

 **Metro** | *Memo*

DATE: November 20, 2012

TO: Scott Robinson, Deputy Chief Operating Officer

FROM: Roy W. Brower, Solid Waste Compliance and Cleanup Manager

RE: Issuance of Renewed Solid Waste Facility License No. L-043-12 for Grimm's Fuel Company

Attached for your signature is renewed Solid Waste Facility License No. L-043-12 for Grimm's Fuel Company ("Grimm's"), a yard debris composting facility located at 18850 SW Cipole Road in Tualatin (Metro District 3). This memo provides background information on the applicant's request and recommends that Metro issue a renewed license to Grimm's.



BACKGROUND

The applicant, Grimm's, is a 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 for composting. In addition,

Grimm's accepts clean untreated wood waste for the production of hogged fuel. Grimm's has operated as a Metro-licensed yard debris composting facility since 1997.

On August 3, 2012, Metro received an application from Grimm's requesting the renewal of its existing solid waste facility license which is set to expire on November 30, 2012. Current operations will remain unchanged at the facility. In October 2011, the City of Tualatin granted a Conditional Use Permit allowing Grimm's Fuel Company to accept residential food scrap material collected by municipal franchise haulers for composting. However, with the exception of incidental quantities of pre-consumer vegetative food waste such as apples and pumpkins, the facility does not accept residential food scrap material. The acceptance of such residential material will require explicit authorization by both the Oregon Department of Environmental Quality ("DEQ") and Metro. The applicant is not seeking Metro authority to accept residential food scrap material at this time.

Additionally, Metro has historically allowed the facility to accept incidental amounts of manure from nearby animal stables for composting although such authorization has not been explicitly included in the facility's Metro-issued licenses. DEQ staff has notified Metro that Grimm's is allowed to accept this waste stream provided that it is managed in accordance with the facility's approved operating plan. The proposed license includes explicit authorization for Grimm's to accept incidental amounts stable manure for composting and renews the applicant's existing authority. The proposed license does not include any new authorizations.

Under Metro Code Section 5.01.087, the proposed license renewal is to be approved or denied by the Chief Operating Officer ("COO"). On December 5, 2011, the COO delegated to the Deputy Chief Operating Officer ("DCOO") authority to carry out the COO's responsibilities under Metro Code Section 5.01.087(a) with respect to the renewal of licenses of this type. As such, the DCOO is authorized to grant this license renewal.

METRO CODE RENEWAL CRITERIA

Metro Code Section 5.01.087(a) states that:

The Chief Operating Officer shall renew a Solid Waste Facility License unless the Chief Operating Officer determines that the proposed renewal is not in the public interest, provided that the Licensee files a completed application for renewal accompanied by payment of an application fee of three hundred dollars (\$300) not less than 120 days prior to the expiration of the License term, together with a statement of proposed material changes from its initial application for the License and any other information required by the Chief Operating Officer. The Chief Operating Officer may attach conditions or limitations to any renewed License. The Chief Operating Officer may attach conditions or limitations to any renewed License.

On August 3, 2012, Grimm's filed a complete application for renewal of its existing license within the required timeframe and provided payment of an application fee of \$300. The license renewal application submitted by Grimm's included a description of its operation and the types of solid waste it accepts.

Metro Code provides that the COO shall renew a solid waste facility license unless the COO determines that the proposed renewal is not in the public interest. Grimm's provides composting of yard debris and recycling of wood waste (almost three million cubic yards of these materials in the past decade), materials that might otherwise be delivered to a landfill for disposal and, as such, it plays an important role in the region's solid waste recovery efforts.

COMPLIANCE HISTORY OF THE APPLICANT

Grimm's has had a good record of compliance under the current license. Metro staff has conducted 23 inspections of Grimm's during the term of the current license. On December 2, 2010, Metro issued a Noncompliance Advisory Letter (NAL) to the facility for failure to provide proof of insurance. Grimm's subsequently provided proof of insurance to Metro. The facility is currently in compliance with its Metro-issued license.

According to DEQ staff, the agency has not documented any compliance violations or concerns about the facility's operations over the past few years.

City of Tualatin Community Development Department staff have indicated that the facility is in compliance with local land use regulations.

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

On September 27, 2012, Metro issued notice of the proposed license renewal application and provided the public with an opportunity to submit comments. Public notice was mailed to 141 property owners within 1/4 of a mile of the facility, Tualatin's Commercial Citizen Involvement Organization and nearby residential Citizen Involvement Organization CIO1. The notice was also posted on the Metro web site, and e-mailed to a list of industry and governmental stakeholders that have a general interest in solid waste issues in the Metro region. The public comment period ended on October 19, 2012. In response to the public notice, Metro received 13 comments including a single comment signed by eight individuals and one comment from the City of Tualatin regarding the facility's compliance with land use regulations. The public comments, including Grimm's response, are attached to this staff report.

Summary of Written Public Comments on Grimm's Application

Metro received six comments supportive of the facility's operations. (One of these comments was received after the close of the comment period on October 19). One of the supportive comments expressed concern about potential odors if the facility were authorized to accept residential food scraps. Another comment in support of the facility's operation asked if there are measures that could be taken by Grimm's to minimize odors generated at the site.

Metro received six comments, including a single comment signed by eight individuals, objecting to odors generated by the facility and the impacts these odors have on a neighboring residential area. Most of these comments also expressed opposition to the facility being authorized to accept residential food scraps in the future.

City of Tualatin Planning Manager Aquilla Hurd-Ravich submitted a letter on behalf of the city which includes a statement of facts regarding the facility's ongoing compliance with land use

regulations. The letter includes a summary of some citizen complaints regarding odor and the potential for odors if the facility should be authorized to accept residential food scraps.

Metro Response to Public Comments on Grimm's Application

The facility does not currently accept residential food scrap material and the activity is not part of the proposed license renewal. Jeff Grimm, the facility's owner and operator, acknowledges that the facility does occasionally generate off-site odors. The cause of these occasional odors, according to Mr. Grimm, is caused by the reuse of the facility's leachate and storm water to maintain desired moisture during the composting process. The current system used to apply water sometimes saturates a section of the compost causing it to become anaerobic and generate malodors when the material is disturbed. The facility is currently installing a new system to distribute leachate and storm water into the compost in a more uniform manner to prevent the material from going anaerobic. Mr. Grimm notified Metro that the new system will be completed by spring of 2013.

Metro has received one odor complaint regarding Grimm's since 2001. Mr. Grimm informed Metro that the facility has received two complaints directly this year. DEQ received approximately 10 complaints about the facility this year. However, the DEQ's process for receiving and responding to complaints does not allow for a prompt response by that agency. Metro will continue to encourage nearby residents to contact the facility operator as soon as possible if they are impacted by odors generated by Grimm's. This timely communication will ensure that the facility can immediately investigate odor complaints and take appropriate action to remedy it as required by the proposed license. Mr. Grimm has also stated that, until the facility's new water recycling and application system is completed, he will notify the city of Tualatin and DEQ prior to moving compost material that may have anaerobic conditions which contribute to odors. Metro will continue to conduct routine unannounced inspections and monitor facility operations. In addition, the proposed license includes requirements that the facility establishes and adheres to an odor minimization plan, maintain a complaint log, and post Metro's contact telephone number at the site.

STAFF RECOMMENDATION

Staff recommends issuing Solid Waste Facility License No. L-043-12 in order to renew Grimm's authority to accept yard debris and wood waste for the purpose of composting and the production of hogged fuel. A copy of the proposed license is attached for your signature.

Attachments

WE:bjl
S:\REM\ennis\FACILITIES\Grimm's\2012 license renewal\L-043-12\L-143-12_staff_cvr_memo.docx
Queue

Will Ennis

From: Jim Andrews [jandrews@nicoliengineering.com]
Sent: Friday, October 19, 2012 2:35 PM
To: Will Ennis
Subject: Grimm's Fuel Company

Mr. Ennis,

I am writing this letter to express my support for the Grimm's fuel Company Facility located on Cipole road in Tualatin, Oregon. The operation of the facility at its current location is convenient for both the local residences and the local/regional construction and landscape business's. The popularity of the facility is due to the fact that it is located nearby populated areas. Having used the facility many times over the passed several decades, I have seen the use of the facility increase to the point that I hope they can someday increase the size of their facility to help serve their growing clientele. I live in an area which allows the burning of materials which could also be recycled at the Grimm's facility. Do to the fact that we have a local recycler, I use their facility in lieu of burning, which is obviously a better decision for the environment. If the facility was located at a different location, myself and may others who live in a rural setting like myself would have to evaluate which option is more convenient. I hate to say it, but with the price of fuel and the recycling cost this can become a dollars vs environment decision for many people who currently use the facility at its current location..

The need to recycle is obvious and this facility provides a service we need and must support. I have been waiting for them to start other recycling operations (e.g. food, grinding of concrete chunks,) and to become a major regional recycling facility.

Not only does the facility help meet our sustainability needs it provides jobs. Jobs not only for their employees but helps provide jobs for the local landscape / construction businesses. These entities have a competitive advantage due to the facilities location, which is located close to their business operations and clientele.

I have heard that there may be a concerted effort to "stir" up some negative comments from nearby neighbors. I hope this isn't the case. I would hate to see this facility hampered by the "noise" which appears to generated by someone with a local political agenda. I would hope that the decision is based on the local and regional needs of our growing population and the overriding social responsibility this facility affords the public, and not a decision based on someones political advancement.

Regards,

Jim Andrews

Will Ennis

From: Brenna Bastian [bastian7203@frontier.com]
Sent: Sunday, September 30, 2012 8:21 PM
To: Will Ennis
Cc: Brett Bastian; Ann Wiren
Subject: Grimm's

Dear Mr. Ennis,

I am Brett Bastian MRI Technologist for Portland V.A. Medical Center. I purchased the home at 18127 SW 135th Terrace, Tualatin, OR three years ago. Just this very morning the wind brought Grimm's Fuel emanations to our home. It was foul to say the least. I probably wouldn't have purchased the home if I had known about the smell.

Our neighborhood has had meetings about Grimm's. The hearsay is there are filters that can cut down on this smell but Grimm's doesn't have them. My biggest fear is that they will start to process food there. We have heard in the news the debacle that occurred with the smell.

We would like the smell to get better here than it is now. If no changes are made and food is taken there it will only be in the interest of the almighty dollar.

I ask for your help.

Sincerely,
Brett D. Bastian
18127 SW 135th Terrace
Tualatin, OR 97062
mobile 503-459-2013 home 503-925-0457

Will Ennis

From: Brian Craker [crakerb@yahoo.com]
Sent: Thursday, October 11, 2012 1:34 PM
To: Will Ennis
Subject: Public Comment on Grimm's Fuel Company Renewal

I am a neighbor living in the Pony Ridge neighborhood just across Hwy 99W from Grimm's Fuel Company. In this public comment, I want to state my approval for the renewal of their license but at the same time ask a question.

My family has lived in our neighborhood for just over 8 years and Grimm's has been a business neighbor in the area. They do a great job keeping noise down and keeping the significant traffic in and out of their facility from disrupting surrounding traffic flow. Their yard debris and recycled mulch services has been a great service to so many in the Southern Metro area, and a loss of that service and jobs would be a big blow to the community.

That said, we did have one question that we would like to ask. Over the last couple of years the smell from the yard composting seems to have gotten stronger. There has always been just a slight touch of the smell when a south wind blows and that has never been a problem. It's just been in the last couple of years that my family and many others in our neighborhood have noticed the smell getting stronger and more frequent. Our question is just to inquire if there is anything Grimm's could do to help minimize the smell.

Otherwise we feel their business and contribution to the area is invaluable and we would love to see them continue operations with their license renewal. Thank you very much for receiving our public comment.

Brian Craker
18253 SW 133rd Terrace
Tualatin, OR 97062

Will Ennis

From: Donald Defler [jo29seph@yahoo.com]
Sent: Tuesday, October 16, 2012 9:31 PM
To: Will Ennis
Subject: Application for solid waste facility

10/14/2012

To: Will Dennis, Senior Solid Waste Planner, Metro.
From: Donald Defler

My wife and I live at 13382 Ute Street, in Tualatin just west of the Grimm's processing plant. The community is composed of a relatively small number of homes built in the 90's. It is remarkably well kept with the houses freshly painted with inviting lawns and sidewalks. Just a few months after buying our house we found an impending problem coming our way. This problem imminates from the objectionable odor coming from the processing plant. It is a shame that the state of livability should be so downgraded by commercial interests that homeowners cannot even open their windows in the cool evenings. This community rivals other upscale areas around Tualatin in beauty but beauty is not reflected only in housing design, color and landscaping. Evidently, it has been decided that a wood processing company should have a huge interest in allowing noxious gasses exhaust into the immediate area of our homes.

I believe that there should be transparency between the principle victims of this action and the firm that is responsible for this noxious condition. For instance, what is the major guide post that governs gas emissions from such plants. Does the Grimm's plant meet any standards in this regard? Is methane gas considered as a health problem and monitored as such? Is the design of the factory and its future additions given the same consideration as the other light factories in the Tualatin area. Are rodents and other undesirable wild animals monitored as to numbers with an active effort at control around the area. Are special conditions planned for processing raw garbage from the Portland area or other nearby cities? What will be the traffic impact on egress and ingress from highway 99 and does the future b-pass in planning accommodate the conditions of the plant and surrounding area.

In conclusion, if we think back to recent history and recall the various major changes in our community having affected us adversely we might remember the dog food factory and it's stink. The extension of the UGB changed the rural character of our area. The shooting range has never been accepted by the majority. The transit train has stolen many nights sleep from citizens. The bi-pass from highway 99 to I-5 has yet to drop it's hammer. And now, we have another problem that won't go away unless it's seized upon by all citizens who have grown to love our city. After all. What good is a "City of Trees", if they can't be enjoyed in all aspects, including smell.

Sincerely,
Donald J. Defler

DONALD J. DEFLER

Will Ennis

From: Jan Giunta [jan.giunta@gmail.com]
Sent: Thursday, October 11, 2012 3:48 PM
To: 'dennis lively'; Will Ennis
Cc: 'Ata Saedi'; 'Frank and Virginia Green'
Subject: RE: Grimm's Fuel Solid Waste Permit Renewal

Mr. Ennis, residents have suffered for years from the odor emissions from Grimms Fuel. The only reason you have had no complaints is the residents near by did not know they could complain and to whom. Some of the residents are currently working on a letter to you regarding the renewal of the permit. For the last 9 months, they have been logging emissions and recently using the DEQ complaint page. I am sorry that you and DEQ are not working more closely together concerning Grimms so that you knew of the complaints. I am also sorry that Metro in all this time did not contact the nearby residential areas to assess if there were any impacts on the homeowners. I am hopeful that going forward, the residents will be considered by both DEQ and Metro.

Our goal is certainly not to put the operation out of business, but to have management practices in place which reduce the odor emissions to more acceptable levels. Our letter will more fully explain our concerns and recommendations. Should this letter be sent to you?

From: dennis lively [mailto:engineer.lively@gmail.com]
Sent: Thursday, October 11, 2012 3:35 PM
To: Jan Giunta
Subject: Fwd: Grimm's Fuel Solid Waste Permit Renewal

----- Forwarded message -----

From: Will Ennis <Will.Ennis@oregonmetro.gov>
Date: Wed, Oct 10, 2012 at 3:30 PM
Subject: RE: Grimm's Fuel Solid Waste Permit Renewal
To: dennis lively <engineer.lively@gmail.com>

Thank you, Mr. Lively. I am sending you this e-mail to let you know that Metro has received your comment and it will be considered during the renewal process and the issue you raise will be addressed in the staff report. Also, I want to let you know that Metro routinely performs unannounced inspections at Grimm's to determine compliance with their Metro-issued license. They have had a good record of compliance under their current license. Metro will respond to odor complaints, however, Metro has not received such a complaint since 2002.

Will

William Ennis
Solid Waste Compliance & Cleanup
600 N.E. Grand Avenue | Portland, Oregon 97232-2736
Phone: 503-797-1667 | Fax: 503-813-7544

will.ennis@oregonmetro.gov

From: dennis lively [mailto:engineer.lively@gmail.com]
Sent: Wednesday, October 10, 2012 9:24 AM
To: Will Ennis
Subject: Grimm's Fuel Solid Waste Permit Renewal

Could you tell me just what conditions are attached to this permit in connection with odor control? Because of the historic odors during "heavy air" conditions in the fall and spring; plus the prevailing wind direction, I am concerned about enforceable conditions. Does Metro actually monitor and enforce these conditions in the field? I am especially concerned because it appears Grimm's Fuel has gotten city approval for food waste composting. I know they don't have Metro's approval but they are headed down that road.

Could you refer me to any composting site located outdoors that operate without an odor problem?

Thanks for your time in this matter.

Dennis Lively

Tualatin resident since 1971

Will Ennis

From: Will Harper [WHARPER@ci.tualatin.or.us]
Sent: Tuesday, October 16, 2012 3:50 PM
To: Will Ennis
Cc: AQUILLA HURD-RAVICH
Subject: RE: Public Notice for Grimm's Fuel Company Solid Waste License Renewal

Mr. Ennis: The City of Tualatin is reviewing the application notice for the Grimm's Fuel Company Solid Waste Facility license renewal. We are considering informing the Tualatin City Council about the renewal process and asking for the Council's direction on a City comment. This is being considered for Monday's evening meeting.

If possible, please allow the City of Tualatin some additional time to submit comments beyond the October 19 date in the notice.

William Harper

Senior Planner
City of Tualatin | Community Development Department - Planning Division
18880 SW Martinazzi Avenue | Located at 18876 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Direct 503-691-3027 | FAX 503-692-0147
Web Address www.ci.tualatin.or.us
Email wharper@ci.tualatin.or.us

From: Barb Leslie [<mailto:Barb.Leslie@oregonmetro.gov>]
Sent: Thursday, September 27, 2012 10:05 AM
To: Metro Councilors; jon@tualatinlife.com; jan.quinta@gmail.com; Kathy Kaatz; Will Harper; thomas_egleston@co.washington.or.us; theresa_koppang@co.washington.or.us
Subject: Public Notice for Grimm's Fuel Company Solid Waste License Renewal



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Will Ennis

From: Dan & Carolyn Harris [dcharris2@frontier.com]
Sent: Saturday, October 13, 2012 12:14 AM
To: Will Ennis
Subject: Grimm's Fuel Company Permit Renewal

Dear Mr. Ennis,

As the owner of a personal residence in Tualatin, I have trucked both yard debris and construction debris to Grimm's Fuel multiple times, and believe they operate a fine service, which benefits many parts of the community. Likewise their sale of composted material has been helpful at the Community Garden, where we have a plot. Grimm's is a beneficial business, and should have their permit renewed for yard and construction debris processing and composting.

On the subject of food waste composting, I am very concerned, and do not believe such a permit should be awarded to Grimm's. The experience of other food waste composting has been odoriferous, and there is NO way that Grimm's should move in this direction, except, perhaps with a VERY SMALL pilot project, with at least two years of evaluation before a larger effort is attempted. Food waste stinks! That's why we call it garbage, and keep it away from population centers.

Thank you,

Daniel H. Harris
8533 SW Santiam Dr.
Tualatin, OR 97062
dcharris2@frontier.com
503-691-6492 (home)

Will Ennis

From: dennis lively [engineer.lively@gmail.com]
Sent: Wednesday, October 10, 2012 9:24 AM
To: Will Ennis
Subject: Grimm's Fuel Solid Waste Permit Renewal

Could you tell me just what conditions are attached to this permit in connection with odor control? Because of the historic odors during "heavy air" conditions in the fall and spring; plus the prevailing wind direction, I am concerned about enforceable conditions. Does Metro actually monitor and enforce these conditions in the field? I am especially concerned because it appears Grimm's Fuel has gotten city approval for food waste composting. I know they don't have Metro's approval but they are headed down that road.

Could you refer me to any composting site located outdoors that operate without an odor problem?

Thanks for your time in this matter.

Dennis Lively
Tualatin resident since 1971

October 8, 2012

Subject: Comment on Grimm's Fuel Company to renew its License

OCT 11 '12 PM 4:00

Dear Mr. Ennis,

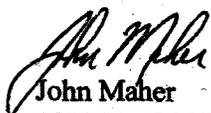
I don't know if this is the correct venue to discuss this but thought it may be relevant. After retiring from the military my wife and I moved to Oregon in 2004. Tualatin sounded like a wonderful location to live and we bought our current home that year. If we had known about the frequent odors that come from Grimm's Fuel Company we never would have bought at this location.

I understand that Grimm's has been around for years but I know that when it was originally located here it this was a rural environment. Our housing development was built just across OR99W from Grimm's around 1997 and there are now apartment complexes, other housing developments and seven new large buildings constructed for office space and manufacturing. The City is even constructing a new road just north of the Grimm's property to provide better access to these facilities and it looks like more construction will be occurring soon.

As the City has allowed this area of Tualatin to become more urbanized I feel that with the amount of odor emanating from Grimm's that this is no longer a viable location for their process. I don't like the idea of a business closing or relocating but I can't help but feel that one of the reasons that these seven new facilities are now largely unoccupied is due to the odor produced from Grimm's.

Even if this permit is renewed, I sincerely hope they are not allowed to accept residential food scrap material. There are already too many days, beautiful days, when we cannot even open our windows to let in fresh air due to the poor air quality caused by the odor from Grimm's. My hope would be that this Grimm's facility would relocate to a more rural area as other excessive odor producing businesses have had to in other instances of urban expansion as I feel that it is unacceptable to have a facility like this so close to residential areas and professional business offices.

Sincerely,



John Maher
18385 SW 133rd Ter
Tualatin, OR 97062

Will Ennis

From: Ken Murphy [ken.murphy@northstarelect.com]
Sent: Thursday, October 25, 2012 11:57 AM
To: Will Ennis
Cc: 'Jeff Grimm '
Subject: Grimm's Fuel - a Valuable Community Resource

To whom it may concern,

Grimm's fuel is a very good neighbor to NorthStar Electric. They have assisted us in many helpful ways since 1999. Grimm's are considerate and conscientious neighbors. They are doing many things for this neighborhood, more than anyone I know of for the twenty plus years I have known them.

We have never had a reason to complain about noise, odors or anything offensive. We operate multiple shifts and there has never been a time when we wanted to complain. However, if we had I know that Jeff and his brother would resolve the matter.

We occasionally have a night watchman come for security purposes. The watchman says they never thought Grimm's was anything but a good neighbor. The only noise or odors they observed was from the heavy traffic on Cipole Road and Highway 99.

I am writing this in support of Grimm's; NorthStar Electric could not have better neighbors than Jeff and his brother. Please call with any questions.

Ken Murphy
President
NorthStar Electric
503-612-0840
19450 SW Cipole Road
Tualatin, Oregon 97062

Will Ennis

From: Lou Ogden [lou.ogden@juno.com]
Sent: Friday, October 19, 2012 4:17 PM
To: Will Ennis
Subject: Grimms Fuel

Mr. Ennius, I just left you a voice mail but I have a time sensitive question. I understand that the City has negotiated an extension until Tues to make comment on the license renewal. Would that extension also apply to any city councilor who may wish to offer their individual comments as well or is that deadline still today?

Thanks,

Lou Ogden
Mayor
Tualatin
Phone 503.692.0163; lou.ogden@juno.com

Will Ennis

From: Tim Pearson [tpearson@jameskingco.com]
Sent: Friday, October 19, 2012 3:43 PM
To: Will Ennis
Subject: Grimm's Fuel Co.

Mr. Ennis,

As a local business owner of James King & Co, Inc. at 19939 SW Cipole Rd. in Sherwood, I am writing you in support of Grimm's Fuel Co. Recycling operation that is located just up the road from us on Cipole Rd. We believe its a positive thing to have a recycling operation in our community. They provide a valuable service, jobs and add a value to the sustainable living in our community.

We have been neighbors since 1998 and have not found their operation to be offensive in any way.

Thank you for your consideration.

Tim Pearson
President
James king & Co., Inc
503-924-0408

Sent from my iPhone

Date: 10-17-2012

To: Will Dennis, Senior Solid Waste Planner, Metro

cc: Grimm's Fuel Company, DEQ, City of Tualatin

From: Residents of Pony Ridge: Ted Saedi, Virginia Green, Lori Birkeland, Don Defler, Kate Taylor, Jason & Jennifer Price, Mike Taylor

RE: Grimm's Fuel Company application to renew it's permit

In response to your notice, dated September 27th 2012 of opportunity to Comment on Grimm's Fuel application to renew Metro Solid Waste Facility License, we as residents of the primary affected community – Pony Ridge – are concern about an ongoing problem with the awful odor emission. It is affecting quality of our lives, not to mention the property values.

We believe there needs to be created an odor management plan for the facility which includes a plan for better management practices in place to eliminate/mitigate odor emissions and a Grimm's report back to Metro after a 6 months period.

Further questions we have are: concern of the height of piles and odors emanating from the center of such very large piles– are there regulations in place as to allowable heights related to odor?

Re manure: could the manure which is part of the mix be reduced or eliminated ? Is using manure contributing to the terrible smell?

Are you receiving complaints received by DEQ? Monitoring has been done by some residents over the past year and occasionally is being reported to DEQ (some recent logs are available upon request)

Before any plans are approved by Metro we would like the community to have an opportunity to comment.

We believe a feedback loops needs to be established: Metro & DEQ to community – community to Metro & DEQ. We want community involved in an on going assessment of the management plan.

Further, we are oppose at this time to allow Grimm's take residential or commercial food waste as the current operations have problems now.

We in the community want to maintain a good relationship with Grimm's Fuel Company business and therefore create an ongoing positive line of communication and cooperation. We have been good neighbors to Grimm's and are expecting Grimm's to respect and value the quality of lives of it's neighbors.



Stephen Nye Titus

October 12, 2012

Will Ennis
Senior Solid Waste Planner
Metro Finance and Regulatory Services
600 NE Grand Ave
Portland, OR 97232

Re: Grimm's Fuel Company, annual license renewal

Mr. Ennis,

I'd like you to know how much we appreciate having a company like Grimm's Fuel so close by in Tualatin. Their yard products are free of weeds and other contaminants, their service is prompt and prices are competitive.

The environmental benefits of recycling yard waste and especially construction waste from the metro region are many; I can't imagine trucking waste of this nature to Arlington or beyond.

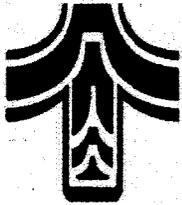
We live within a couple of miles of their property and I'm so glad there is no odor issue like the composting facility in North Plains.

My hat's off to Grimm's and Metro for providing and licensing this type of operation.

Please include my letter in their renewal application.

Thank you,

Stephen Titus



City of Tualatin

www.tualatinoregon.gov

October 24, 2012

Will Ennis
Senior Solid Waste Planner
Metro Finance and Regulatory Services
600 NE Grand Avenue
Portland, OR 97232

RE: Grimm's Fuel Company Application to Renew Metro Solid Waste Facility License-Yard
Debris Composting

Mr. Ennis:

The following are comments from the City of Tualatin Community Development Department regarding compliance with land use regulations:

1. The subject property is approximately 11.4 acres at 18850 SW Cipole Road on Tax Lots 2S12A 1800 & 1900, south of SW Pacific Highway (99W). The property is in the MG (General Manufacturing) Planning District.
2. Grimm's Fuel Company operates a facility for receiving, processing and storing wood waste from the construction and forest products industry, as well as yard debris materials from municipal haulers, commercial services companies and homeowners.
3. A resource recovery facility is a conditional use within the MG Planning District (Tualatin Development Code 61.030(2)). The City of Tualatin granted a Conditional Use Permit to Grimm's Fuel Company for a Resource Recovery Facility on December 12, 1994 (Resolution 3035-94, attached). The City modified the conditions of approval through a Conditional Use Permit granted on March 23, 1998 (Resolution 3419-98, attached). The approved activity consists of recycling and composting of yard debris, construction wood waste and land clearing debris material, and "pre-consumer food waste" such as pumpkins and overripe fruit from local farms and processors. Additionally, the retail sale of barkdust and soil is a permitted use in the MG Planning District.
4. In October 2011, the City granted Grimm's Fuel Company a Conditional Use Permit (Resolution 5072-11, attached) modifying the 1998 approval allowing composting of residential food scrap material collected at curbside. Five conditions of approval were required prior to commencing food scrap composting: Metro and Oregon Department of Environmental Quality (DEQ) permitting; restriction to only residential food waste; an odor mitigation program; and compliance with prior conditions of approval.

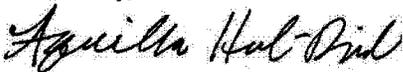
The above conditions of approval are requirements for starting residential food waste composting. The intention is to minimize potential for odor, dust or vector problems that could impact property owners in the area. As of this date, Grimm's Fuel has not initiated any aspect of residential food waste composting on the site, or with applications to DEQ and Metro.

5. Grimm's Fuel Company has remained in compliance with conditions of approval for a resource recovery facility since 1994. The operation complies with all City of Tualatin conditional use permits and is therefore in compliance with land use regulations

The following summary represents some **community comments** submitted to the City about Grimm's fuel:

1. The City receives comments and concerns about Grimm's Fuel typically in respect to odor issues. Staff usually directs concerned citizens to either contact DEQ with their comment or directly address Grimm's Fuel with their concern. As of this date, the City has logged one City of Tualatin enforcement action in 1994 because of a nighttime noise violation.
2. In 2011, the City received comments both written and in public testimony about odor when Grimm's Fuel modified their Conditional Use Permit to allow composting of residential food scraps. All communication associated with the public hearing process became part of the record for the Conditional Use Permit (CUP-11-03) and staff notified Grimm's Fuel of comments received.
3. In June 2012, the City received written comments primarily concerned about odor near Grimm's operation, and concerned about the potential for problems with the proposed residential food waste composting activity. Staff notified Grimm's Fuel of these concerns and these comments are attached for your review.
4. The City has received comments from Tualatin area citizens in response to the notice of Grimm's Fuel application to renew their license with Metro. Copies of these comments are attached for your review.

Sincerely,



Aquilla Hurd-Ravich
Planning Manager

Attachments:

- A. Recent Comments Received by Community Development
- B. Copy of Resolution 5072-11
- C. Copy of Resolution 3419-98
- D. Copy of Resolution 3035-94

Received on City of Tualatin Web Site
Citizen Request 13214 - Riverpark CIO Letter
6-18-2012

I received a letter from Riverpark CIO regarding Grimm's Fuel. I've lived on 134th Terrace and dread the days when the odorous stench from Grimm's Fuel is so bad I cannot open my doors and/or windows. Trust me when I describe the smell as that of off-gasing from a sewer.

Besides the smell, the equipment noise can also be disruptive in the very early morning hours when trying to sleep. I don't know if they realize how far the sound carries when highway traffic noise is at a minimum.

I'm opposed to Grimm's being allowed to accept residential or commercial food waste. It is also quite concerning to me that they plan to expand their existing operation.

I have been renting my current home for over 5 years so not a homeowner. My hope is that my voiced concerns will still be counted.

Thank you for your time.

(Name withheld)

Dan Harris Comment on Grimm's Fuel Metro Permit renewal.txt
From: Dan Harris [harrisdan65@gmail.com]
Sent: Friday, October 12, 2012 11:33 PM
To: Will Harper
Subject: Grimm's Fuel solid waste permit renewal

Hi Mr. Harper,

As the owner of a personal residence in Tualatin, I have trucked both yard debris and construction debris to Grimm's Fuel multiple times, and believe they operate a fine service, which benefits many members of the community. Likewise their offer of composted material has been helpful at the Community Garden, where we have a plot. Grimm's is a beneficial business, and should have their permit renewed for yard and construction debris processing and composing.

On the subject of food waste composting, I am very concerned, and do not believe such a permit should be awarded to Grimm's. The experience of other food waste composting has been odoriferous, and there is NO way that Grimm's should move in this direction, except, perhaps with a VERY SMALL pilot project, with at least two years of evaluation before a larger effort is attempted. Food waste stinks! That's why we call it garbage, and keep it away from population centers.

Thank you,
Daniel H. Harris
8533 SW Santiam Dr.
Tualatin, OR 97062
dcharris2@frontier.com
503-691-6492 (home)

Date: 10-17-2012

To: Will Dennis, Senior Solid Waste Planner, Metro

cc: Grimm's Fuel Company, DEQ, City of Tualatin

From: Residents of Pony Ridge: Ted Saedi, Virginia Green, Lori Birkeland, Don Defler, Kate Taylor, Jason & Jennifer Price, Mike Taylor

RE: Grimm's Fuel Company application to renew its permit

In response to your notice, dated September 27th 2012 of opportunity to Comment on Grimm's Fuel application to renew Metro Solid Waste Facility License, we as residents of the primary affected community – Pony Ridge – are concerned about an ongoing problem with the awful odor emission. It is affecting quality of our lives, not to mention the property values.

We believe there needs to be created an odor management plan for the facility which includes a plan for better management practices in place to eliminate/mitigate odor emissions and a Grimm's report back to Metro after a 6 months period.

Further questions we have are: concern of the height of piles and odors emanating from the center of such very large piles – are there regulations in place as to allowable heights related to odor? Re manure: could the manure which is part of the mix be reduced or eliminated? Is using manure contributing to the terrible smell?

Are you receiving complaints received by DEQ? Monitoring has been done by some residents over the past year and occasionally is being reported to DEQ (some recent logs are available upon request)

Before any plans are approved by Metro we would like the community to have an opportunity to comment.

We believe a feedback loop needs to be established: Metro & DEQ to community – community to Metro & DEQ. We want community involved in an on going assessment of the management plan.

Further, we are opposed at this time to allow Grimm's take residential or commercial food waste as the current operations have problems now.

We in the community want to maintain a good relationship with Grimm's Fuel Company business and therefore create an ongoing positive line of communication and cooperation. We have been good neighbors to Grimm's and are expecting Grimm's to respect and value the quality of lives of its neighbors.

COPY

RESOLUTION NO. 5072-11

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR GRIMM'S FUEL COMPANY MODIFYING AN EXISTING CONDITIONAL USE PERMIT FOR A RESOURCE RECOVERY OPERATION (CUP-97-03) WITHIN THE GENERAL MANUFACTURING PLANNING DISTRICT AT 18850 CIPOLE ROAD (TAX MAP 2S1 21A, TAX LOTS 1800 & 1900) (CUP 11-03).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on October 10, 2011, upon the application of Grimm's Fuel Company; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 1,00 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 6-0] with Councilor Bubenik absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated October 10, 2011, marked "Exhibit C," attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council agrees with staff recommendations.

Section 2. Grimm's Fuel Company is granted a Conditional Use Permit that would modify an existing conditional use permit for a resource recovery operation (approved in CUP-97-03) to add composting of residential food scrap material collected at curbside with yard debris by municipal franchise haulers at the Grimm's Fuel

Company facility located in the General Manufacturing Planning District at 18850 SW Cipole Road (Tax Map 2S1 21A, Tax Lots 1800 & 1900, subject to the following conditions:

1. The Grimm's Fuel Company resource recovery use for composting food scraps shall be limited to receiving material only from authorized residential food waste program sources from municipalities in the Metro region and collected by the municipalities' authorized franchise waste and recycling haulers.

2. Grimm's Fuel Company shall obtain authorization from Metro and from Oregon Department of Environmental Quality prior to accepting food waste for resource recovery composting at the subject property. If Grimm's Fuel Company loses or defaults on a permit authorization, no residential food scrap materials may be accepted or processed at the subject facility.

3. In response to the applicant's request for a limited exception to restrictions on receiving and composting commercial food waste, after a period of 2 years from the issuance of CUP-11-03 and with notice to the City of Tualatin Community Development Department and neighboring property owners, Grimm's Fuel may participate in a Metro-sponsored "Pilot Project to compost food waste from local commercial sources such as a restaurant or grocery. Beyond the completion of a Pilot Project and if Grimm's Fuel Company seeks to add commercial food waste material to the resource recovery operation approved in GUP-11-03, conditional use permit approval shall be obtained.

4. Grimm's Fuel Company or its successors shall remain in compliance with all conditions of approval of conditional use permit CuP-97-03 and Architectural Reviews for the subject property and all requirements of the Tualatin Development Code Chapter 63, Manufacturing Planning Districts - Environmental Regulations.

5. Applicant shall prepare and submit an odor mitigation program that documents existing efforts and identifies how to mitigate future complaints about odor. If there are unresolved odor complaints as verified by City staff, then the City Council may hold a hearing to determine whether the CUP should be allowed to remain as is, be modified with additional conditions, or revoked.

INTRODUCED AND ADOPTED this 24th day of October, 2011.

CITY OF TUALATIN, Oregon

By

Mayor

APPROVED AS TO LEGAL FORM

Brenda L. Brader
CITY ATTORNEY

ATTEST:

By

City Recorder

COPY

RESOLUTION NO. 3419-98

A RESOLUTION GRANTING THE MODIFICATION OF THE CONDITIONS OF APPROVAL FOR A CONDITIONAL USE (CUP-94-11) THROUGH CUP-97-03 TO ALLOW A RESOURCE RECOVERY FACILITY IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT

WHEREAS, upon the application of Grimm's Fuel Co., a public hearing was open on November 24, 1997, continued to January 12, 1998 and again to March 9, 1998, when the hearing was held to review compliance with the conditions of approval of a Conditional Use Permit (CUP-94-11) to allow a resource recovery facility in the General Manufacturing (MG) Planning District at 18850 SW Cipole Rd (2S1 21A 1800 & 1900). A legal description of this property is attached as "Exhibit A".

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit B," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a unanimous vote, with Councilors Cain, Forrest, Green, Lamb and Weller present; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the City staff report, dated March 9, 1998, marked "Exhibit D," and the Yard Debris Composting Facility License, dated December 23, 1997, marked "Exhibit E; attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit to allow operation of a resource recovery facility in a General Manufacturing (MG) Planning District at 18850 SW Cipole Road is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

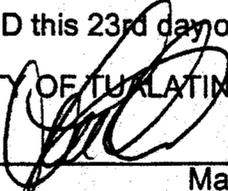
Section 1. The applicant, Grimm's Fuel Co., is hereby granted a conditional use permit to allow a resource recovery facility in the General Manufacturing (MG) planning district at 18850 SW Cipole Rd (2S1 21A 1800 & 1900).

Section 2. The conditional use granted under Section 1 is subject to the following condition:

1. Grimm's Fuel shall construct a permanent water quality facility that meets the SWM requirements and is adequate to serve the Cipole Road site. The facility shall be completed and operational by June 30, 1998.

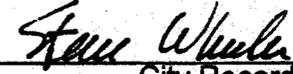
INTRODUCED AND ADOPTED this 23rd day of March, 1997

CITY OF TUALATIN, Oregon

By 

Mayor

ATTEST:

By 

City Recorder

COPY

RESOLUTION NO. 3035-94

A RESOLUTION GRANTING A CONDITIONAL USE (CUP-94-11) TO OPERATE A RESOURCE RECOVERY FACILITY IN A GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 18850 SW CIPOLE ROAD. (2S1 21A, TAX LOTS 1800 AND 1900)

WHEREAS a public hearing was held before the City Council of the City of Tualatin on November 28, 1994, upon the application of Rodney and Jeff Grimm of Grimm's Fuel Company, for a conditional use permit to allow operation of a resource recovery facility in a General Manufacturing (MG) Planning District at 18850 SW Cipole Road, upon real property described as:

Tax Map: 2S1 21A Tax Lots: 1800 and 1900, Washington County, Oregon.

WHEREAS notice of public hearing was given as required under the provisions of the Tualatin Development Code by mailing a copy of the notice to property owners located within 300 feet of the property, which is evidenced by the attached Affidavit of Mailing marked "Exhibit A," which is incorporated by reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicants, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application with all Councilors voting in favor; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its Findings of Fact the attached City staff report, dated November 28, 1994, marked as "Exhibit B," and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact the Council finds that the applicants have provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use for a resource recovery facility is in the best interests of the residents and inhabitants of the City, the applicants, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Subject to the conditions set forth in Section 2, the applicants, Rodney and Jeff Grimm of Grimm's Fuel Company,

are granted a conditional use permit to operate a resource recovery facility in a General Manufacturing (MG) Planning District at 18850 SW Cipole Road (2S1. 21A Tax Lots 1800 and 1900).

Section 2. The conditional use granted under Section 1 is subject to the following condition:

1. The applicant shall submit by March 30, 1995, an application for Architectural Review approval of the improvements cited in Finding #3 of the staff report.

2. The conditional use permit shall be for a resource recovery facility located on Tax Lots 1800 and 1900 of Washington County Assessor's Map 2S121A. Any expansion of the resource recovery operation onto the properties known as Tax Lots 2100 and 2202 on Assessor Map 2S121A will require conditional use approval.

3. The applicant shall conduct the resource recovery operation in a manner that minimizes or prevents dust impacts on the residential areas located north of SW Pacific Drive and on properties in the MP District.

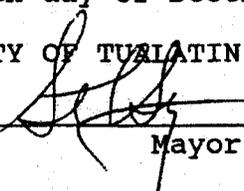
4. The applicant shall conduct the resource recovery operation in a manner that minimizes or prevents conditions that produce odor impacts on the residential areas located north of SW Pacific Drive and neighboring properties. These measures shall include procedures for quickly processing yard debris material brought onto the site and managing the size, location, and spacing of compost piles to facilitate mixing and aeration. Fire protection and dust conditions shall also be considered in managing the material piles.

5. The applicant shall submit a landscaping and site plan with the AR required in Condition #1 to provide adequate screening as a visual buffer from public view.

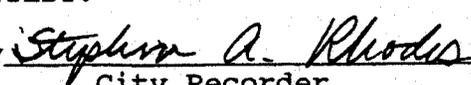
6. The applicant shall submit to the City an application by September 30, 1997, for Council review of compliance with the conditions of approval for the conditional use permit.

INTRODUCED AND ADOPTED this 12th day of December, 1994.

CITY OF TUALATIN, Oregon

By 
Mayor

ATTEST:

By 
City Recorder

Will Ennis

From: Lou Ogden [lou.ogden@juno.com]
Sent: Saturday, October 20, 2012 8:01 AM
To: Will Ennis
Subject: Re: Grimms Fuel

Thx much

Thanks,

Lou Ogden
Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for
Businesses and Individuals
21040 SW 90th Ave. Tualatin, OR 97062
Phone 503.692.0163; Fax 503.914.1699; lou.ogden@juno.com

On Oct 19, 2012, at 4:54 PM, Will Ennis <Will.Ennis@oregonmetro.gov> wrote:

Yes, individual councilors may offer comment through Tuesday.

Will Ennis

----- Reply message -----

From: "Lou Ogden" <lou.ogden@juno.com>
Date: Fri, Oct 19, 2012 4:18 pm
Subject: Grimms Fuel
To: "Will Ennis" <Will.Ennis@oregonmetro.gov>

Mr. Ennius, I just left you a voice mail but I have a time sensitive question. I understand that the City has negotiated an extension until Tues to make comment on the license renewal. Would that extension also apply to any city councilor who may wish to offer their individual comments as well or is that deadline still today?

Thanks,

Lou Ogden
Mayor
Tualatin
Phone 503.692.0163; lou.ogden@juno.com

Will Ennis

From: Jeff Grimm [jefgfc@teleport.com]
Sent: Friday, October 26, 2012 8:13 AM
To: Will Ennis
Subject: Re: Public comments received by Metro

Dear Mr. Ennis,

Thank you for the opportunity to comment on the afore mentioned responses to Metro's Request for Public Comment on our license renewal. Since I have not seen these comments it is very difficult for me to respond to the specific nature of said comments. I believe it is best to let our long-standing environmental record speak for itself.

As you know, prior to 2011, when we applied for land use approval to process residential food waste, we had received only 3 odor complaints in the prior 20 years. Since making that application in 2011, we have received several odor complaints. All of which have been reported to Metro per our current Metro license. While some of these complaints may be legitimate, the majority are clearly in response to our land use application. For example, the latest round of complaints coincides with Metro's Request for Public Comment. People are justifiably concerned that our neighborhood is going to become the next North Plains. These fears are helping to fuel our current rash of complaints. We have no immediate plans to accept food waste and will never allow our neighborhood to become the next North Plains.

Further exacerbating the situation are the political aspirations of the president of our local Citizens Involvement Organization, Jan Giunta. Ms. Giunta is currently running for a position on the Tualatin City Council, and she is sadly using us as a political pawn to further her goal. She and her affiliates have made numerous false and misleading statements about Grimm's Fuel Company in order to further her political agenda. These misstatements are very damaging and the local residents are starting to believe them. As you know, if you tell a lie often enough, long enough, and loud enough, the lie will eventually become accepted as the truth. Ms. Giunta has many people believing that we are processing food waste, processing commercial food waste, and are in non-compliance with DEQ regulations. None of which are true.

Grimm's Fuel Company has been a long-standing member of the Tualatin community for many decades. Until these recent events, we have always had a good relationship with our neighbors and the community. It is our goal to remain good neighbors and continue to provide the much needed, local recycling service that we have provided for the last 30 years.

Please contact me at 503-636-3623 if you have any questions or if I can be of further assistance.

Jeff Grimm

Grimm's Fuel Company

----- Original Message -----

From: Will Ennis
To: Jeff Grimm
Sent: Thursday, October 25, 2012 4:16 PM
Subject: Public comments received by Metro

Jeff:

The public comment period for Grimm's renewal application for a solid waste facility license ended on October 19. This e-mail serves to summarize the comments and offer you an opportunity to respond.

Metro received 13 comments. They include one from the City of Tualatin Community Development Department regarding the facility's compliance with local land use regulations. Metro received six comments in support of the facility's operation.

Metro received six comments, one of which was signed by eight individuals, all objecting to odors generated by the facility. The comments also objected to any future authorization for the facility to accept residential organics. Metro would like to offer you the opportunity to respond to the nature of these comments. (You need not respond to issues regarding the residential organics since that activity is not part of the current renewal). This information may be included in a staff report drafted to accompany the license renewal.

Please call if you have any questions.

Will

William Ennis

Solid Waste Compliance & Cleanup

600 N.E. Grand Avenue | Portland, Oregon 97232-2736

Phone: 503-797-1667 | Fax: 503-813-7544

will.ennis@oregonmetro.gov

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