concerns related to Recology or its customers.
- Maintain a copy of this agreement with all other regulatory documents onsite.

7.02 Lents Neighborhood Association and Neighbors agree to:

- Assist in the general success of Recology.
- Report any nuisance issues to Recology management.
- Report any crime issues to the police and Business management.
- Document incidents occurring in and around Business and forward documentation to the appropriate partner and/or agency.
- Participate in follow up meetings regarding this Agreement.

7.03 The Office of Neighborhood Involvement Crime Prevention Program agrees to:

- Maintain a copy of the Good Neighbor Agreement and provide copies to the partners upon their request.
- Provide technical assistance.
- Facilitate meetings and mediate minor disputes among parties if requested.
- Provide information and updates to partners regarding problems in the area.
- Provide follow-up training upon request.

8.0 Agreement Maintenance and Future Changes

8.01 Maintenance

The Crime Prevention Specialist will keep this agreement at the East Portland Neighborhood Office (EPNO). The ONI Crime Prevention Program shall maintain this Agreement and make it available to the undersigned partners at their request.

8.02 Meetings

Recology is encouraged to attend the general meetings of LNA to facilitate communication. Apart from LNA general membership meetings, the Partners will meet annually to continue to coordinate efforts and evaluate the Agreement. These meetings may be coordinated by Crime Prevention staff, or by Recology and LNA independently of the Crime Prevention Office. At any other time, any of the partners may call a meeting on an as-needed basis. Upon written request from a partner, Recology and LNA, or Crime Prevention staff will coordinate a meeting by sending notice to all partners of this agreement. The notice will include the date, time, and location of the meeting. Every effort will be made to ensure that the written notices are sent in a timely fashion.

The LNA would like for these annual meetings to include a tour of the facility at LNA's request subject to reasonable limitations imposed by Recology for safety or protection of confidential business information. The purpose of these tours will be to demonstrate the pumping and air filtration systems in proper operation as well as back-up procedures and alarms for when a full leachate tank capacity or equipment failure has occurred.

8.03 Sale of the Business

The owners of Recology will attempt to give LNA sixty (60) days notice of intent to sell. In the event that the Recology sells the business, Recology agrees to provide the buyer a copy of the Good Neighbor Agreement. As a condition to any sale or other transfer of ownership of the Facility, Recology shall assign this agreement to the new owner and shall require the new owner to assume this agreement and all of Recology's rights and obligations under this agreement.

8.04 Notices.

All notices under this Agreement shall be in writing and personally delivered or sent by first-class mail, postage prepaid, or e-mail to the other Party at the address set forth below. Notices shall be deemed given when received and shall be deemed received when personally delivered, 48 hours after they are postmarked, if sent by mail, or upon confirmation of receipt if delivered by e-mail. Notices shall be sent to the following addresses, which a Party may change by giving notice to the other Party.

8.05 Binding Effect

This Agreement shall be binding upon the Partners and their respective successors and assignees. If in any judicial proceeding a court shall refuse to enforce all the provisions of this Agreement, the scope of any unenforceable provision shall be deemed modified and diminished to the extent necessary to render such provision valid and enforceable. In any event, the validity or enforceability of any such provision will not affect any other provision of this Agreement, and this Agreement shall be construed and enforced as if such provision had not been included.

8.06 Entire Agreement

This Agreement and any referenced attachments, exhibits or schedules are the entire agreement between the Partners and supersede all previous agreements or understandings between them.

8.07 Amendment

This Agreement may not be amended, except in writing and signed by authorized representatives of both Partners.

8.08 Understanding

Each Party has carefully read this Agreement. Each Party acknowledges that it is familiar with the contents of this Agreement, and that they fully understand and voluntarily accept its terms and conditions.

8.09 Trade Secrets

Nothing in this Agreement shall be construed to require Recology to disclose to LNA or the Stakeholders its trade secrets or confidential business information and Recology may redact such trade secrets or confidential business information from documents provided to LNA or the Stakeholders under this Agreement.

8.10 Waiver

Either Party may waive rights, powers or privileges under this Agreement, provided that any waiver must be in writing and further provided that no such waiver in one instance will constitute a waiver of the same right, power or privilege in any other instance unless specifically stated in writing.

9.0 Dispute Resolution

9.01 Amicable Negotiation

If a problem does arise, neighbors will first attempt to contact Recology management to resolve the problem amicably. Management will make every effort to address the concerns in a timely fashion.

9.02 Illegal Activities

All partners recognize that if problems involve illegal activities, neighbors will contact the police to report the activity, as well as following the steps outlined above.

9.03 Negotiation Meeting

At the request of either Party, representatives of each Party with authority to resolve the dispute will meet (in person if requested by either Party) within five business days of receipt of the request and the representatives shall negotiate in good faith to resolve the dispute. Neighbors shall contact the Neighborhood Crime Prevention Specialist for assistance in resolving the problems. Additional resources (mediation, other agencies) may be utilized to resolve the problems.

9.04 Mediation

If the meeting described in the paragraph 9.03 does not resolve the dispute, either Party may require that the dispute be submitted to mediation before Resolutions Northwest or such other mediator as the City of Portland contracts to provide such mediation services to Portland residents. Following the meeting described in paragraph 9.03, either Party may commence the mediation process by providing notice to the other Party and following the procedures prescribed by the mediation service. This mediation shall occur within 45 days of all partners notified. Recology shall pay the mediator's fee for mediation pursuant to this paragraph.

9.05 Court Action

If the mediation described in paragraph 9.04 does not resolve the dispute, either party may seek to enforce this Agreement through a court (either an Oregon state court, sited in Multnomah County or federal district court for the state of Oregon), which enforcement may include specific enforcement and injunctive relief provided, however, that neither party shall file such an action with a court until at least five business days following completion of the mediation processes as prescribed by the mediator

8.0 Signatures

By their signature, all parties agree to abide by the Good Neighbor Agreement.

Owner # 1 – Print and Sign Date

Owner # 2 – Print and Sign Date

Owner # 3 – Print and Sign Date

LNA # 1 – Print and Sign Date

LNA # 2 – Print and Sign Date

LNA # 3 – Print and Sign Date

ST. JOHNS NEIGHBORHOOD ASSOCIATION GOOD NEIGHBOR AGREEMENT

1.0 Background

Recology Oregon Material Recovery, Inc. is a business (hereinafter referred to as the "Business") located at 4044 N Suttle Rd, within the boundaries of the St. Johns Neighborhood Association (SJNA). The parties to this agreement are committed to promoting business practices that serve the needs of the community and contribute to neighborhood livability.

2.0 Formation of the Partnership

The following Good Neighbor Agreement is made between SJNA and Recology Oregon Material Recovery, Inc. (hereinafter referred to as the "Partners"), operated by Peter Branda, General Manager. The issues addressed in this Agreement have been developed by the Business, SJNA, and the Office of Neighborhood Involvement Crime Prevention.

This Agreement is founded in the belief that successful business relies, in part, on the strength, cooperation, and support of the neighborhood around it, and that the strength of the neighborhood relies, in part, on the responsibility, vitality, and strength of the businesses operating within it.

The issues addressed in this Agreement have been agreed upon by all of the parties mentioned above. We acknowledge that this document represents the good faith effort by all parties to resolve the issues identified herein.

3.0 Effective Date

This agreement shall begin April 1, 2011. The Partners to this agreement will be available to meet annually to review the status of the agreement.

4.0

Goals of this Good Neighbor Agreement are to:

- Maintain the livability and safety of the neighborhood.
- Minimize negative impacts to the neighborhood; including increased heavy truck traffic, odors, and noise.
- Develop and maintain clear communication channels between the Partners.

5.0 Business Operating Policies

5.01 Operations

The business currently operates Monday-Friday 6:00am to 5:00pm, Saturday 8:00am to 12:00pm, and is closed on Sunday. It is understood by the Partners that the Business may need to adjust its hours of operation.

Should a change occur, the Business will notify SJNA in a timely manner.

5.02 Litter/Vandalism

The Business will make every effort to operate in a manner that minimizes and mitigates the generation of litter, and will make attempts to keep litter from migrating beyond its property boundaries. The Business will keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation.

The Business will take reasonable steps to remind persons delivering waste materials to the facility, and require from those delivering materials on behalf of the Business, that all loads must be secured and covered to prevent materials from blowing off the load during transit.

The Business will make efforts to document any graffiti by taking pictures and/or writing down descriptions of the graffiti before cleaning it off of the premises. All pictures or descriptions of graffiti will be shared with either the Graffiti Abatement Program (phone: 503-823-4824, or at their website: www.portlandonline.com/oni/index.cfm?c=28984), or the Portland Police Bureau.

The Business will attempt to secure the site during non-business hours, in order to minimize availability of garbage and recycling for transients.

5.03 Noise

The Business will operate the facility in a manner which minimizes the creation of noise sufficient to cause adverse off-site impacts and comply with standards and land use regulations.

5.04 Additional Operating Policies – Freight Routes/Truck Traffic

It is understood by The Partners that the Business cannot control all vehicles accessing the site. However, the Business will make every effort to ensure that truck traffic generated by its own operations stay on North Suttle Road, Portland Road, and/or Marine Drive when possible. Exception to the designated routes are reserved for regularly scheduled pick-ups or other business activities within the neighborhood.

5.05 Complaint Log

The Business will respond to all nuisance complaints in a timely manner (including but not limited to, litter, dust, odors, noise, traffic, and vectors), and will keep a record of such complaints, including actions to remedy the conditions that caused the complaint.

For every nuisance complaint received, the Business will record the following details within a log:

- The nature of the complaint
- The date and time the complaint was received
- The name, address, and telephone number of the person or persons making the complaint
- Any actions taken by the Business in response to the complaint

The Business will retain each complaint record for a period of one year.

6.0 Roles/Duties of Partners

6.01 Business agrees to:

- Follow the operation guidelines agreed upon in the previous section.
- Make an effort to maintain an ongoing relationship and open communication with neighbors and partners.
- Participate in follow up meetings regarding this Agreement.
- Make an effort to promptly respond to neighborhood concerns related to the Business or its customers.
- Maintain a copy of this agreement with all other regulatory documents onsite.

6.02 St. Johns Neighborhood Association and Neighbors agree to:

- Assist in the general success of the Business.
- Report any nuisance issues to the Business management.
- Report any crime issues to the police and Business management.
- Document incidents occurring in and around Business and forward documentation to the appropriate partner and/or agency.
- Participate in follow up meetings regarding this Agreement.

6.03 The Office of Neighborhood Involvement Crime Prevention Program agrees to:

- Maintain a copy of the Good Neighbor Agreement and provide copies to the partners upon their request.
- Provide technical assistance.
- Facilitate meetings and mediate minor disputes among parties if requested.
- Provide information and updates to partners regarding problems in the area.
- Provide follow-up training upon request.

7.0 Administration

7.01 Maintenance

The Crime Prevention Specialist will keep this agreement at the North Portland Office of Neighborhood Involvement. The ONI Crime Prevention Program shall maintain this Agreement and make it available to the undersigned partners at their request.

7.02 Meetings

The Business is encouraged to attend the general meetings of SJNA to facilitate communication. Apart from SJNA general membership meetings, the Partners will meet annually to continue to coordinate efforts and evaluate the Agreement. These meetings may be coordinated by Crime Prevention staff, or by the Business and SJNA independently of the Crime Prevention Office. At any other time, any of the partners may call a meeting on an as-needed basis. Upon written request from a partner, the Business and SJNA, or Crime Prevention staff will coordinate a meeting by sending notice to all partners of this agreement. The notice will include the date, time, and location of the meeting. Every effort will be made to ensure that the written notices are sent in a timely fashion.

7.03 Sale of the Business

The owner will attempt to give SJNA sixty (60) days notice of intent to sell the Business. In the event that the Owner sells the Business, the current Owner agrees to give the buyer a copy of the Good Neighbor Agreement. The Owner will make every reasonable attempt to ensure/persuade the buyer to continue the Good Neighbor Agreement and allow it to be incorporated into the contract of the sale of the business.

7.04 Problem Solving

If a problem does arise, neighbors will first attempt to contact the Business management to resolve the problem. Management will make every effort to address the concerns in a timely fashion. If the problem persists, neighbors shall contact the Neighborhood Crime Prevention Specialist for assistance in resolving the problems. Additional resources (mediation, other agencies) may be utilized to resolve the problems. If the problem remains unresolved, either Partner may seek to dissolve this Good Neighbor Agreement after providing at least thirty (30) days written notice to all interested parties.

All partners recognize that if problems involve illegal activities, neighbors

will contact the police to report the activity, as well as following the steps outlined above.

8.0 Signatures

By their signature, all parties agree to abide by the Good Neighbor Agreement.

Owner# 1 – Print and Sign	Date
---------------------------	------

Owner# 2 – Print and Sign	Date
---------------------------	------

Owner# 3 – Print and Sign	Date
---------------------------	------

SJNA # 1 – Print and Sign	Date
---------------------------	------

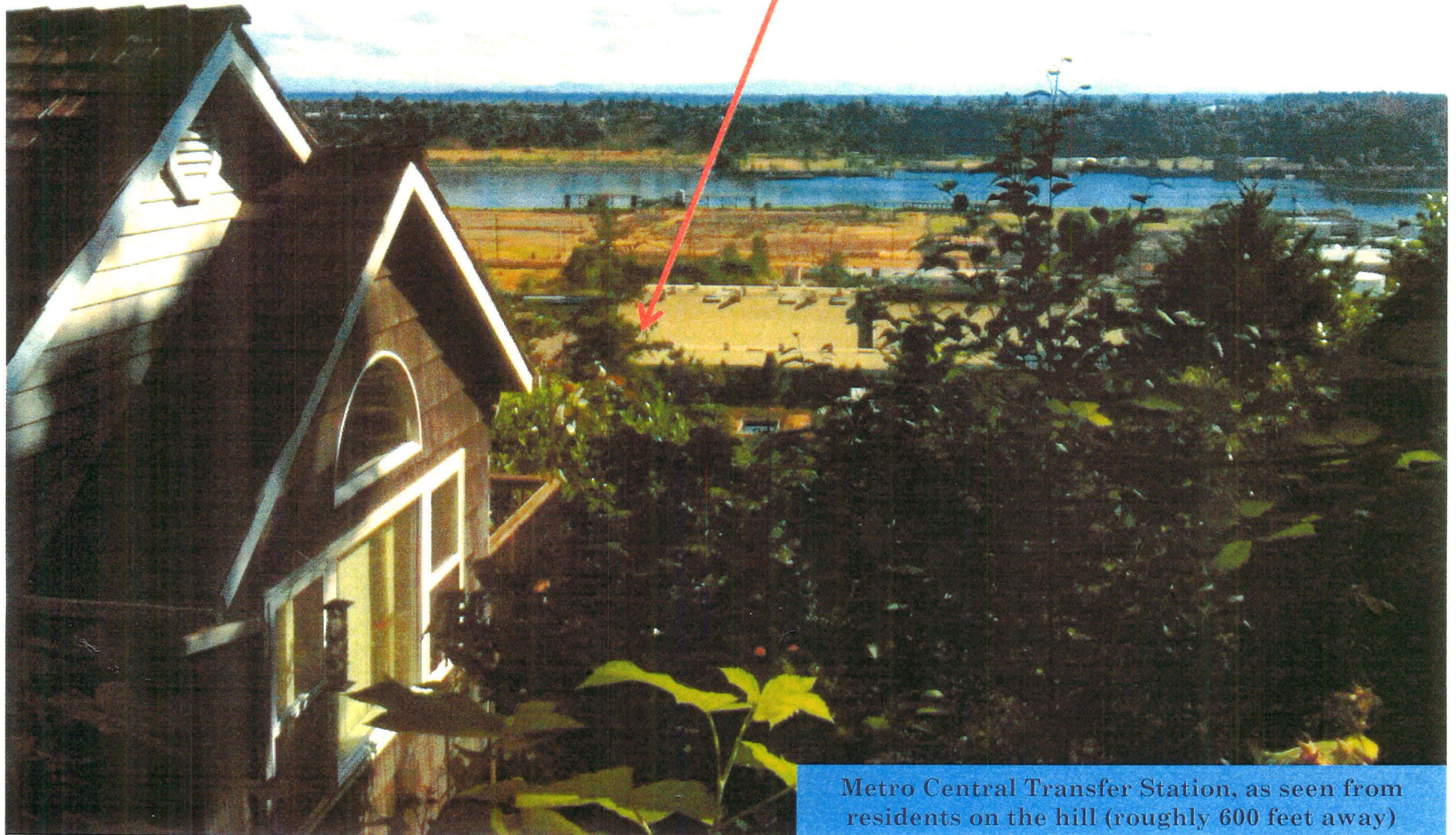
SJNA # 2 – Print and Sign	Date
---------------------------	------

SJNA # 3 – Print and Sign	Date
---------------------------	------

Open Bay door where organics loads are currently received and reloaded

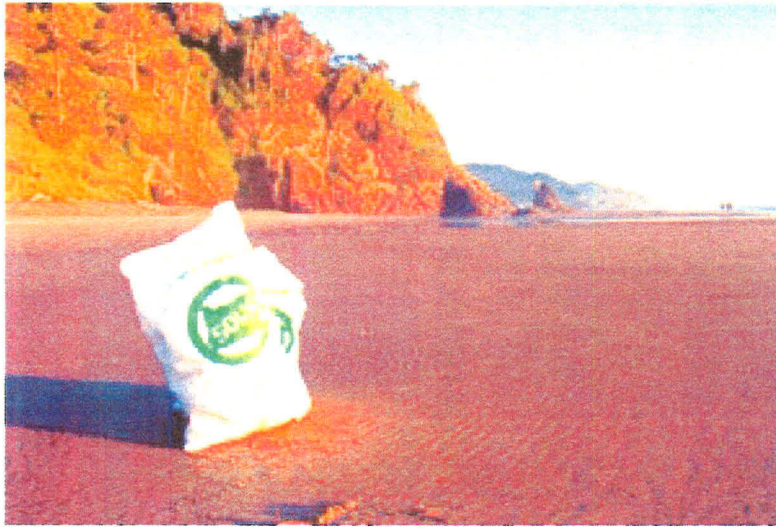
Metro Central Transfer Station, as seen from residents on the hill (roughly 600 feet away)

Receiving building for wastes – arrow indicates location of organics receiving area in proximity to another home on the hill above the facility



Metro Central Transfer Station, as seen from residents on the hill (roughly 600 feet away)

Oregon Coast Spring Beach Cleanup



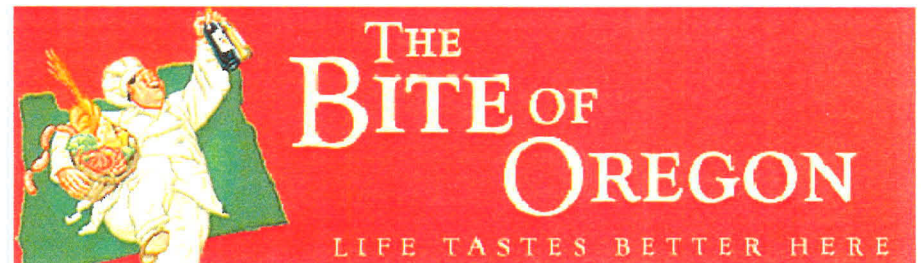
Providence Bridge Pedal



West Linn Neighbors Helping Neighbors



The Bite of Oregon Benefitting Special Olympics



Community Outreach

- Eco-Think Kids Club Tour
- YCAP Food Bank Donation \$10,000
- Compost for Barnes Garden
- City of Astoria Bicentennial Celebration
- Oregon Relay for Life
- Household Hazardous Waste Round Ups
- McMinnville Chamber Community Night Baseball Event
- Sponsorship of Little League Team
- Fourth of July Parades
- YMCA Remodel
- Preschool Renovation
- Salvation Army Depot Family Crisis Center Renovation
- Boys & Girls Club / Teen Center Clean Up
- San Jose Rose Garden Beautification Project
- Aumsville Tornado Response / Clean Up
- Astoria Food Drive / Fire Clean Up
- Whole Foods Compost Giveaway Events
- Neighborhood Clean Up Events (including Lents)
- Working with Lents Elementary School for Community Garden Project



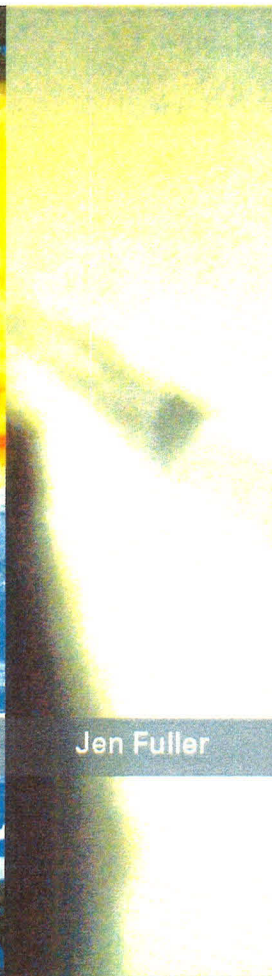
Pacific Northwest Art Program



Mike Suri



Leslie Vigeant



Jen Fuller



William Rihel



Ben Dye



Recology

WASTE ZERO

Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Jessica Anders

Address (optional): 6331 SE 89th ave.

Phone or email address (optional): Anders.Jessica07@gmail.com

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	4
Recology answered all questions completely.	4
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste. <i>already accepted</i>	4
I believe the information presented regarding the operation was accurate.	4
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	4
I plan to contact my City Council representative and share my opinion.	4

Comments:



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Melanie McCandless

Address (optional): 8819 SE Ellis St. #8, LENTS 97266

Phone or email address (optional): melanie.mccandless@gmail.com 503-927-3179

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	4
Recology answered all questions completely.	4
The meeting provided helpful information which ^{didn't change.} changed my view point concerning the operation and the acceptance of food waste. _{already informed}	1
I believe the information presented regarding the operation was accurate.	4
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	4 +
I plan to contact my City Council representative and share my opinion.	4 +

Comments:

Thank you so much for having this public
meeting and representing the truth.
I'd like to see the operations + nuisance plans,
please.



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): John Notis

Address (optional): 102nd / Yukon

Phone or email address (optional): _____

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	4
Recology answered all questions completely.	3
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	I was already for it.
I believe the information presented regarding the operation was accurate.	3.9
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	4
I plan to contact my City Council representative and share my opinion.	4

Comments:



Recology

WASTE ZERO

Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Roy & Carolyn Sparks Also DBA ROYSPARKS
Bedtime Mattress Co
Address (optional): 12155 SE Foster Place 7353 SE 92nd Ave
Portland, OR 97266 Portland, OR 97266
Phone or email address (optional): 503-760-1598 Bedtimemattco@aol.com

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	yes
Recology answered all questions completely.	yes
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	yes
I believe the information presented regarding the operation was accurate.	OK
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	NO
I plan to contact my City Council representative and share my opinion.	yes

Comments:

I would like to visit The site at Lents
please let me know time and Day
Roy SPARKS 503-816-1242



Recology™
WASTE ZERO

Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): ARROW BAILEY

Address (optional): 6105 SE 101 ST

Phone or email address (optional): Qarondaiky8@yahoo.com

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	3
Recology answered all questions completely.	4
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	1
I believe the information presented regarding the operation was accurate.	2
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	1
I plan to contact my City Council representative and share my opinion.	4

Comments:



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Bella Storey

Address (optional): 6034 SE 101 Portland

Phone or email address (optional): 6100 @ comcast.net

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	yes 3
Recology answered all questions completely.	yes 3
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	no 1
I believe the information presented regarding the operation was accurate.	unsure
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	yes with all lents input 4
I plan to contact my City Council representative and share my opinion.	yes 4

Comments:

would like operating plan, emergency plan &
Director Control plans e-mailed to me.



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Karen Wolfgang
Address (optional): 8509 SE Tolman St- 97266
Phone or email address (optional): 503-929-7170

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	<input checked="" type="checkbox"/>
Recology answered all questions completely.	<input checked="" type="checkbox"/>
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	<input checked="" type="checkbox"/>
I believe the information presented regarding the operation was accurate.	<input checked="" type="checkbox"/>
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	<input checked="" type="checkbox"/>
I plan to contact my City Council representative and share my opinion.	<input checked="" type="checkbox"/>

Comments:

Thank you - I know these mtgs.
suck & you did a good job. I
NEED to hear people getting convinced
of the benefits of this facility be-
cause big-picture-wise, this sector
MUST grow & grow. Good compost!



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): _____

Address (optional): _____

Phone or email address (optional): _____

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	4
Recology answered all questions completely.	4
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	4 already was positive
I believe the information presented regarding the operation was accurate.	4
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	4
I plan to contact my City Council representative and share my opinion.	already have.

Comments:



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): _____

Address (optional): _____

Phone or email address (optional): _____

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	4
Recology answered all questions completely.	4
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	3
I believe the information presented regarding the operation was accurate.	I will research what was presented
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	4
I plan to contact my City Council representative and share my opinion.	4

Comments:

I would like to see Lents Residents
employed @ 1st opportunity



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Jalena Dilligrove

Address (optional): 3814 SE Rural St.

Phone or email address (optional): jalena.dilligrove@gmail.com

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	4
Recology answered all questions completely.	2
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	1
I believe the information presented regarding the operation was accurate.	4
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	4
I plan to contact my City Council representative and share my opinion.	4

Comments:

Recology should be more proactive in communicating with the community and providing more information about composting and the benefits of recycling.



Recology™

WASTE ZERO

Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Carolee Harrison

Address (optional): SE 102nd Ave

Phone or email address (optional): celorac@gmail.com

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	(3)
Recology answered all questions completely. "we hope that it will keep the rats out" is insufficient	(2)
Q: would you live next door?? The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	(2)
I feel somewhat more informed - but not reassured that my clean air & property's value will be protected - too many I believe the information presented regarding the operation was accurate. untested systems You lost some credibility by "planting" your employees in the audience	(1 "hope" so)
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood. Yes a binding agreement, 100% Thank you for hosting this meeting. Yes.	(4 +)
Community outreach of all kinds = important! I plan to contact my City Council representative and share my opinion. I did - and I will again	(4)

Comments:

It still bothers me that my neighborhood is going to be used as Portland's waste bin.
I don't see these facilities proposed for other residential areas in Portland.
I don't want to have to smell this at any time before I have to wait in line to log my complaint.
I am also very concerned about property values in this area which have already suffered a great deal in the last 5 years, and concerned that this site will expand significantly during the time I plan to live in Lents.
Thank you again



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional):

Sharon Haley

Address (optional):

6324 SE 88th Ave. - Portland 97266

Phone or email address (optional):

Sharonhaley@spiritone.com

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	3
Recology answered all questions completely.	3
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	1
I believe the information presented regarding the operation was accurate.	2
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	3
I plan to contact my City Council representative and share my opinion.	3

Comments:

Send notice of Mt. Scott Meeting.



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Sharon Neyman
 Address (optional): 9902 SE Knight St PDX 97266
 Phone or email address (optional): twilightlady@g.com

Questions (1 = No/Lowest to 4 = Yes/Highest)
 Score

Tonight's meeting was beneficial and informative.	4
Recology answered all questions completely.	2 <i>was confusing</i>
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	2 <i>on my way</i>
I believe the information presented regarding the operation was accurate.	2
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	3 *
I plan to contact my City Council representative and share my opinion.	4

Comments:

A good neighbor agreement is essential but should include more than the Lents neighborhood associated. They do not represent more than a small part of our community.



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): _____

Address (optional): _____

Phone or email address (optional): _____

Questions (1 = No/Lowest to 4 = Yes/Highest)

Score

Tonight's meeting was beneficial and informative.	4
Recology answered all questions completely.	3+
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	2
I believe the information presented regarding the operation was accurate.	?
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	?
I plan to contact my City Council representative and share my opinion.	YES

Comments:

Your presentation was good but you have
not convinced me this will not affect
my property value regardless of any
"plans".



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Dea Itami

Address (optional): _____

Phone or email address (optional): _____

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	2
Recology answered all questions completely.	1
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	1
I believe the information presented regarding the operation was accurate.	2
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	3
I plan to contact my City Council representative and share my opinion.	yes

Comments:

I feel the majority of the information was
lacking clarity. Most answers given to the
audience were somewhat vague for overly
compliance when it didn't seem plausible.



Recology
WASTE ZERO

Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional):

Katherine Sheehan

Address (optional):

Phone or email address (optional):

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	
Recology answered all questions completely.	
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	
I believe the information presented regarding the operation was accurate.	
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	
I plan to contact my City Council representative and share my opinion.	✓

Comments:

I have listened to Dave Dutra's presentation & explanations / answers to questions. However, he has failed to convince me. I remain as skeptical as I was at the City Hall presentation.



Recology
WASTE ZERO

Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Marilyn Thomas

Address (optional): 10212 SE Flavel Ct Portland, OR 97266

Phone or email address (optional): Marilyn2176@g.com

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	3
Recology answered all questions completely.	3
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	3
I believe the information presented regarding the operation was accurate.	3
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	4
I plan to contact my City Council representative and share my opinion.	2

Comments:

Could there be a presentation at nearby
Schools? Educate the neighborhood children
and parents. Schools Lents, Kelly, Whitman, Woodmere



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): _____

Address (optional): _____

Phone or email address (optional): _____

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	4
Recology answered all questions completely. <i>* As completely as he was allowed.</i>	3
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	4
I believe the information presented regarding the operation was accurate.	3
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	4
I plan to contact my City Council representative and share my opinion.	1

Comments:

Is the public allowed to drop by your company at any time and check out the operation?

It would be beneficial to have an Advisory Committee with neighborhood folks on it.

Dave, thank you for this meeting. I appreciated your honesty and your willingness to listen and recognize the public's fears and opinions.



Community Meeting Evaluation Questionnaire

July 21, 2011

Name (optional): Alison

Address (optional): 8723 SE Claybourne St., Portland, OR

Phone or email address (optional): _____

Questions (1 = No/Lowest to 4 = Yes/Highest)
Score

Tonight's meeting was beneficial and informative.	3
Recology answered all questions completely.	3
The meeting provided helpful information which changed my view point concerning the operation and the acceptance of food waste.	3
I believe the information presented regarding the operation was accurate.	dunno yet
I support the creation of a Good Neighbor Agreement between Recology and the Lents Neighborhood.	3
I plan to contact my City Council representative and share my opinion.	1

Comments:

I need to do my own ←
research + compare to
what I learned tonight

Jesse Hunter
(3rd Grade Spanish Immersion Teacher at Lent School)
5001 S.E. Brooklyn, Apt. G
Portland, OR 97206
503-819-6347

June 30, 2011

To Whom It May Concern,

My name is Jesse Hunter. I'm a 3rd grade Spanish Immersion Teacher at Lent School in Portland, Oregon. I'm writing to express my enthusiastic support for Recology. I first learned about this community-oriented business when I attended a meeting of the Lents Neighborhood Association. A few representatives of Recology gave a short presentation about their organization and their efforts to be a community-minded organization. Immediately I was impressed with their level of transparency and sincere interest in engaging with and being responsive to the needs of their local community.

After I made a brief statement to the meeting about my efforts to start a school / community garden, I was approached by one of the members of the Recology group who offered a business card and urged me to contact them if there was any way that they could be of assistance. My initial impressions of the Recology team was that they were all very professional, friendly, and genuinely interested in being a responsible, civic-minded, community partner.

When I finally did contact Recology I was overwhelmed with the generosity of their response. Ame LeCocq, the compliance specialist at Recology who I have interacted with several times over the phone, has consistently been incredibly supportive and pleasant to deal with. When I asked her for Recology's support in providing soil for the garden project, she immediately got to work. I heard back from her very promptly with the exciting news that Recology was willing to donate compost for not only the school garden, but also the community garden.

When Ame learned that my school did not get the funding that we had applied for in order to create a community garden, she was sympathetic and continued to express Recology's commitment to the effort. I feel incredibly grateful for Recology's support. The school/community garden project that I have been spearheading for more than a year has been an exciting and challenging process. I know that ultimately we will be successful not only because of the extensive planning and community interest that we have developed, but also because of the support of active community partners such as Recology. This company, with its generous offer of donating soil for both the school and community garden, has greatly helped us to make our dream a reality.

I'm writing this letter of my own volition to strongly endorse Recology's efforts to building a recovery facility on Foster Road. I believe that their presence will be a great asset to the neighborhood. I would be glad to answer any questions that you may have about my experience with Recology.

Sincerely,


Jesse Hunter



Biofilters for Odor Control

Background

Biofilters are a simple and relatively inexpensive method for control of odors produced from compost facilities, wastewater treatment plants, pump stations, solid waste facilities, and industrial facilities. If properly maintained and operated, biofilters are successful at mitigating ammonia, sulfur, and volatile organic compound odors.

The principals of operation are simple. Odor-laden gases from the area or facility of concern are removed by a ventilation system and pumped through a biofilter. The biofilter is essentially a media bed with a mixture of compost, woodchips, and leaf mold. The type of media varies depending on the odorous compounds to be removed. The media that makes up the biofilter becomes the substrate on which microorganisms grow. Compounds passing through the biofilter are absorbed into the media, or adsorbed in the water film surrounding the media. Microorganisms break down the odorous compounds absorbed within the media.

Representative Projects

City of Corning, New York, Water Pollution Control Facility. Stearns & Wheeler designed a biofilter for treating odors from the primary settling tank and influent wet well. These unit processes were provided with flat covers to minimize the air volume for treatment and reduce the size of the biofilter.

Saratoga County Sewer District. Stearns & Wheeler designed separate biofilters for four different pumping stations affiliated with the Saratoga County sewer system, and one biofilter for the wastewater treatment plant influent channels. Severe odor problems existed at each of the pumping stations due to poor sewer system hydraulics and long residence times. For this project, the ventilation system and biofilters for the pump stations were designed for continuous ventilation.

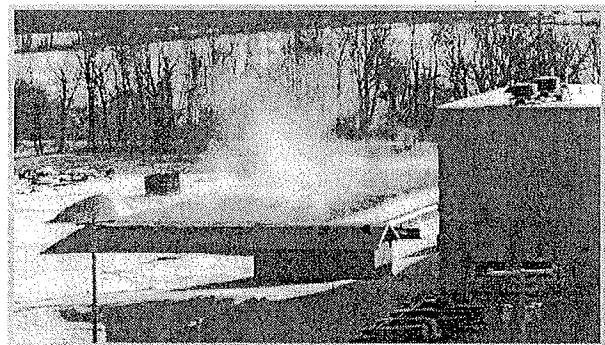
The primary compound being removed at the influent wet well and each pump station is hydrogen sulfide at concentrations up to 50 parts per million. A specific media was designed from ground wood pallets for removal of the sulfur compounds.

MSW Co-Composting Facility, Delaware County, New York. Stearns & Wheeler designed a biofilter for the County's 125 TPD MSW co-composting facility. Air from the entire 3-acre building is collected and treated through a 20,000 square foot biofilter.

Ventilation air is removed from the facility at a rate 75,000 cubic feet per minute and pumped through a biofilter comprised of a mixture of finished compost, woodchips, and peat slag. The biofilter was designed to remove ammonia and hydrogen sulfide odors emitted during the active composting and curing processes.

Stearns & Wheeler Services

- Biofilter Odor Control Systems
- Ventilation Systems
- Media Selection
- Design and Build Services
- Sampling and Analysis Programs



Delaware County MSW Co-Composting Facility



July 22, 2011

Ms. Ame LeCocq
Regional Environmental Compliance Manager
6161 NW 61st Avenue
Portland, Oregon 97210

Subject: Complaints received at the Metro Central Transfer Station

Dear Ms. LeCocq,

Recology Oregon Recovery (ROR) has been operating the Metro Central Transfer Station since April 2010. In that time ROR has accepted both food waste and food waste blended with yard debris which is reloaded and shipped to a composter. During the past sixteen months of operation I am proud to report that ROR has not received an odor complaint.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry Wilkins', is written over a horizontal line.

Larry Wilkins
G.M., Recology Oregon Recovery