

# Memo

Date: December 21, 2018  
To: Roy W. Brower, Solid Waste Information, Compliance, and Cleanup Director  
From: Hila Ritter, Solid Waste Authorization Coordinator  
Subject: Short-Term Extension of Solid Waste Facility License No. L-043-18A for Grimm's Fuel Company

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Attached for your signature is amended Solid Waste Facility License No. L-043-18A for Grimm's Fuel Company (Grimm's) which extends the term of the current authorization for two additional months, to expire on February 28, 2019, with no other changes. With the exception of the short-term extension, the proposed amended license carries forward all of Grimm's current license conditions. This memo provides information on the proposed extended license and recommends that Metro issue the license as attached. The purpose of the extension is for Metro to obtain additional public comments on new conditions that will be proposed in a new license. This new license will be published in early January 2019.

## Background

Grimm's is a locally owned and operated Metro-licensed yard debris composting facility that primarily accepts yard debris and leaves for composting. The facility is also authorized by Metro to accept incidental amounts of source-separated, pre-consumer vegetative food waste (such as pumpkins and apples) and horse manure for composting. The facility is also authorized to accept clean, untreated wood waste for the production of hogged fuel and inert materials (such as rock and concrete) for recycling.

On December 18, 2017, Metro issued a short-term license to Grimm's which will expire on December 31, 2018.<sup>1</sup> Metro issued the one-year license in consideration of the public input that was received in 2017, including a community conversation that Metro hosted at the Tualatin Public Library on June 12, 2017, and the history of odor complaints at the site. As a result of the public input at that time, Metro initiated a Request for Proposal seeking a third-party to perform an independent assessment of Grimm's composting operations to identify best management practices and malodor mitigation recommendations to better inform potential license provisions.<sup>2</sup> Metro received three proposals in response to the request and convened a diverse evaluation team to review the proposals and make a recommendation to Metro. The evaluation team included representatives from Metro, city of Tualatin, Oregon Department of Environmental Quality (DEQ), community group Clean Air Safe Environment (CASE), and Grimm's Fuel Company. The evaluation team unanimously selected Green Mountain Technologies (GMT), who was subsequently awarded the contract to perform an assessment in January 2018.

Metro subsequently granted Grimm's a one-year license to allow time for Metro's contactor, GMT, to perform the site assessment and provide Metro with recommendations for operational improvements with an emphasis on odor mitigation at the facility. That license carried forward all of authorizations in the previous license with an added provision requiring Grimm's to allow site access to and cooperate with GMT for the site assessment. During the term of the license, Metro hosted three additional community conversations for the public, as described below, to solicit input from residents and businesses around the facility, provide information about Metro's authorization process, share GMT's findings and

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<sup>1</sup> Solid Waste Facility License No. L-043-18

<sup>2</sup> RFP 3419

recommendations, and provide an opportunity for the public to comment on proposed license amendments and a term extension.<sup>3</sup>

Over a period of five months in 2017, staff from GMT visited the Grimm's facility to assess and evaluate its operations and odor impacts on the surrounding community under various conditions. GMT's assessment also included interviews with Grimm's staff and neighboring residents and business representatives located within three miles of the facility. GMT then produced an 80-page report describing its findings, recommendations, and outlining four alternative composting approaches that could be implemented to reduce odors at the site. All four proposed approaches would limit compost piles to no more than 14 feet in height. Three of the alternatives involve outdoor aeration of compost piles, and one involves the construction of a building for processing compost indoors. The estimated costs for implementing the proposed approaches ranged between \$1.3 million and \$15 million, and the estimated implementation timeline ranged from six months to two years. GMT reviewed the findings and recommendations from its assessment at a community meeting hosted by Metro in Sherwood in July 2018, as described below.

Metro staff has worked closely with the local fire jurisdiction, Tualatin Valley Fire and Rescue (TVF&R), to ensure that Grimm's is in compliance with applicable Oregon Fire Code requirements as it relates to pile sizes.<sup>4</sup> TVF&R determined in May 2018, that Grimm's was in violation of maximum pile size requirements for outdoor storage of wood chips, hogged materials, compost and raw product associated with yard waste and recycling materials. TVF&R subsequently ordered the Grimm's to achieve pile size reductions in two phases:

1. Reduce piles to a maximum of 40 feet in height by Dec 31, 2018.
2. Reduce piles to a maximum of 25 feet in height, 250 feet in length and 150 feet in width by April 30, 2019. Piles must be separated by a minimum of 20 feet to allow for fire apparatus access to piles.

Grimm's appealed TVF&R's order, but the appeal was denied on June 20, 2018. Metro's current license contains a condition requiring the facility to comply with all applicable local laws regardless of whether those provisions are specifically mentioned or cited in the license.<sup>5</sup>

In addition to TVF&R, Metro has continued to coordinate with other government agencies that have regulatory oversight or expertise as it relates to this composting facility and has worked collaboratively with them to understand and respond to community concerns. On May 7, 2018, Metro convened a community conversation at the Sherwood Center for the Arts with a panel of government representatives to hear the community's experiences and answer questions. The event was co-hosted with community groups CASE and Oregon Air with Metro and the panelists included: Hila Ritter (Metro), Warren Johnson (Metro), Jeremy Fleming (DEQ), Audrey O'Brien (DEQ), Aquilla Hurd-Ravich (City of Tualatin), Steve Forster (TVF&R), and Dr. Christina Baumann (Washington County Health and Human Services). Approximately 150 people attended this event to discuss their concerns about odor, composting method, pile sizes, traffic, potential health impacts, and other issues. The panelists answered questions from the audience and described their roles and requirements as it relates to Grimm's.

On July 19, 2018, Metro co-hosted another community event with CASE and Oregon Air at the Sherwood Center for the Arts. At that event, GMT presented its report and findings to the community and answered their questions. More than 50 people attended this event, including representatives from Grimm's, and many of the aforementioned government agencies. The GMT report and other supplemental documents, including audio transcriptions of these public meetings are posted on Metro's website.

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<sup>3</sup> (1) May 7, 2018 – Sherwood Center for the Arts, (2) July 19, 2018 – Sherwood Center for the Arts, (3) October 30, 2018 Juanita Pohl Community Center Tualatin

<sup>4</sup> 2014 Oregon Fire Code Section 2808.3

<sup>5</sup> Solid Waste Facility License No. L-043-18 Section 12.1

Metro evaluated the information provided by GMT, and in concert with additional feedback from Grimm's and other local compost operators, released a draft of proposed license conditions for Grimm's for a 30-day public comment period in October. During the public comment period Metro received 119 comments (attached). Metro staff is working on a response to the wide ranging comments which will be made available in early January 2019. Grimm's provided a response to comments which is also attached.

In addition to the written comment Metro received, Metro hosted another community conversation, at the Juanita Pohl Center in Tualatin on October 30, 2018, to solicit input on the proposed license conditions and discuss next steps. Approximately 50 people attended this conversation. At that time, DEQ shared that it intends to amend its permit for Grimm's and provided a proposed timeline for the permit modification process including plans for a public hearing in early 2019. After the close of the comment period on November 30, Metro received feedback from members of the Tualatin community requesting that Metro extend Grimm's current license for an additional two months to allow for final public review of the proposed license in its entirety.

A timeline of Metro's actions from 2017 to present, with a summary of next steps is included below.

Metro staff recommends that the current license be extended for two months to allow additional time for the public to review and provide input on a revised, standard-term license for Grimm's. The proposed short-term license extension carries forward all of the same conditions in the current license with exception of the extended term of two months. The short-term license renewal is intended to provide adequate time for the public to evaluate the proposed license and make specific recommendations for improvement. Metro will consider the resulting recommendations to inform license conditions for Grimm's, and will issue a renewed license in February with an effective date of March 1, 2019

Approval of the proposed license will renew Grimm's current authorizations for an additional two month period. The proposed license becomes effective upon issuance, and will expire on February 28, 2019.

Attachment  
HR  
Queue

# Grimm's Fuel Facility Renewal and Engagement Process

