



# PUBLIC NOTICE

Date posted: 11/4/2024

## Public Hearing About Grimm's Fuel Company Proposed Composting Facility Permit Renewal

### HOW TO PROVIDE PUBLIC COMMENT

**Facility name:** Grimm's Fuel Company

**Permit type:** Composting Facility

**Hearing details:** Sign up to attend the virtual hearing on Thursday, Dec. 5, 2024, 6 p.m. [Join via Zoom](#)

#### Submit written comments:

**By mail:** Solid Waste Permit Coordinator, Oregon DEQ, 700 NE Multnomah St. Ste. 600 Portland, OR 97232

**By email:** [SolidWastePermitCoordinator.DEQNWR@deq.oregon.gov](mailto:SolidWastePermitCoordinator.DEQNWR@deq.oregon.gov)

**Comments due by:** Dec. 10, 2024 at 5 p.m.

The Oregon Department of Environmental Quality invites the public to submit written comments and attend a public hearing to provide verbal comments on the proposed permit renewal of the Solid Waste Composting Facility permit for Grimm's Fuel Company at 18850 SW Cipole Road in Tualatin. DEQ gives equal weight to written and verbal comments.

### Summary

DEQ proposes to renew the solid waste permit, officially known as a Solid Waste Composting Facility permit, which would allow Grimm's Fuel to produce compost using Type 1 and Type 2 feedstocks. This proposed action is subject to public review and comment.

### About the facility

Grimm's Fuel Company is an existing compost facility which produces finished compost, landscape supplies and soil amendments. The facility has been operating under a DEQ permit since 2010. Authorized incoming feedstocks consist of Type 1 and Type 2 feedstocks; specifically yard debris from commercial haulers, landscape contractors and the public, incidental quantities of pre-consumer vegetative food waste, manure and land cleaning debris. The facility also accepts inerts such as clean concrete, rock and clean dirt for processing and reuse. The facility received an average of 42,000 tons of incoming feedstock for the calendar years 2020-2023.

The city of Tualatin Planning Department signed a land use compatibility statement for the facility on Feb. 12, 2010. The statement confirms the facility complies with local land use requirements and can operate at this location. Grimm's Fuel Company also has an NPDES 1200-Z issued permit administered by Clean Water Services.

**Learn more about composting:** DEQ categorizes the various types of organic materials that can be successfully composted as Type 1, 2 or 3 feedstocks. Type 1 feedstocks include source-separated yard and garden wastes, wood wastes, agricultural crop residues, wax-coated cardboard, vegetative food wastes including department approved industrially produced vegetative food waste, and other materials the department determines pose a low level of risk from hazardous substances, physical contaminants and human pathogens. Type 2 feedstocks include manure and bedding and other materials the department determines

### Translation or other formats

Español | 简体中文 | 繁體中文 | Русский | Tiếng Việt  
800-452-4011 | TTY: 711 | [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us)

pose a low level of risk from hazardous substances and physical contaminants and a higher level of risk from human pathogens compared to type 1 feedstock.

DEQ requirements identify performance standards and conditions that composting facilities must meet to successfully convert organic wastes into finished compost. Learn more about DEQ's composting requirements [here](#).

### **How does DEQ determine permit requirements?**

DEQ evaluates the potential wastes accepted and the proposed operations and management plans to determine permit requirements that meet federal and state regulations.

### **How does DEQ monitor compliance with the permit requirements?**

DEQ ensures compliance with permit requirements through periodic report reviews and regular compliance inspections. The facility must follow all requirements of the solid waste permit to reduce potential risks to public health and the environment.

### **What happens next?**

DEQ will consider and respond to all comments received and may modify the proposed permit based on comments received. DEQ can only modify the permit in accordance with rules and statutes under the authority of DEQ. Participation in the rulemaking or legislative process is the only way to change the rules or statutes. Ultimately, if a facility meets all legal requirements, DEQ will issue the facility's permit.

### **For more information**

Find more information about this project by reviewing the DEQ permit evaluation report and the draft permit attached to this notice. If you have any technical questions, please contact Inez Lawson at 503-936-9230 or by email at [Inez.Lawson@deq.oregon.gov](mailto:Inez.Lawson@deq.oregon.gov).

### **Non-discrimination statement**

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).



## **SOLID WASTE DISPOSAL SITE PERMIT:**

### **Composting Facility**

### **Individual – Aerobic Composting**

Oregon Department of Environmental Quality  
700 NE Multnomah St., Suite 600  
Portland, OR 97232-4100  
503-229-5353  
SolidWastePermitcoordinator.DEQNWR@deq.oregon.gov

Issued as authorized by ORS 459.245 and in accordance with the provisions of [Oregon Revised Statutes Chapter 459](#), [459A](#), [Oregon Administrative Rules 340 Divisions 90](#), [93](#), [95](#), [96](#) and [97](#) and subject to the Land Use Compatibility Statement referenced below.

#### **Permittee:**

Grimm's Fuel Company  
18850 SW Cipole Road  
Tualatin, OR 97062

#### **Facility name and location:**

Grimm's Fuel Company Composting Facility  
18850 SW Cipole Road  
Tualatin, OR 97062  
T2S, R1W, S21; Tax lots: 1800-2100  
45.3832, -122.8145

#### **Property Owner:**

Grimm Brothers, LLC  
18850 SW Cipole Road  
Tualatin, OR 97062

#### **Operator:**

Grimm's Fuel Company  
Phone: 503-636-3623  
Email: jefgfc@teleport.com

#### **ISSUED IN RESPONSE TO:**

- A solid waste disposal site, composting renewal application received April 12, 2023; and
- A Land Use Compatibility Statement from the city of Tualatin and dated May 8, 2012; and
- Verification that the facility is compatible with the solid waste management plan from Metro.

The determination to issue this permit is based on findings and technical information included in the solid waste disposal site permit renewal application and permit record.

#### **ISSUED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Audrey O'Brien, Manager  
Environmental Partnerships  
Northwest Region

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Date

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#### **Permitted Activities**

Until this permit expires or is modified or revoked, the permittee is authorized to operate and maintain a solid waste disposal site for composting activities in conformance with the requirements, limitations and conditions set forth in this document, including all attachments.

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## ALLOWABLE ACTIVITIES

### 1 Authorizations

#### 1.1 Authorization to receive specific feedstock types

This permit authorizes the permittee to accept the following feedstock types for composting activities, at the disposal site named Grimm's Fuel Company Composting Facility (facility):

- Type 1
- Type 2

Reference: [OAR 340-093-0030](#)

#### 1.2 Authorization to accept other feedstock types for composting

The permittee must not accept any feedstock types excluded from the above authorization at the facility without a permit modification.

Reference: [OAR 340-096-0060](#)

#### 1.3 Authorization of activities

The permittee must conduct all facility activities in accordance with the provisions of this permit until permit termination. Once approved by DEQ, any permit-required plans become part of the permit by reference.

Reference: [OAR 340-093-0110](#) and [OAR 340-093-0113](#)

#### 1.4 Water quality activities

The permittee is authorized to construct, install, operate and maintain a composting facility leachate and/or stormwater collection and/or treatment system provided these activities are done in accordance with plans and specifications approved in writing by DEQ.

Any discharge of leachate, wastewater, or stormwater to Waters of the State is prohibited unless authorized under a DEQ water quality permit.

Reference: [OAR 340-096-0120](#) and [OAR 340-096-0130](#)

### 2 Prohibitions

#### 2.1 Prohibited feedstocks or waste

The permittee is prohibited from accepting materials for composting that are not specifically authorized in Section 1.1 of this permit, unless the materials have been approved in accordance with the requirements of Section 1.2 of this permit. Prohibited material include but are not limited to:

- Painted, treated wood
- Unsorted, mixed solid waste
- Type X feedstocks
- Any materials that are listed in [OAR 340-093-0040](#), as prohibited from disposal at solid waste disposal sites, including but not limited to hazardous waste as defined in [ORS 466.005](#) and [OAR 340, Division 101](#)
- Biosolids, except for Class A Exceptional Quality

#### 2.2 Recyclable material use

The permittee must not dispose of any properly prepared yard debris, meeting the definition of a source separated recyclable material, as defined under [ORS 459.005\(19\)](#).

Reference: [OAR 340-090-0090](#), [OAR 340-090-0010](#)

### **2.3 Open burning**

The permittee must not conduct any open burning at the facility.

Reference: [OAR 340-264-0030](#) (defines open burning)

## **OPERATIONS AND DESIGN**

### **3 Performance Standards**

#### **3.1 Design, construction and operation**

The permittee must design, construct and operate the composting facility in a manner that does not cause a discharge of leachate or stormwater from the facility to surface water, except when such discharge is in compliance with a discharge permit issued by DEQ.

Reference: [OAR 340-096-0070\(1\)](#)

#### **3.2 Engineered structures**

The permittee must design and manage the engineered structures that collect and dispose of leachate or stormwater in compliance with the applicable requirements of [OAR 340-096-0130](#) *Special Rules Pertaining to Composting: Biogas, Liquid Digestate, Leachate Collection Design and Management Requirements*.

Reference: [OAR 340-096-0070\(2\)](#)

#### **3.3 Groundwater protection**

The permittee must design, construct and operate the composting facility in a manner that does not cause a likely adverse impact to groundwater under [OAR 340 Division 40](#).

Reference: [OAR 340-096-0070\(3\)](#)

#### **3.4 Odors**

The permittee must design, construct and operate the composting facility in a manner that, to the greatest extent practicable, is consistent with proper facility design and operation, controls and minimizes odors that are likely to cause adverse impacts outside the boundaries of the facility.

Reference: [OAR 340-096-0070\(4\)](#)

#### **3.5 Pathogen reduction**

The permittee must design, construct and operate the composting facility in a manner that achieves human pathogen reduction as required by [OAR 340-096-0140](#) *Special Rules Pertaining to Composting: Pathogen Reduction*.

Reference: [OAR 340-096-0070\(5\)](#)

#### **3.6 Vectors**

The permittee must design, construct and operate the composting facility in a manner that controls or prevents propagation, harborage or attraction of vectors, including but not limited to rats, birds and flies.

Reference: [OAR 340-096-0070\(6\)](#)

#### **3.7 Other compliance**

The permittee must comply with all other applicable laws and regulations.

Reference: [OAR 340-096-0070\(9\)](#)

## 4 Operations Plan

### 4.1 Operations Plan compliance

The permittee must conduct all operations at the facility in accordance with a DEQ approved Operations Plan, including any DEQ-approved amendments. The DEQ-approved Operations Plan is incorporated into the permit by reference.

### 4.2 Operations Plan content

The Operations Plan must describe the method of operation of the facility in accordance with all regulatory and permit requirements, including the required elements described under [OAR 340-096-0090\(5\)](#), required by DEQ to be addressed, and any additional elements identified in this permit.

Reference: [OAR 340-096-0090](#)

### 4.3 Operations Plan maintenance

Prior to commencing any change in operations, the permittee must submit revisions of the Operations Plan to DEQ for review and approval. Additionally, the permittee must revise the Operations Plan as necessary so that it reflects current facility conditions and procedures.

Reference: [OAR 340-096-0090\(2\)](#)

### 4.4 Odor minimization plan

The permittee must maintain an Odor Minimization Plan that identifies how the permittee will modify operations to control and minimize adverse impacts of odors outside the boundaries of the facility. The Odor Minimization Plan must include:

- A. A management plan for how malodorous feedstocks will be accepted, ground, and incorporated into the composting piles as soon as practicable within the same day they are received.
- B. Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and promptly remedying any odor at the facility resulting from failure to meet performance standards under OAR 340-096-0070(4).
- C. Procedures to avoid anaerobic conditions in the composting process.
- D. Blending and mixing feedstocks for favorable carbon to nitrogen ratio and composting conditions.
- E. Forming windrows or other composting piles into a size and shape favorable to minimizing odors
- F. Specification of a readily available supply of bulking agents, additives or odor control agents
- G. Quickly processing and managing feedstocks during weather conditions that increase the likelihood of offsite odor impacts, such as inversions.
- H. Methods for taking into consideration the following factors prior to turning or moving compost material
  - I. Time of day
  - II. Wind direction
  - III. Percent moisture
  - IV. Estimated odor potential; and
  - V. Degree of maturity

Reference: OAR 340-096-0150(5)

#### 4.5 Odor Minimization Plan maintenance

The permittee must revise the Odor Minimization Plan as need to reflect changing conditions or odor minimization procedures, or upon DEQ request. The updated plan must be submitted to DEQ for review and approval.

Reference: OAR 340-096-0150(5)

## 5 Pathogen Reduction

### 5.1 Pathogen limits

The permittee must ensure that all composted material meets the following pathogen limits:

Composted material produced from Type 1 or Type 3 feedstock, or a mix of Type 1 and Type 3 feedstock with less than 50% by volume of Type 2 feedstock, must meet the limits for either salmonella or fecal coliform:

Parameter	Limitations
Fecal Coliform	Less than 1,000 Most Probable Number (MPN) per gram of total solids (dry weight)
Salmonella	Less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight)

Composted material produced from feedstock containing more than 50% by volume of Type 2 feedstock must meet the limit for fecal coliform:

Parameter	Limitations
Fecal Coliform	Less than 1,000 Most Probable Number (MPN) per gram of total solids (dry weight)

Reference: [OAR 340-096-0140](#)(2)

### 5.2 Pathogen monitoring frequency

The permittee must collect and monitor composted material with the minimum frequency provided below. Samples must be representative and consist of a composite from finished compost. Sampling and monitoring protocols must be described in the DEQ-approved Operations Plan.

Amount and Type of Compost Produced Annually	Minimum Frequency
Less than 2,500 tons of composted material or solid digestate from Type 1 and/or 2 feedstocks	Once a year
Greater than 2,500 tons of composted material or solid digestate from Type 1 and/or 2 feedstocks	Every 5,000 tons of feedstock used <u>or</u> a maximum of once every three months

Reference: [OAR 340-096-0140](#)(4)

### 5.3 Pathogen reduction plan

The permittee must operate the facility to meet the pathogen reduction standards per the DEQ-approved pathogen reduction plan as described in the Operations Plan.

Reference: [OAR 340-096-0140](#)



## **6 Engineered Structures**

### **6.1 Construction requirements**

The permittee must perform construction in accordance with DEQ approved plans and specifications, including all conditions of approval. Any significant amendments to those plans and specifications must be approved prior to construction in writing by DEQ.

Reference: [OAR 340-096-0130](#)(4)

### **6.2 Construction documents**

The permittee must notify DEQ in writing in advance of any planned construction. If required by DEQ, prior to initiating construction, the permittee must submit and receive written DEQ approval of complete construction documents for the project to be constructed. The construction documents submitted must include a Construction Quality Assurance plan describing measures that will be taken to monitor and ensure that the quality of materials and the work performed by the constructor complies with project specifications and contract requirements.

Reference: [OAR 340-096-0130](#)(5)

### **6.3 Construction certification report submittal**

DEQ may require, upon completion of major or critical construction at the facility, the permittee submit to DEQ a final project report signed by the project engineer or manager as appropriate. The report must certify that construction was completed in accordance with the approved plans including any approved amendments thereto.

Reference: [OAR 340-096-0130](#)(6)

### **6.4 Approval to use**

The permittee must not accept feedstocks for storage, processing or composting in newly constructed facilities or areas until DEQ has approved the Construction Certification Report. If DEQ does not respond in writing to the Construction Certification Report within 30 days of its receipt, the permittee may accept feedstock at the facility in the newly constructed facilities or areas.

Reference: [OAR 340-096-0130](#)(7)

## **7 Special Conditions**

### **7.1 Active composting pile height**

The permittee must ensure that all active composting piles are maintained at a maximum pile height of 14 feet.

### **7.2 Cover for active composting piles**

The permittee must apply and maintain a bio-cover, such as overs or finished compost material, with a minimum depth of 6 inches, on all active compost piles for at least the first 15 days of composting. The permittee must describe in its Operations Plan how it will apply and maintain the cover.

### **7.3 Active composting monitoring requirements**

The permittee must ensure that parameters are within the range listed here:

1. Oxygen level: Monitor at locations that are representative of the active piles at least weekly. Oxygen level within the active pile must be between 10%-21% to ensure aerobic decomposition of feedstocks is occurring. If weekly oxygen level reading measures below 10%, permittee must investigate the cause of reduced oxygen level, undertake corrective action and resume daily oxygen monitoring until oxygen levels return to approved range of 10-21%. Record of oxygen levels within the active piles shall be kept onsite and available to DEQ upon request.
2. Temperature: Monitor temperature of the active compost piles regularly. Temperature within the active piles must maintain a minimum temperature of 131 degrees Fahrenheit for three consecutive

days to achieve adequate human pathogen reduction. Record of temperature within the active piles shall be kept on site and available to DEQ upon request.

3. Moisture content: For each batch of material, the permittee must take moisture content measurements at locations that are representative of the active pile 4 times during the active composting phase.
4. Retention time: Record active composting time for each compost batch. Record of compost times shall be kept onsite and available to DEQ upon request.

## **8 Site Operations**

### **8.1 General site operations**

The permittee must at all times maintain and properly operate all equipment and facilities to prevent discharges, health hazards and environmental impacts and in accordance with the provisions of this permit.

### **8.2 Waste removal**

The permittee must remove all waste from the facility at least as often as necessary to prevent odors, unsightliness and attraction of vectors or other environmental concerns.

Reference: [OAR 340-093-0210](#)

### **8.3 Containers**

The permittee must clean all containers, as needed, to maintain a sanitary operating environment and to prevent odors, unsightliness and attraction of vectors.

Reference: [OAR 340-093-0210](#)

### **8.4 Equipment**

The permittee must have readily available equipment of adequate size, and design, to properly operate the facility at all times and to maintain compliance with all permit conditions.

### **8.5 Roads**

The permittee must construct and maintain all weather roads from the public highways or roads, to and within the facility. The roads must be constructed and maintained to prevent traffic congestion, traffic hazards, dust, mud, and trackout.

Reference: [OAR 340-096-0090](#) and [OAR 340-093-0220](#)

### **8.6 Vehicles and truck covers**

The permittee must construct, load, and operate all vehicles and equipment to prevent leaking, shifting or spilling of feedstocks or finished compost or other materials while in transit on public roads. The permittee must notify all incoming waste haulers that trucks containing loads must be covered or suitably cross-tied to prevent any load loss during shipment.

Reference: [OAR 340-096-0090](#) and [OAR 340-093-0220](#)

### **8.7 Litter control**

The permittee must control and prevent litter that results from the composting facility operation such that the entire composting facility and adjacent lands are maintained virtually free of litter at all times. The permittee must retrieve and properly dispose of any debris from the facility as soon as possible that same operational day.

Reference: [OAR 340-096-0090](#)

## **8.8 Dust**

The permittee must minimize dust generation and prevent dust from leaving the facility.

Reference: [OAR 340-096-0090](#) and [OAR 340-096-0070](#)

## **8.9 Drainage**

The permittee must maintain surface water diversion ditches or structures in a serviceable condition and free of obstructions and debris at all times. Any significant damage must be reported to DEQ and repairs made as soon as possible.

## **8.10 Leachate, wastewater and stormwater management**

The permittee must operate the facility in a manner that minimizes leachate and other wastewater production to the maximum extent practicable. The permittee must manage wastewater and stormwater as described in their DEQ-approved Operations Plan to prevent odors, public health hazards and off-site discharge. Any wastewater or stormwater discharges to Waters of the State must be authorized under a WPCF and/or NPDES permit.

Reference: [OAR 340-093-0210](#) and [OAR 340-096-0070](#)

## **8.11 Feedstock unloading area**

The permittee must clearly define the area(s) used by the public for unloading feedstocks by signs, fences, barriers or other devices.

## **8.12 Public access**

The permittee must control public access to the facility, as necessary, to prevent unauthorized entry and dumping.

Reference: [OAR 340-096-0090](#)

## **8.13 Legal control of property**

The permittee must maintain legal control of the composting site property, including maintaining a current permit, contract or agreement that allows the operation of the facility if the site is not owned by the permittee.

Reference: [OAR 340-093-0050](#) and [OAR 340-093-0070](#)

## **8.14 Fire protection**

The permittee must make arrangements with the local fire control agency to immediately acquire their services when needed. The permittee must provide adequate on-site fire control protection, as determined through the local fire control agency and as described in their Operations Plan. Unauthorized fires must be immediately extinguished and reported to DEQ within 24 hours. The permittee must comply with all fire codes.

Reference: [OAR 340-096-0090](#)

## **8.15 Signs**

The permittee must post signs at the facility which are clearly visible and legible, providing the following information: name of composting facility, emergency telephone number, days and hours of operation, solid waste permit number and operator's address.

## **8.16 Vector control**

The permittee must provide rodent and insect control measures, as necessary, to prevent vector production and sustenance.

Reference: [OAR 340-096-0070](#)

### 8.17 Complaints

The permittee must investigate and attempt to resolve all complaints it receives regarding facility operations by doing the following:

- Contact the complainant within 24 hours to discuss the problem
- Keep a record of the complaint, name and phone number of the complainant (when possible), date complaint was received and date of and response by the facility operator
- Immediately initiate procedures at the facility, when relevant, to resolve the problem identified by the complainant
- For odor, litter or dust complaints, the permittee must report to DEQ as soon as complaints are received at the facility from five different businesses and/or individuals about a given event or if an odor event lasts longer than 24 hours without resolution or mitigation.

Reference: [OAR 340-096-0150](#)(3) and (4)

### 8.18 Permit display

The permittee must display this permit, or a photocopy thereof, where operating personnel can readily refer to it.

## GENERAL CONDITIONS

## 9 Recordkeeping, Reporting and Compliance Fee

### 9.1 Records

The permittee must keep copies of all records and reports for a minimum of five years from date initially placed in the facility operating record. In the case of a change in ownership of the composing facility, the new owner is responsible for ensuring that the records are transferred from the previous owner and maintained for the required five years.

Reference: [OAR 340-096-0110](#)

### 9.2 Access to records

The permittee must make all records and reports related to the permitted facility available to DEQ upon request.

Reference: [OAR 340-096-0110](#)

### 9.3 Feedstocks data collection

The permittee must collect information about the amount of each type of feedstock received for composting for each calendar year. The feedstocks must be separately identified and categorized as originating either in-state or out-of-state:

Reference: [OAR 340-096-0110](#), [OAR 340-097-0110](#) and [OAR 340-090-0100](#)

### 9.4 Operational records

The permittee must keep the applicable following information on file and make records available to DEQ staff upon request:

- Information on the annual amount of contamination sent for disposal.
- Information demonstrating assessment of composting processing parameters; may include nutrient balance (C:N ratio), moisture content, aeration, pH, temperature and retention time
- Pathogen testing and pathogen reduction
- Complaints and actions taken to address complaints, including unacceptable odors
- Upsets or violations of the Operations Plan
- Other records included in the Operations Plan or requested by DEQ

Reference: [OAR 340-096-0090](#), [OAR 340-096-0110](#), [OAR 340-096-0140](#) and [OAR 340-096-0150](#)

## 9.5 Annual data reporting

The permittee must collect and report the following information to DEQ each year. The information must be reported on forms listed below and submitted to the address and by the date listed on the form.

- The permittee must report information on the feedstocks accepted for composting at the facility on the DEQ form *Composting Facility Report*.
- Reference: [OAR 340-096-0110](#)(3)(c)
- The permittee must report information on the solid wastes recovered at the facility on the DEQ form: *Material Recovery Survey*.  
Reference: [OAR 340-090-0100](#)

## 9.6 Non-compliance reporting

In the event the permittee violates any condition of this permit or of DEQ's rules or statute, the permittee must immediately take action to correct the violation and notify DEQ within 24 hours at: DEQ's Northwest Region Materials Management Program Office at 503-229-5353 or email: [DEQNWR.SolidWastePermitCoordinator@deq.oregon.gov](mailto:DEQNWR.SolidWastePermitCoordinator@deq.oregon.gov).

Reference: [OAR 340-096-0110](#)

## 9.7 Oil and hazardous material spill response and reporting

The permittee must immediately clean up any spill of oil or hazardous material. If the spill is of a reportable quantity, the permittee must immediately report the spill to the Oregon Emergency Response System at 1-800-452-0311 and DEQ.

Reportable quantities include:

- Any amount of oil spilled to waters of the state;
- Oil spills on land in excess of 42 gallons;
- 200 pounds (25 gallons) of pesticide residue;
- Hazardous materials that are equal to, or greater than, the quantity listed in the [40 CFR Part 302](#) (List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002. For a complete list of hazardous materials required to be reported, please refer to [OAR 340-142-0050](#).

## 9.8 Compliance fee payment

The permittee must pay the composting facility permit compliance fee each year this permit is in effect. DEQ will send an invoice to the permittee indicating the amount of the fee and the due date for fee payment. Fees are based on the tons of composting feedstocks received for composting.

Reference: [OAR 340-097-0110](#) and [OAR 340-097-0120](#)

# 10 Permit Modification

## 10.1 Modification

At any time during the life of the permit, DEQ or the permittee may propose changes to the permit.

Reference: [OAR 340-093-0070](#) and [OAR 340-093-0113](#)

## 10.2 Modification and revocation by DEQ

DEQ may, at any time before the expiration date, modify, suspend or revoke this permit in whole or in part in accordance with [ORS 459.255](#) for reasons including, but not limited to, the following:

- Violation of any terms or conditions of this permit or any applicable statute, rule, standard or order of the Environmental Quality Commission
- Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts
- A significant change in the quantity or character of feedstocks received;

- Non-compliant operation of the composting site; or
- A significant change in the composting process.

Reference: [OAR 340-093-0113](#) and [OAR 340-093-0115](#)

### **10.3 Modification by permittee**

Permittee must contact DEQ when planning a change to determine if a permit modification application is necessary. The permittee may be required to apply for a modification to this permit if a change in facility operations is planned, or there is a deviation from activities described in this permit, including the DEQ-approved Operations Plan and Engineering Plans. The permittee must not implement any change in operations that requires a permit modification prior to receiving approval from DEQ.

Reference: [OAR 340-096-0130](#)(2), [OAR 340-096-0130](#)(3) and [OAR 340-093-0070](#)

### **10.4 Review fee**

DEQ may require the permittee to submit an Operations Plan review and approval fee or Engineering review fee for permit modifications that require modifications to the Operations Plan or Engineering Plans. If required, the permittee must submit the fee to DEQ with the proposed plan.

Reference: [OAR 340-096-0090](#), [OAR 340-097-0120](#)(4) and [OAR 340-097-0120](#)(5)

### **10.5 Change in Name or Address**

The permittee must immediately report to DEQ in writing any name or address change of the owner or operator of the facility or property.

Reference: [OAR 340-096-0110](#)(3)

### **10.6 Transfer, sale or exchange of permit or facility**

The permittee must submit a permit modification application for any transfer, sale, or exchange of the permit or facility prior to completing the transaction.

All permit conditions will remain in effect until such time as a new or modified permit is issued by DEQ. The permittee will remain responsible for the failure by the new owner to abide by the terms of any permit conditions resulting in a violation until a new permit is issued by DEQ.

Reference: [OAR 340-093-0070](#)

### **10.7 Public participation**

DEQ may issue a public notice requesting public comment on significant changes proposed to the permit as set forth in DEQ rules for public notification.

Reference: [OAR 340-093-0100](#)

## **11 Administration**

### **11.1 Definitions**

Unless otherwise specified, all terms are as defined in [OAR 340-093-0030](#).

## 11.2 Submittals

Unless otherwise specified on the forms provided by DEQ, the permittee must send all submittals required under this permit to:

Environmental Partnerships Manager  
Oregon Department of Environmental Quality  
700 NE Multnomah St., Suite 600  
Portland, OR 97232-4100  
503-229-5353

Or email to: [DEQNWR.SolidWastePermitCoordinator@deq.oregon.gov](mailto:DEQNWR.SolidWastePermitCoordinator@deq.oregon.gov)

## 11.3 Permit term

The effective date of this permit is the date this document is signed by DEQ. The expiration date of the permit is indicated at the top right of this document. The authorization to accept solid waste at the facility will end when this permit expires, is terminated, or revoked; after that time the permittee cannot accept solid waste at the facility.

Reference: [OAR 340-093-0070](#) and [OAR 340-093-0115](#)

## 11.4 Permit renewal

The permittee must submit an application for permit renewal if the permittee intends to continue operation beyond the expiration date of this permit. A complete solid waste disposal site permit renewal application must be submitted to DEQ **at least 180 days** before the existing permit expires. All permit conditions will remain in effect until such time as a renewed permit is issued by DEQ. Failure by a permittee to abide by the terms of any permit conditions will be a violation.

Reference: [OAR 340-093-0070](#) and [OAR 340-093-0115](#)

## 11.5 Permittee initiated termination of permit

After ceasing permitted operations, the permittee must request, in writing, to DEQ that the permit be terminated. Permittee must demonstrate to DEQ that the facility no longer requires a permit under OAR 340-093-0050 before DEQ will terminate the permit.

Reference: [OAR 340-093-0050](#) and [OAR 340-093-0115](#)

## 11.6 Property rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.

## 11.7 DEQ liability

DEQ, its officers, agents or employees do not sustain any liability on account of the issuance of this permit or on account of the construction, maintenance or operation of facilities pursuant to this permit.

## 11.8 Documents superseded

This document is the primary composting permit for the facility, superseding all other solid waste composting permits issued for this facility by DEQ.

Reference: [OAR 340-093-0115](#)

## 11.9 Binding nature

Conditions of this permit are binding upon the permittee. The permittee is liable for all acts and omissions of the permittee's contractors and agents.

Reference: [OAR 340-093-0050](#)

#### **11.10 Access to disposal site**

The permittee must allow representatives of DEQ access to the facility at all reasonable times, for the purpose of:

- Performing inspections;
- Surveys;
- Collecting samples;
- Obtaining data;
- Reviewing records;
- Carrying out other necessary functions related to this permit.

Reference: [OAR 340-093-0050](#)

#### **11.11 Other compliance**

The permittee must ensure the facility complies with all other applicable laws and regulations.

Reference: [OAR 340-096-0070](#)(9)

#### **11.12 Penalties**

Violation of any condition of this permit or any incorporated plan may subject the permittee to civil penalties for each day of each violation.

Reference: [ORS 459.995](#) and [ORS 468.090-140](#)

**END PERMIT CONDITIONS**





## Permit Evaluation

Oregon Department of Environmental Quality  
Northwest Region Office  
700 NE Multnomah St, Suite 600  
Portland, OR 97232

July 31, 2024

**To:** Audrey O'Brien, Manager  
Environmental Partnerships Program  
DEQ NWR

**From:** Inez Lawson, Permit Manager  
Environmental Partnerships Program  
DEQ NWR

**Subject:** Permit Evaluation Report  
Proposed Renewal Solid Waste Disposal Site: Composting Permit #1433  
Grimm's Fuel Company

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### Introduction:

Grimm's Fuel Company (Grimm's) owns and operates an existing compost facility which produces finished compost, landscape supplies and soil amendments. Grimm's composting facility is located at 18850 SW Cipole Road in Tualatin, Oregon. The upper portion of the property is used for the active composting operation, including office space, parking, product storage, and equipment maintenance. The lower portion of the property is utilized for stockpiling of bark dust and finished compost.

### Operational history:

On May 1, 2014, DEQ originally issued Solid Waste Disposal Permit No. 1433. Grimm's applied for a permit modification in order to construct and upgrade the composting operation based on recommendations Green Mountain Technologies provided after a 2017 Metro initiated request for proposal to perform a facility composting assessment for Grimm's. This assessment was to provide alternative options for composting methods. Green Mountain Technologies was selected to perform on-site assessments in January and February of 2018. They conducted multiple regulator and community interviews, took air measurements to evaluate odor potential, performed air dispersion modeling of odor events, evaluated alternative composting designs, described additional best management practices to be applied at Grimm's and compiled a list of regulatory recommendations related to aerobic composting and monitoring.

DEQ issued a permit modification on May 1, 2019. That permit modification established a timeline and explicit performance standards while Grimm's constructed and began to implement the aerated static pile system. The permit required Grimm's to build and operate a continuous aeration system that provides adequate aeration to maintain a minimum oxygen level of 10% in the active compost piles. It further stipulated that exhaust from the aerated system would be directed through a bio-filter system to ensure that, to the greatest extent possible, odors that are likely to cause adverse impacts outside the facility boundaries are minimized. This system has been active since June 30, 2020, and the pile heights have been maintained at 14 feet or less for all active composting piles.

#### **Land Use Approval:**

DEQ has a signed land use compatibility statement from the City of Tualatin Planning Department dated Feb. 12, 2010, indicating that the composting activity is compatible with the Land Conservation and Development Commission-acknowledged comprehensive plan or complies with the statewide planning goals.

#### **Compost Operation Description:**

The facility has been using the aerated static pile (ASP) method for composting since the summer of 2020. The facility received an average of 42,000 tons of incoming feedstock for the calendar years 2020-2023, the time at which the facility was fully operational using the newly constructed aerated static pile system.

Authorized incoming feedstocks consist of type 1 and type 2 feedstocks; specifically yard debris from commercial haulers, landscape contractors and the public, incidental quantities of pre-consumer vegetative food waste, manure and land clearing debris. The facility also accepts inerts such as clean concrete, rock and clean dirt for processing and reuse.

All loads are visually inspected at the scale house, screening for prohibited materials. Cameras have also been installed to allow scalehouse personnel to visually inspect incoming feedstocks in large trucks. In the feedstock receiving area, the facility has staff that further monitor incoming material.

#### **Environmental and Public Health Concerns:**

**Odor** – Odor is the experience in the nose and brain of a recipient of an odorant at a concentration above their ability to detect it. Malodor is used to describe an odor that a recipient finds offensive. The biological degradation process that reduces organic matter (yard debris) to the earth-like material called hummus can occur in the presence of oxygen (aerobic composting) or in the absence of oxygen (anaerobic composting). These two processes incorporate different microorganisms and produce different by-product compounds and odors. Malodorous compounds such as reduced sulfur compounds, volatile fatty acids, aromatic compounds and amines are produced at a greater intensity during anaerobic conditions. The facility is designed to maintain aerobic composting conditions.

Odor complaints received regarding Grimms:

2019: 174  
2020: 25  
2021: 13  
2022: 7

2023: 11  
2024: 7

These odor complaints were received through various means, many being forwarded to DEQ from Metro, and some DEQ received directly through the online pollution complaint submission form. Grimm's operators investigated these complaints and submitted information regarding facility operations, weather conditions, as well as any other relevant information.

**Fire** – Excessive temperatures in compost can cause spontaneous combustion. Adequate aeration and moisture levels are the best preventative measures to avoid fires in compost piles.

From Jan. 2016 through Aug. 2017, Tualatin Valley Fire and Rescue (TVFR) responded to fires in the active composting area at Grimm's seven times. The compost piles at that time were non-aerated, static compost piles higher than 25 feet, making them highly susceptible to combustible conditions with large volumes of available fuels. Those piles were removed several years ago and the facility has been operating an aerated static pile system for active composting since 2020. Since the completion of the aerated static pile composting system, the facility has reported zero fires.

**Stormwater** -- Grimm's has a 1200-Z stormwater permit administered by Clean Water Services. CWS prepared one warning letter in 2014 for lack of documentation (sweeping), but no formal 1200-Z enforcements have been referred to DEQ within the last 10 years.

### **Compliance History:**

DEQ compliance inspections:

- June 5, 2024; No violations of Grimm's permit or solid waste rules observed
- Feb. 3, 2023; No violations of Grimm's permit or solid waste rules observed
- June 17, 2020; No violations of Grimm's permit or solid waste rules observed
- May 30, 2019; No violations of Grimm's permit or solid waste rules observed
- Feb. 6, 2019; No violations of Grimm's permit or solid waste rules observed
- **Feb. 23, 2018**; Several areas of concern were identified by DEQ Solid Waste staff during a compliance inspection on Feb. 23, 2018. These were referred to DEQ's Office of Compliance and Enforcement and resulted in DEQ issuing a Notice of Civil Penalty Assessment and Order (Notice) on July 12, 2018. The Notice cited the following violations: 1) failing to collect leachate in a containment structure that has adequate capacity to collect and contain the leachate; 2) failing to conduct monitoring of the three active compost cells in compliance with the schedule prescribed in the facility's Operation Plan; 3) failure to report open burning to DEQ within 24 hours; 4) allowing the compost pile to exceed Oregon Fire Code height limit of 25 feet; and 5) turning the compost piles during the February 2018 weather inversion. These violations were observed prior to the facility constructing the aerated static pile system.

### **Facility-Requested Permit Modifications:**

The facility has requested two specific modifications to the current permit and associated DEQ-approved operations plan. These two requests are described below.

#### **1) Bio-cover applied to active compost piles**

The facility requested to assess the amount of finished compost or compost overs that would be applied to active compost piles based on the odor potential of incoming materials and time of year. The facility's previous Metro license condition required the application of 12 inches of biocover to all active composting piles. DEQ required cover of active composting piles, but the depth was included in the DEQ-approved Operations Plan. DEQ recommends aligning with the newly issued Metro license, L-043-24, and require a minimum cover depth of 6 inches on all active composting piles.

Previous permit condition 9.18 Cover for active compost piles: *"Within 60 days of permit issuance, the permittee must apply a cover, such as porous overs and composted material, on all active compost piles for at least the first 15 days of composting. The permittee must describe in its operation plan how it will adequately maintain the cover. During the transition from static pile to ASP, the permittee will top all active compost piles with bio-cover."*

Proposed draft permit renewal/modification condition 7.2 Cover for active composting piles: *"The permittee must apply and maintain a bio-cover, such as overs or finished compost material, with a minimum depth of 6 inches, on all active compost piles for at least the first 15 days of composting. The permittee must describe in its Operations Plan how it will apply and maintain the cover."*

## **2) Oxygen Level monitoring request**

The facility is also requesting to reduce the frequency of oxygen readings from daily to weekly.

The aerated static pile system was designed by Green Mountain Technologies, for Grimm's, specifically to provide a minimum oxygen level of 13% for active composting piles. Since 2020, when this system became active, the facility has conducted over 1000 oxygen readings and the data confirms that the oxygen readings have exceeded the 10% minimum requirement and the 13% design parameters. Facility data shows an average oxygen reading of 18%, the current Zone Oxygen Report averages 17.5%. Facility operators have control over pile temperature, moisture levels and air damper openings. Combined, these factors influence oxygen levels within the active composting piles. Manipulating these controls, the oxygen levels have stayed consistently above the minimum requirements.

Grimm's has asked if the permit can be modified when renewed to allow less frequent monitoring of oxygen content. DEQ recommends that Grimm's be allowed to decrease their oxygen monitoring schedule from daily readings to weekly with a caveat that if weekly readings fall below 10% that the permittee must investigate and take corrective action and resume daily readings until a consistent reading greater than 10% is achieved. Below are the previous permit condition and the new proposed permit condition, for comparison.

Previous permit condition 9.21 Process Control (2)(a) *"After conversion to ASP system on June 30, 2020, the permittee must ensure that parameters are within the range listed herein: oxygen level: monitor at locations that are representative of the active piles daily. Oxygen level within the active pile must be between 10% - 21% to ensure aerobic decomposition of feedstocks is occurring. Record of oxygen levels within the active piles shall be kept on site and available to DEQ upon request."*

Proposed draft permit renewal/modification condition 7.3 Active composting monitoring requirements *"The permittee must ensure that parameters are within the range listed here: (1) Oxygen level: Monitor at locations that are representative of the active piles at least weekly."*

*Oxygen level within the active pile must be between 10%-21% to ensure aerobic decomposition of feedstocks is occurring. If weekly oxygen level reading measures below 10%, permittee must investigate the cause of reduced oxygen level, take corrective action and resume daily oxygen monitoring until oxygen levels return to approved range of 10-21%. Record of oxygen levels within the active piles shall be kept onsite and available to DEQ upon request."*

### **Permit Summary:**

Sections 1 and 2 of the permit discuss authorizations and prohibitions; Sections 3-8 discuss operations and design (including performance standards, operations plan, pathogen reduction, engineered structures, special conditions and site operations); Sections 9-11 discuss general conditions (record keeping, reporting, compliance fees, permit modification and administration).

### **Changes to Permit since 2019 Permit Modification:**

DEQ updated the permit template for the composting permit on June 22, 2020. This update included restructuring of permit sections and the removal of the "Compliance Schedule" section. Sections that were removed due to the restructuring of permit sections and individual conditions:

- 2.2 Discovery of Prohibited Wastes;
- 3.2 Pathogen Reduction – specifically the process parameters (these are now included in the Operations Plan- Pathogen reduction plan section);
- 4.2 Updated Operations Plan (this was included in the permit as the permittee was conducting substantial changes to facility infrastructure and composting operations and no longer necessary);
- 5.5 record-keeping procedures (the reporting conditions still apply, but no longer listed in table format);
- 9.21 Process Controls – Section 1 only (these were included as the facility was transitioning from their previous composting style to the current aerated static pile system, requirements are no longer relevant). The Process Controls conditions that are relevant to the aerated static pile system have been moved to the Special Conditions section.

### **Public Involvement:**

DEQ will post the public notice, draft permit renewal/modification, permit evaluation report and Operation's Plan to DEQ's Public Notice webpage. DEQ also mailed the public notice to neighbors and interested residents located within a mile of the Grimm's facility. DEQ will hold a public hearing to receive verbal comments on the proposed modification and renewal to DEQ's solid waste disposal site permit for Grimm's Fuel.