

**SOLID WASTE
ADMINISTRATIVE PROCEDURES
(AND PERFORMANCE STANDARDS)**

**Administrative
Procedure No. 501**

**(Implementing Metro Code
Chapter 5.01 Solid Waste
Facility Regulation)**

Published: October 30, 2002

METRO

Regional Environmental Management

600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1650
Fax (503) 797-1795
www.metro-region.org



METRO

PEOPLE PLACES
OPEN SPACES

www.metro-region.org



Administration of Metro Code Chapter 5.01

Contents

Policy and Legal Authority.....	Section 1
Direct Haul.....	Section 2
Financial Assurance.....	Section 3 (Reserved)
Service Areas.....	Section 4
Compostable Materials Handling and Facility Regulation.....	Section 5 (Reserved)
Solid Waste Regional Transfer Stations.....	Section 6
Standards for Non-Putrescible Mixed Waste Material Recovery Facilities and Non-Putrescible Mixed Waste Reload Facilities.....	Section 7
Administrative Procedure Adoption Record	Appendix A
Metro Solid Waste Regulatory Guidance.....	Appendix B



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURE
(AND PERFORMANCE STANDARDS)**

**AP NO. 501
Section 1**

Policy and Legal Authority

1.1 Policy and Legal Authority

- 1.1.1 Metro's solid waste authority is established under the Constitution of the State of Oregon, Oregon Revised Statutes Chapter 268, the 1992 Metro Charter and Metro Code Title V Solid Waste and includes the authority to regulate solid waste generated and disposed within the District, and all solid waste facilities located within the District.
- 1.1.2 All solid waste administrative procedure shall be subject to the authority of all other applicable laws, regulations or requirements in addition to those contained in this administrative procedure and performance standard.
- 1.1.3 Administrative procedures and performance standards are adopted, as necessary, to implement the provisions of Metro Code Chapter 5.01 Solid Waste Facility Regulations as specified in Chapter 5.01.132.
- 1.1.4 The purpose of administrative procedures and performance standards adopted herein are intended to protect and preserve the health, safety and welfare of the District's residents; to protect and preserve the local environmental, to implement cooperatively with federal, state and local agencies the Regional Solid Waste Management Plan; to provide a coordinated regional disposal and resource recovery program and a solid waste management plan to benefit all citizens of the District; and to reduce the volume of solid waste disposal through source reduction, recycling, reuse and resource recovery.

(Effective October 30, 2002)



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURE**
(AND PERFORMANCE STANDARDS)

**AP NO. 501
Section 2**

Direct Haul

2.1 Policy and Legal Authority

These administrative procedures and performance standards are issued by the Executive Officer pursuant to Metro Code 5.01.127(b) and 5.01.132.

2.2 General

2.2.1 A person holding or making application for a Solid Waste Facility License or Franchise from Metro authorizing receipt of Putrescible Waste may make application for a Solid Waste Facility Franchise to deliver Putrescible Waste directly to Metro's Waste Disposal Contractor (hereafter referred to as "Landfill") for disposal of Putrescible Waste. All waste delivered to the Landfill under Direct Haul authority granted by Metro shall be considered putrescible waste.

2.2.2 An application must be accompanied by data showing that the proposed Direct Haul authorization would result in a reduction of System Costs from the System Costs of delivering the waste to a regional transfer station.

2.2.3 Owners or operators authorized by Metro franchise to Direct Haul to the Landfill shall:

2.2.3.1 Have applied for and received authorization for transfer of putrescible waste;

2.2.3.2 Deliver putrescible waste to the Landfill for disposal;

2.2.3.3 Comply with the performance standards in Section 4, *Performance Standards*, of these Administrative Procedures; and

2.2.3.4 Provide transportation or arrange for transportation by a transportation service provider complying with the performance standards for long-haul transportation pursuant to Metro Code Chapter 5.01 and presented in Section 4.4 of these Administrative Procedures.

2.2.4 A Franchisee authorized to Direct Haul is responsible for payment to Metro for costs associated with the use of the Landfill not included in Metro's Direct Haul Disposal Charge, including use of the Landfill scale and the use of the Landfill tipper. The Franchisee is responsible for payment directly to Metro for the above costs as well as for DEQ fees, Metro's Regional System Fee, Excise Tax and Direct Haul Disposal Charge. The above costs shall be paid by the Franchisee in accordance with Section 10.4, *Payment of Fees and Taxes*, of these Administrative Procedures.

(Effective September 9, 1998)

2.3 Application to Direct Haul Putrescible Waste

2.3.1 Requirements

- 2.3.1.1 Applicants to Direct Haul shall follow the procedures described in Section 7, *Application Procedures*, of these Administrative Procedures.
- 2.3.1.2 Metro Code Chapter 5.01.060(e) requires all applications for Direct Haul to be accompanied by:
 - 2.3.1.2.a A showing that the proposed Direct Haul authorization is consistent with the Regional Solid Waste Management Plan, and
 - 2.3.1.2.b An analysis of System Costs with and without the authorization for Direct Haul.

2.3.2 Regional Solid Waste Management Plan

A Direct Haul activity is consistent with the Regional Solid Waste Management Plan if it meets both of the following criteria:

- 2.3.2.1 The Franchisee delivers putrescible waste to the Landfill for disposal, and
- 2.3.2.2 The Direct Haul activity reduces System Costs (see *System Costs Analysis for Direct Haul*, below).

2.3.3 System Cost Analysis for Direct Haul

- 2.3.3.1 The effect of the Direct Haul activity on System Cost shall be based on a comparison of:
 - 2.3.3.1.a The System Cost to reload, transport and dispose of putrescible waste at a Regional Transfer Station, versus
 - 2.3.3.1.b The System Cost to reload, transport and dispose of the same putrescible waste at the Landfill.
- 2.3.3.2 To be consistent with the Regional Solid Waste Management Plan, the System Cost of Direct Haul must be no greater than the System Cost of disposal at a Regional Transfer Station.

2.3.4 Data Requirements

- 2.3.4.1 The applicant for authorization to Direct Haul shall submit the information described in sections 10.2.4.4, 10.2.4.5 and 10.2.4.6 below. Metro staff will utilize this information to compute System Costs with and without the Direct Haul activity. Applicants shall describe the assumptions and methodology used in computing cost estimates.

- 2.3.4.2 Costs shown below shall be total annualized costs for the first 12-month period in which the Direct Haul activity is projected to be operating at full scale. Costs shall include, but not be limited to, utilities, fuel, overhead, labor, maintenance and depreciation of equipment.
- 2.3.4.3 Estimated Cost to Reload Waste:
 - 2.3.4.3.a Estimated cost to reload for transport to a Regional Transfer Station
 - 2.3.4.3.b Estimated cost to reload for direct haul to the Landfill — This cost should reflect and be net of all charges from the operation of reloading and delivering to a Regional Transfer Station, plus any additional operating and capital costs, such as compaction costs and any facility modifications needed to accommodate long-haul trailers.
- 2.3.4.4 Estimated Cost to Transport Waste:
 - 2.3.4.4.a Estimated cost to transport to Regional Transfer Station(s) — Specify the transfer station(s) to which waste would be delivered in absence of direct-haul authorization.
 - 2.3.4.4.b Estimated cost to Direct Haul waste to the Landfill — If the Franchisee will contract for Direct Haul transport, this cost should equal the Franchisee’s total contract price for Direct Haul transport. If the Franchisee will provide for transport on its own, this cost shall include all transport costs as detailed above. Additional charges, such as weighing and unloading charges incurred, which are not included in Metro’s disposal contract and any other additional charges from the Landfill or haulers, must also be including in the estimated cost to Direct Haul to the Landfill.
- 2.3.4.5 Estimate of the volume of waste that the Franchisee will Direct Haul (tons/year)

2.3.5 Narrative Requirements

The applicant shall also provide a narrative, which describes how the Franchisee will Direct Haul to the Landfill, the equipment to be used for loading and transporting the waste, modifications to the Franchisee’s facility and operating procedures, identification of transport contractor (if applicable), and hours of operation. The applicant shall also describe arrangements that will be made with the Landfill for weighing and unloading of Direct Haul waste and the average load size for each load Direct Hauled to the Landfill and currently hauled to a Metro transfer station.

2.3.6 *Method of Computation*

- 2.3.6.1 Using the data provided by the applicant, Metro staff will calculate the System Costs of reloading, hauling, transferring and disposing of the region's waste for both the scenario where the applicant hauls waste directly to the Landfill and the case where the applicant delivers the waste to a Regional Transfer Station. If the cost of Direct Haul is equal to or less than the cost of using a Regional transfer Station, including applicable reload costs, the System Cost test will have been met
- 2.3.6.2 In calculating System Costs, Metro's costs for transfer and transport will be based on cost and tonnage figures used in the adopted budget for the year in which the analysis is conducted. The following costs shall be considered:
 - 2.3.6.2.a Per ton transfer costs, which shall include the total contract cost for the operation of Metro South and Metro Central Transfer Stations divided by the total Metro South and Metro Central Transfer Stations Incoming Tonnage; and
 - 2.3.6.2.b Per ton transportation costs, which shall include the total Metro Transport Contract variable cost plus the total fuel cost divided by the Metro South and Metro Central Transfer Stations Outgoing Tonnage to the Landfill.
- 2.3.6.3 The applicant for authorization to Direct Haul will receive notice of the findings of the System Cost analysis. The applicant will have a minimum of 10 business days to review the System Cost analysis findings prior to the staff recommendation being presented to the Metro Council.

(Effective September 9, 1998)

2.4 Reporting and Record-Keeping

- 2.4.1 Metro shall provide Franchisees authorized to Direct Haul with transport tickets. Transport tickets are pre-coded, with an alphanumeric sequence denoting the facility and assigning to each load a number.
- 2.4.2 At the time a load departs the Franchisee's facility, an authorized representative of the Franchisee must complete and sign the transport ticket. The completed transport ticket shall include the following:
 - 2.4.2.1 The date and time of departure;
 - 2.4.2.2 The seal number (see below); and
 - 2.4.2.3 The gross, tare and net weights of the departing load (if the load is weighed at the facility).
- 2.4.3 The transport ticket shall be given to the Direct Haul driver. If the load is weighed upon delivery to the Landfill, the Landfill will attach a Landfill ticket to the corresponding transport ticket. The driver and a representative of the Landfill shall initial the ticket, verifying delivery of the load, and, if the load was weighed on delivery, the stated weight of the load. The Landfill ticket, when applicable, shall include the following:

- 2.4.3.1 The date and time of receipt of the Direct Haul load;
 - 2.4.3.2 The customer number; and
 - 2.4.3.3 The gross, net and tare weights of the delivered load.
- 2.4.4 The Landfill will send prior to, or include with, their monthly statement to Metro copies of transport and Landfill tickets for the applicable month.

(Effective September 9, 1998)

2.5 Payment of Fees and Taxes

2.5.1 General

- 2.5.1.1 Franchisees delivering waste directly to the Landfill shall pay to Metro all Metro fees and taxes as well as Landfill charges associated with the Direct Haul authorized by Metro.
- 2.5.1.2 Direct Haul fees cover the disposal portion of Metro's contract with the Landfill pursuant to Metro Code Chapter 5.02. In addition, the Franchisee will be required to pay the Excise Tax, Regional System Fee and DEQ fees on waste authorized for Direct Haul. Costs that are the responsibility of the Franchisee include, but are not limited to, costs associated with use of Landfill equipment, costs associated with delivery of unacceptable wastes, and costs associated with any special needs of the Franchisee. These costs will be billed by the Landfill to Metro and Metro, in turn, will bill the Franchisee at the same time as it bills the Franchisee for Metro fees, taxes and DEQ fees.

2.5.2 Payment Procedures

All fees, taxes and Landfill costs shall accrue on a monthly basis. Metro will mail statements on or about the 10th day of the month for fees, taxes and Landfill costs accrued in the prior month. A statement is due no later than the last business day of the month in which it is mailed. A payment is considered to be received by Metro only if it is delivered personally to the Metro Department of Administrative Services during business hours or, if delivered by mail, received in the Metro mailroom.

2.5.3 Credit Policies

- 2.5.3.1 Consistent with Metro's credit policy at Metro solid waste facilities, a finance charge of 1.5 percent shall be assessed on all past due charges on the 15th day of the month following the month in which a statement is mailed, and on the 15th day of each month thereafter. Finance charges will be assessed only on unpaid past due balances, and not on previously assessed finance charges. Payments shall be applied first to finance charges and then to the oldest amount past due.

- 2.5.3.2 Consistent with Metro's credit policy at Metro solid waste facilities, authorization to Direct Haul is contingent upon approval of a credit application, to be provided by Metro. A Franchisee that sells, terminates, or makes substantial changes in the scope of its business after the application for credit has been approved by Metro must notify Metro immediately.
- 2.5.3.3 Authorization to Direct Haul may be denied to a Franchisee whose account is past due. Suspension of authorization to Direct Haul on the basis of an overdue account shall be preceded by written notice to the Franchisee no less than 10 calendar days prior to the suspension. A copy of any notice to suspend or terminate a Franchisee's authorization to Direct Haul will be sent to the Landfill at the same time such notice is sent to the Franchisee.
- 2.5.3.4 Consistent with Metro's credit policy at Metro solid waste facilities, the Department of Administrative Services may adjust accounts receivables and reverse finance charges in accordance with prudent credit practices. Adjustments over \$500 shall be reported to the Council in writing on a monthly basis, and adjustments over \$10,000 shall require Council approval.

(Effective September 9, 1998)

2.6 Delivery of Unacceptable Wastes

If a Franchisee authorized to Direct Haul delivers unacceptable wastes to the Landfill, the Landfill shall immediately alert the Franchisee and Metro. The Landfill shall bill Metro for all costs associated with proper disposal of any unacceptable wastes delivered to the Landfill by a Franchisee authorized by Metro to deliver solid waste to the Landfill. Upon receipt of such a bill from the Landfill, Metro will bill the Franchisee for an amount equal to that billed by the Landfill. Such billings will be included in the monthly bill for Direct Haul fees and taxes as provided in Section 10.4.1. Failure on the part of the Franchisee to pay Metro for the costs associated with delivery of unacceptable wastes to the Landfill may result in termination or suspension of the Franchisee's authorization to direct-haul waste to the Landfill.

(Effective September 9, 1998)

2.7 Arrangements with Landfill

- 2.7.1 The Franchisee shall finalize arrangements with the Landfill after receiving authorization from Metro to Direct Haul. These arrangements shall include any requirements and procedures established by the Landfill for wastes delivered by Metro to the Landfill unless specified otherwise in these *Administrative Procedures*.
- 2.7.2 The Landfill shall determine whether the Franchisee may use its own scales to weigh waste that it will Direct Haul to the Landfill or if the Landfill will require the Franchisee to use the Landfill's scales. If the Landfill authorizes the Franchisee to use the Franchisee's own scales, the Franchisee shall maintain those scales so that they meet the State of Oregon certification requirements.

(Effective September 9, 1998)

2.8 Sealed Loads

2.8.1 The Franchisee shall seal each load of waste that it Direct Hauls to the Landfill.

2.8.2 The Franchisee is responsible for installing a lock seal, encoded to identify the Franchisee and the number of the load, such as a flat metal seal that prohibits removal by hand, on each long-haul transport container after the loading of the container has been completed. The seal shall only be broken by the Landfill at the time the container is prepared for unloading at the Landfill. The Landfill shall record the seal number in its records and report it to Metro at the time the Landfill invoices Metro for Direct Haul.

(Effective September 9, 1998)



**SOLID WASTE
ADMINISTRATIVE PROCEDURE
(AND PERFORMANCE STANDARDS)**

**AP NO. 501
Section 4**

**Designation of Solid Waste Transfer Station Service Areas and
Calculation of Disposal Demand
for Putrescible Waste**

4.1 Policy and Legal Authority

The Metro Code Chapter 5.01 requires the Executive Officer to designate Service Areas for Local Transfer Stations and calculate demand for disposal of Putrescible Waste generated within each Service Area. The Code also obligates Local Transfer Stations to accept Solid Waste from any hauler who operates within a Service Area of the Local Transfer Station. In addition, the Executive Officer may authorize an increase in the tonnage authorization, upon finding that growth or other conditions affecting demand for disposal of Putrescible Waste within the Service area cannot be served by the tonnage authorization.

These administrative procedures are issued by the Executive Officer pursuant to Metro Code 5.01.131(a) and 5.01.132. They are organized into four sections:

Designation of Service Areas
Calculation of Disposal Demand within the Service Areas
Local Hauler Access
Review of Service Areas and Demand

(Effective October 8, 2002)

4.2 Designation of Service Areas

- 4.2.1 The Metro Code requires that the Executive Officer designate Service Areas.
- 4.2.2 Service Areas are designated as illustrated on **Attachment A: Service Areas - Existing Regional and Local Transfer Stations**. The map was generated by Metro's Data Resource Center and is based on the Regional Transportation Plan.
- 4.2.3 The Service Area boundaries are delineated in accordance with the definition for Service Areas in Metro Code Section 5.01.010(ss) which provides:

"Service Area" means the geographic locale around a solid waste facility that is defined by the characteristic that every point within such area is closer in distance to the solid waste facility contained in such area as to any other solid waste facility or disposal site. As used in this definition, "distance" shall be measured over improved roads in public rights-of-way.

(Effective October 8, 2002)

4.3 Calculation of Disposal Demand within the Service Areas.

4.3.1 The Metro Code requires that the Executive Officer calculate demand for disposal of Putrescible Waste generated within each Service Area.

4.3.2 Demand is determined by calculating the approximate tonnage of Putrescible Waste generated within each Service Area on an annual basis. Tonnage generation rates are determined using Metro’s Solid Waste Flow Simulation Database¹. Refer also to Metro publication: “Summary of Steps to Designate Solid Waste Transfer Station Service Areas and to Calculate Demand for Disposal of Putrescible Waste, May 2002”

4.3.3 The estimates of demand are provided below in Table 1² and are estimates for FY 2001-2002.

<i>Regional Transfer Stations</i>	<u>Tons of Putrescible Waste Generated in Each Service Area</u>
Metro Central Service Area	337,000
Metro South Service Areas	151,000
Forest Grove Service Area	48,000
<i>Local Transfer Stations</i>	<u>Tons of Putrescible Waste Generated in Each Service Area</u>
Pride Recycling Service Area	158,000
WRI Service Area	18,000
Recycle America Service Area	125,000
Regional Total	837,000

* Tonnage generated within the Metro boundary.

(Effective October 8, 2002)

4.4 Local Hauler Access

4.4.1 The Metro Code Section 5.01.125(c)(4) requires holders of a License or Franchise for a Local Transfer Station to accept Solid Waste from any Waste hauler who operates to serve a substantial portion of the demand for disposal of Solid Waste within the Service Area of the Local Transfer Station.

4.4.2 A “Waste hauler” is defined in Metro Code Section 5.01.010(eee) to mean any person who is franchised, licensed or permitted by a local government unit pursuant to state law to collect and haul solid waste.

4.4.3 In order to implement this policy, any Waste hauler that services a designated collection franchise (as established by a local government) or otherwise collects authorized Solid Waste that is generated from within a Local Transfer Station Service Area is eligible to use the subject Local Transfer Station. The Local Transfer Stations shall not deny access to the Waste hauler

¹ The Solid Waste Flow Simulation Database is maintained by Metro’s Regional Environmental Management Department. The database simulates flows of solid waste from the generator to the disposal site, in a spatial framework.

² The new Code provisions require Service Areas be drawn based on “distance over public roads”. In contrast, the map drawn in 2001 was based on “iso-distance” (as-the-crow-flies). This resulted in some revisions to the Service Areas and their associated tonnage estimates.

that collected the Solid Waste generated from within the subject Service Area without due cause, provided that the Solid waste collected is authorized at the subject Local Transfer Station.

4.4.8 *Service Refusal and Process for Hauler Petition.*

4.4.8.1 In the event that a Local Transfer Station refuses service to an eligible Solid Waste Hauler for delivery of Solid Waste generated within the Local Transfer Station Service Area, the following steps shall be taken:

4.4.8.1.a Within five business days of the incident, the hauler must notify Metro Regulatory Affairs by making a claim (contact: Steve Kraten, Deputy Regulatory Affairs Administrator at 503-797-1678). The claim shall include the following information:

Name of the Local Transfer Station that refused service to the hauler.

The date and time of the incident.

Type of collection vehicle and volume of waste that was refused service.

The geographic locale (major cross streets) of where the waste was generated.

The reason or explanation that was given to the Waste hauler by the facility operator about why service was refused on that occasion.

Where the waste was ultimately delivered.

4.4.8.1.b Metro Regulatory Affairs will investigate the issue with the Local Transfer Station in accordance with Metro Code and follow up with the hauler that filed the service refusal incident report.

(Effective October 8, 2002)

4.5 Review of Service Areas and Demand

4.5.1 Review authority and limits

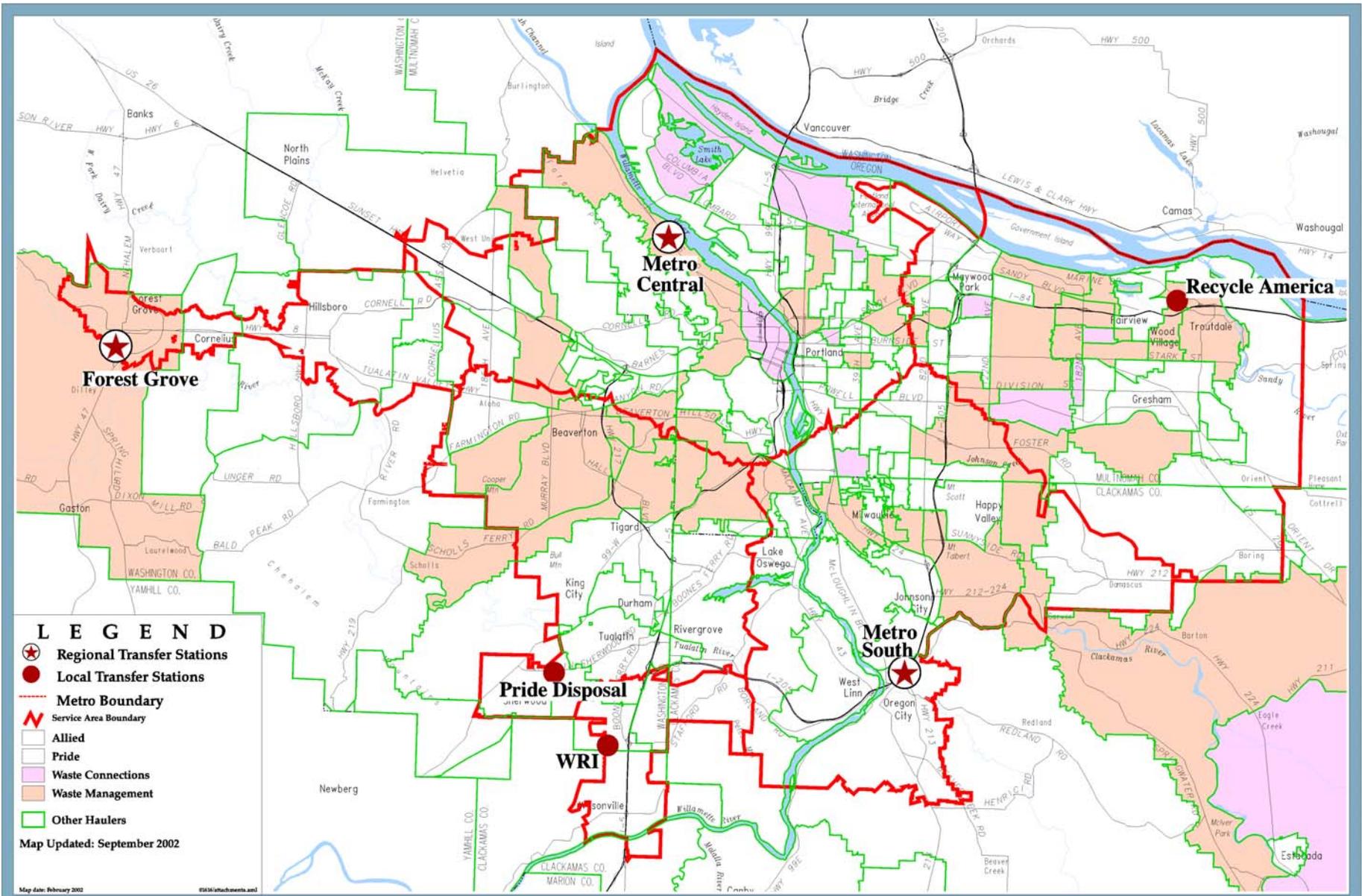
4.5.1.1 The Executive Officer may approve an increase in tonnage authorization upon finding that growth or other conditions affecting demand for disposal of Putrescible Waste within the Service Area cannot be served by said tonnage authorization.

4.5.1.2 Increases in the tonnage authorization (pursuant to this subsection) shall be limited to a maximum of five percent (5%) of any tonnage authorization or disposal limit approved by the Council, and shall be valid for a period not exceeding 24 months.

4.5.2 Demonstration of need for findings of conditions affecting demand for disposal

- 4.5.2.1 The applicant/licensee/franchisee shall demonstrate need and provide tangible and convincing evidence to the Executive Officer, that growth or other conditions affecting demand for disposal of Putrescible Waste within the Service Area cannot be served by the tonnage authorization. Examples include:
- 4.5.2.1.a Estimates of additional putrescible waste affecting demand.
 - 4.5.2.1.b How estimates were calculated.
 - 4.5.2.1.c Factors that specifically contribute to additional putrescible waste affecting demand.
 - 4.5.2.1.d Identify area where growth has (or will) occur: Map and tax lot numbers of subject property.
 - 4.5.2.1.e Identify the type of growth (residential, commercial, industrial, institutional).
 - 4.5.2.1.f Identify haulers that will use the facility and submit signed letters from those haulers indicating their intent to use the facility and the amount of waste that will be delivered.

(Effective October 8, 2002)



Attachment A: Service Areas - Existing Regional and Local Transfer Stations
 Wet Waste within Transfer Station Service Area by ownership Franchise Boundaries
 Service Area Defined by Over-the-Road Distance

800 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
 TEL 503 797 1680 FAX 503 797 1798





Solid Waste Regional Transfer Stations

6.1 Policy and Legal Authority

Beginning September 13, 2000, the Regional Solid Waste Management Plan (RSWMP) and Metro's regulatory code (Chapter 5.01) permit Metro to consider authorizing new regional transfer stations where positive benefits can be demonstrated. Any new transfer station will be required to provide a full range of public services, including provision of a recycling drop site, accommodating household hazardous waste collection events, accepting all customers, and achieving a minimum material Recovery Rate (MMRR) of 25 percent from non-putrescible waste. To implement these Plan and Code amendments, these administrative procedures and performance standards are issued by the Executive Officer pursuant to Metro Code 5.01.132 and 5.02.047(b)

(Effective October 1, 2000)

6.2 General

- 6.2.1 A Metro Solid Waste Facility Franchise is required to own or control a Regional Transfer Station. (Metro Code 5.01.045(c)(1).) A Regional Transfer Station is defined in Metro Code 5.01.010 as a Transfer Station that delivers each calendar year to Disposal Sites or other Solid Waste Facilities more than 50,000 tons of Solid Waste.
- 6.2.2 Upon the basis of the application for a Regional Transfer Station Franchise, evidence submitted, and results of any investigation, the Regional Environmental Management Department will generate findings and make recommendations on at least the following points:
- 6.2.2.1 The applicant has demonstrated that the proposed Solid Waste Facility and authorized Activities will be consistent with the Regional Solid Waste Management Plan;
 - 6.2.2.2 The applicant has demonstrated that the proposed Activity will result in lower net System Cost;
 - 6.2.2.3 Granting a Franchise to the applicant would be unlikely to unreasonably adversely affect the health, safety, and welfare of the District's residents;
 - 6.2.2.4 Granting a Franchise to the applicant would be unlikely to unreasonably adversely affect nearby residents, property owners, or the existing character or expected future development of the surrounding neighborhood;

- 6.2.2.5 The applicant has demonstrated the strong likelihood that it will comply with all the requirements and standards of Chapter 5 of the Metro Code, the administrative rules and performance standards adopted pursuant to section 5.01.132 of the Metro Code, and other applicable local, state, and federal laws, rules, regulations, ordinances, orders, or permits pertaining in any manner to the proposed Franchise.

Effective October 1, 2000)

6.3 Application for Authorization to Establish and Operate a Regional Transfer Station

6.3.1 Requirements

- 6.3.1.1 Applicants seeking authority to operate a Regional Transfer Station shall follow the Administrative Procedures described in No. 101 Section 7, Application Procedures, adopted September 9, 1998, and No. 101 Section 10, Direct Haul Procedures, adopted September 9, 1998.
- 6.3.1.2 All Regional Transfer Station applications must be accompanied by an analysis showing that the proposed Regional Transfer Station is consistent with the Regional Solid Waste Management Plan, (Metro Code 5.01.060(d)), including a demonstration that the facility will provide a net benefit to the regional solid waste system.
- 6.3.1.3 Pursuant to the obligations for Regional Transfer Stations in Metro Code 5.01.125, all applications for a Regional Transfer Station shall provide the following information:
 - 6.3.1.3.a A written description that demonstrates the applicant's ability to recover at least 25 percent by weight of non-putrescible waste accepted at the facility and waste delivered by public customers (e.g. residential self-haul customers and commercial self-haul cash customers). The description should include the amount of floor space and type of equipment to be used, the number of personnel assigned to the recovery operation(s), and a labeled plan that illustrates the recovery area and equipment to be used in the recovery operations.
 - 6.3.1.3.b A written description of how the applicant will accommodate delivery of authorized solid waste originating from within the Metro boundary from any person who delivers authorized waste to the facility. The description must include both a narrative and a labeled drawing illustrating the area to serve public customers (e.g. residential self-haul customers and commercial self-haul cash customers). The description should also explain how public customers will be accommodated separate from commercial haulers, and include the proposed days and hours the facility will be open to the public. At a minimum, the Franchisee must be open to the public on the following days and hours, unless otherwise authorized by the Regional Environmental Management Department Director:

- Monday through Friday: 8 am – 6 pm, and
- Saturday and Sunday: 9 am – 5 pm.

6.3.1.3.c A description of how the applicant will accommodate Metro sponsored Household Hazardous Waste collection events from residential generators at the facility. The plan shall include a labeled drawing of the area where the event will occur. Events may be scheduled by Metro on a monthly or quarterly basis beginning generally in March and continuing through November. Metro reserves the right to schedule more frequent events at reasonable intervals. Metro staff will obtain DEQ approval for events, develop promotional materials, and provide staff and equipment needed to collect, package, and remove wastes. Metro will be responsible for transport and disposal of Household Hazardous Waste collected at the event that the facility is not authorized to manage. At a minimum, the Franchisee will provide the following accommodations with a 30-day notice from Metro when scheduling an event:

A paved area of approximately 4000 square feet for unloading and processing operations (free of permanent structures),

Adequate space for distribution of educational materials and placement of educational exhibits,

Queuing space for cars waiting to unload and parking for those visiting the education area,

Access during an event's operating hours, which are typically 9 am to 2 pm, and

Access before and after an event to set up for the event and to tear down after an event.

In addition, Regional Transfer Station operators will also assist with the following:

Provide staff to assist with traffic control,

Provide storage space (an 8'x20' area) for storage of Metro supplies between events,

Provide facilities for Metro use, including a water source for Metro supplied emergency showers in the collection area, and break and restroom facilities for event staff,

Provide for disposal and/or recycling of wastes that are normally handled at the site (as allowed by DEQ and Metro authority), including incidental trash generated during the event, and

Assist with Metro's promotion of events to site customers and the

local community.

- 6.3.1.3.d A description and labeled site plan illustrating where and how the facility will accommodate the collection of source-separated recyclable materials without charge. The plan shall include a list of the materials that will be accepted, and the days and hours of operation. At a minimum the Franchisee must provide a clearly marked and conveniently accessible place for receiving, at no charge, the following recyclable materials (as allowed by DEQ):
- Ferrous scrap metal
 - Motor oil
 - Newspaper
 - Container glass
 - Hi-grade office paper
 - Non-ferrous scrap metal (including aluminum)
 - Corrugated cardboard and kraft paper (brown paper bags)
 - Tin cans

6.3.2 *Regional Solid Waste Management Plan*

An application for a Regional Transfer Station Franchise may be considered consistent with the Regional Solid Waste Management Plan if the Metro Council finds that the applicant has met the burden of proof in demonstrating:

- 6.3.2.1 The proposed facility will provide a net benefit to the regional solid waste system.
- 6.3.2.2 The proposed facility will be located where it will provide more uniform access to residents, businesses, and solid waste haulers within the under-served areas:
- 6.3.2.3 The proposed facility will improve system efficiencies in those areas of the Metro region that are under-served:
- 6.3.2.4 The proposed facility will provide a full range of public services that serve a broad or regional market; and
- 6.3.2.5 The proposed facility will preserve and enhance the region's material recovery capacity.

6.3.3 *System Cost Analysis for Proposed Regional Transfer Stations*

Applicants for a Regional Transfer Station Franchise shall prepare an analysis comparing the System Cost with and without the authorization for their proposed Regional Transfer Station facility. The analysis will show the difference in System Cost for the additional tonnage expected to be received by the new Regional Transfer Station. The analysis shall be limited to only the components of System Cost as that term is defined in Metro Code 5.01.010 and will not include costs associated with tonnage already being received by existing solid waste facilities. Applicants for non-existing facilities (i.e., new facilities) within the District will show the difference in System Cost based on the tonnage expected to be diverted from existing facilities.

The analysis shall describe the assumptions and the methodologies used and will include,

at a minimum, the following information:

- 6.3.3.1 Current tons received (for existing solid waste facilities, the previous full calendar year tonnage can be used).
 - 6.3.3.1.a Delivery tons – An itemization of the annual tons received of the following waste types: wet, dry, other/special.
 - 6.3.3.1.b Service area – A map illustrating the geographic location where the delivery tons are generated (applicant to provide a map showing the collection franchise areas or those of any affiliated haulers).
 - 6.3.3.1.c Tipping fees – The currently posted tipping fee charged per ton (include transaction fees charged per load in the posted tipping fee).
- 6.3.3.2 Estimated additional tons of solid waste expected to be received if Regional Transfer Station authority is approved.
 - 6.3.3.2.a Delivery tons – An estimate of the additional or diverted annual tonnage itemized by the following waste types: wet, dry, other/special.
 - 6.3.3.2.b Service area – A map illustrating the geographic location where the additional or diverted tonnage is expected to be generated (provide a map showing the new areas that will be served).
 - 6.3.3.2.c Tonnage distribution – For the additional or diverted tonnage received, identify the following: i) the facilities that currently receive this additional tonnage; ii) the amount and type of waste expected to be diverted from these facilities; and iii) where the waste is expected to be delivered for disposal.
 - 6.3.3.2.d Proposed tipping fees – A list of the proposed tipping fees if the facility becomes a Regional Transfer Station.
 - 6.3.3.2.e Transportation costs savings – An estimate of the annual savings in *on-route* collection costs and the *off-route* haul costs for the additional or diverted tons received. The computations must include the difference in the end-of-route (off-route) travel times between the previous solid waste facility and the new Regional Transfer Station. Also to be included in the on-route and off-route collection cost analysis is the average load size, estimated number of loads, transportation cost per load, and the estimated travel time savings per load.
- 6.3.3.3 Application of the System Cost Analysis

- 6.3.3.3.a The System Cost Analysis will be used to show the difference in System Cost for the additional tonnage expected to be received by the proposed Regional Transfer Station. If the net System Cost for the proposed facility is equal to or less than the cost of using existing Regional Transfer Station facilities, the System Cost test will have been met.
- 6.3.3.3.b The System Cost Analysis will be based on cost and tonnage figures for the year in which the analysis is conducted. The analysis will be limited to only the components of System Cost as that term is defined in Metro Code 5.01.01 (i.e., the sum of the dollar amounts expended for collection, hauling, processing, transfer, and disposal of all Solid Waste generated within the District).
- 6.3.3.3.c The applicant for a new Regional Transfer Station franchise will receive notice of Metro's review of the findings of the System Cost Analysis. The applicant will have a minimum of ten (10) business days to review the System Cost Analysis findings prior to the staff recommendation being presented to the Metro Council.

6.3.4 *Application Review Procedures and Public Notice*

- 6.3.4.1 In addition to the application review and public notice requirements set forth in Metro Code Chapter 2.01 and Metro Code Sections 5.01.067 and 5.01.070, Metro will notify all local governments within Metro's jurisdictional boundary that an application has been received by Metro and that copies of applications are available upon request. The notification will include (but is not limited to) the following:
 - 6.3.4.1.a The location of the proposed facility
 - 6.3.4.1.b The projected tonnages and types of materials to be a handled at the proposed facility,
 - 6.3.4.1.c The activities to be conducted at the proposed facility,
 - 6.3.4.1.d The application review and comment period (no less than 15 business days),
 - 6.3.4.1.e A facility contact person, and
 - 6.3.4.1.f A Metro contact person.
- 6.3.4.2 In order to provide local governments with an opportunity to comment on applications for Regional Transfer Stations, Metro will not issue a decision to grant or deny an application prior to the 31st day after a notification is provided.

(Effective October 1, 2000)

6.4 Material Recovery Standard and Requirements

6.4.1 *Minimum Material Recovery Rate (MMRR).*

Effective October 1, 2000, Metro Code Chapter 5.01 requires all holders of Regional Transfer Station Franchises issued after July 1, 2000 to recover at least 25 percent by weight of the sum of all non-putrescible waste accepted at the facility and waste delivered by public customers.

6.4.2 *Material Recovery Rate Calculation*

The MMRR shall be calculated based on a six-month rolling average basis as described in Administrative Procedures 100.1 – *Implementation of Regional System Fee Credits*. The MMRR shall be reported to Metro on a monthly basis, commencing October 1, 2000, using the same forms submitted for Regional System Fee credits (*Refer to the Monthly Tonnage Summary Form, and the Recovery Rate Calculation and Regional System Fee Credits Application Form*). Forms are due to Metro within 15 days of the close of the month being reported (e.g., October's report is due by November 15th).

6.4.3 *Phase-In Schedule*

Because the new minimum MMRR will be effective on October 1, 2000, a phase-in period will be established to allow facilities to reach compliance with the new standard. The phase-in period will end on March 31, 2001. All facilities subject to the MMRR are expected to be in compliance by March 31, 2001. All facilities will be required to submit reports during the phase-in period (October 2000 through March 2001). Regional System Fee Credits will be paid out during the phase-in period in any month that the facility meets the MMRR of 25 percent.

6.4.2.1 Calculation of MMRR for Existing Facilities During the Phase-In Period. For existing facilities, the MMRR shall be calculated each month using the rolling average recovery rate for the prior six months (i.e. no change from how the recovery rate would normally be calculated). If a facility subject to the MMRR on October 1, 2000 changes its Metro authorized status but is still subject to the MMRR requirement, the facility will be expected to be in compliance with the MMRR by March 31, 2001

6.4.2.2. Establishment of Phase-In period and Calculation of MMRR for New facilities.

New facilities include either previously non-existent facilities or facilities that did

not need Metro authority to operate. For new facilities the MMRR will be calculated each month using the six-month rolling average recovery rate beginning with the first month of operation as a franchised Regional Transfer Station and each month thereafter. A new facility is allowed a six-month phase-in period. For example, if a facility began operation as a Regional Transfer Station in December 2000, the MMRR for December 2000 will include recovery data collected only in December 2000; the January 2001 MMRR will include recovery data collected in December 2000 and January 2001; the February 2001 MMRR will include recovery data collected in December 2000, January and February 2001; and so on through May 2001.

Such a facility would be expected to be in compliance with the MMRR by May 2001

(Effective October 1, 2000.)

6.5 Rehabilitation and Enhancement Fees

In accordance with Metro Code Chapter 5.06 and ORS 459.284, a Regional Transfer Station Franchisee shall collect and remit to Metro an enhancement fee of not more than \$1 for each ton of solid waste accepted at the facility. The enhancement fees shall be dedicated and used for rehabilitation and enhancement of the area around the site from which the fees have been collected. Enhancement fees will be collected and disbursed consistent with the policies and procedures of Metro's Community Enhancement Program.

(Effective October 1, 2000)

6.6 Fair and Equitable Rates

Pursuant to Metro Code 5.01.170, the Metro Council may establish facility rates as a condition of the Regional Transfer Station franchise upon a finding that setting such rates is in the public interest as a matter of metropolitan concern.

(Effective October 1, 2000)



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURE
(AND PERFORMANCE STANDARDS)**

**AP NO. 501
Section 7**

**Standards for
Non-Putrescible Mixed Waste Material Recovery Facilities and
Non-Putrescible Mixed Waste Reload Facilities**

7.1 Policy and Legal Authority

- 7.1.1 Ordinance No. 07-1138 adopted by the Metro Council on February 22, 2007 amended the Metro Code Chapters 5.01 and 5.05 to ensure that mixed non-putrescible waste material recovery facilities and reload facilities are operated in accordance with Metro administrative procedures and performance standards issued by the Chief Operating Officer
- 7.1.2 These administrative procedures and performance standards are published under the authority of Metro Code section 5.01.132, which directs the Chief Operating Officer to issue administrative procedures and performance standards governing the obligations of licensees and franchisees under Chapter 5.01 and are in addition to all requirements and provisions in Metro Code Chapter 5.01.
- 7.1.3 These administrative procedures and performance standards are organized into the following parts:

General Administration

- Definitions.
- Applicability.
- Variances.

Specific Performance Goals, Performance Standards and Operating Conditions

- Issue Specific Performance Goals.
- Facility Design Requirements.
- Performance Standards and Standard Operating Conditions (license or franchise requirements)

General Administrative and Legal Obligations for Operating

- Standard administrative and legal obligations included in a license

Attachment A – Standard Operating Condition Templates

- Material recovery facility license or franchise requirements.
- Reload facility license or franchise requirements.

Attachment B – Standard Application Form Templates

- Material recovery facility application form.
- Reload facility application form.

7.2 General Administration

7.2.1 Definitions

See Metro Code Chapter 5.01.010 for all applicable definitions.

7.2.2 Applicability

7.2.2.A New facilities. These administrative procedures and performance standards shall apply to all new non-putrescible mixed waste material recovery facilities and non-putrescible mixed waste reload facilities

7.2.2.B Existing facility phase-in and license/franchise renewal requirements. Upon adoption of the standards, existing facilities will have two years (until April, 2009) to demonstrate compliance with the requirement that all mixed non-putrescible waste tipping, sorting and reloading activities must occur on an asphalt or concrete surface and inside a roofed building that is enclosed on at least three sides. Other than that requirement, no additional design requirements will be required for existing facilities. However, any new or revised operating requirements will become part of a facility replacement license or franchise upon renewal for all facilities

7.2.3 Variances

7.2.3.A The Chief Operating Officer, upon recommendation of the Solid Waste and Recycling Department Director, may grant specific variances from particular requirements of the performance standards to applicants for licenses or to licensees upon such conditions as the Chief Operating Officer may deem necessary to protect public health, safety and welfare, if the Chief Operating Officer finds that the purpose and intent of the particular requirement can be achieved without compliance and that compliance with the particular requirement:

7.2.3.A.1 Is inappropriate because of conditions beyond the control of the applicant, or licensee requesting the variance; or

7.2.3.A.2. Due to special physical conditions or causes, will be rendered extremely burdensome or highly impractical.

7.2.3.B A variance must be requested by a license applicant, or a licensee, in writing and state in a concise manner facts to show cause why such variance should be granted. The Director of the Solid Waste and Recycling Department may make such investigation as the Director deems necessary and shall make a recommendation to the Chief Operating Officer to approve or deny the variance coincident with any recommendation made on approval or denial of any license application; or, upon a request for variance from an existing licensee, within 60 days after receipt of the variance request.

7.2.3.C A request for a variance shall not substitute for an application that would otherwise be required under Section 5.01.045 of the Metro Code.

7.2.3.D If the Chief Operating Officer denies a variance request, the Director of the Solid Waste and Recycling Department shall notify the person requesting the variance of the right to a contested case hearing pursuant to Code Chapter 2.05.

7.2.3.E If a request for a variance is denied, no new application for this same or substantially similar variance shall be filed for at least six months from the date of denial.

7.3 Specific Performance Goals, Performance Standards and Operating Conditions

This section identifies issue specific facility performance goals and the corresponding performance standards and operating conditions (license or franchise requirements).

7.3.1 Material Recovery

7.3.1.A Specific Performance Goal

7.3.1.A.1 Facilities that perform material recovery must be designed and operated to achieve the level of material recovery from mixed non-putrescible waste as specified in Metro Code.

7.3.1.A.2 Facility design and operations shall ensure that unprocessed mixed non-putrescible wastes and recyclables are protected from contamination from other solid wastes or degradation from wind and precipitation.

7.3.1.B Design requirement (to be addressed in application)

7.3.1.B.1 Describe how material recovery will be conducted at the facility. For example:

7.3.1.B.1.a waste sources (e.g. commercial, residential), expected incoming tonnage, and characteristics, and expected tons recovered, including commodities, and tons of waste to be disposed;

7.3.1.B.1.b the material recovery methods and equipment to be used on site (e.g., sorting lines, hand picking, magnets, etc.) ; and

7.3.1.B.1.c the general markets for the materials recovered at the facility (subject to confidential information provisions in Section 2 X).

7.3.1.B.2 Submit a proposed facility design providing asphalt or concrete surfaces and a roofed building that is enclosed on at least three sides for the tipping floor, processing (sorting) areas, storage and reloading areas.

7.3.1.C Performance Standards and Operating Requirements

7.3.1.C.1 The facility shall perform material recovery on mixed non-putrescible wastes. Recovery must be performed at no less than the minimum level stipulated in Metro Code Chapter 5.01 (at least 25% by weight of non-putrescible waste accepted at the facility).

7.3.1.C.2 Source-separated recyclable materials, including source-separated yard debris or wood wastes brought to the facility shall not be mixed with any other solid wastes.

7.3.1.C.3 Source-separated recyclable materials may not be disposed of by incineration or landfilling.

7.3.1.C.4 All mixed non-putrescible waste tipping, storage, sorting and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are

moved under cover prior to processing, or reloading within 12 hours of receipt, or by the end of the business day, whichever is earlier.

- 7.3.1.C.5 Mixed non-putrescible solid waste shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with source-separated recyclable materials, including wood waste, yard debris and other recyclables.

7.3.2 Reloading non-putrescible waste

7.3.2.A Specific Performance Goal

7.3.2.A.1 Non-putrescible waste reload facilities shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to a Metro authorized processing facility is conducted rapidly and efficiently.

7.3.2.A.2 Facility design and operations shall ensure that unprocessed non-putrescible wastes and recyclables are protected from contamination from other solid wastes or degradation from wind and precipitation.

7.3.2.B Design requirement (to be addressed in application)

7.3.2.B.1 Submit a facility design that supports the rapid and efficient reloading of solid waste. Describe the equipment and methods that will be used.

7.3.2.B.2 Submit a proposed design providing asphalt or concrete surfaces and a roofed structure, that is enclosed on at least three sides for the tipping floor, storage and reloading areas.

7.3.2.C Performance Standards and Operating Requirements

7.3.2.C.1 All mixed non-putrescible waste must be reloaded and transferred to a Metro authorized facility that conducts material recovery.

7.3.2.C.2 All unprocessed mixed non-putrescible waste must be removed from the site within 48 hours after it has been received.

7.3.2.C.3 All mixed non-putrescible waste tipping, storage and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover prior to reloading, within 12-hours of receipt, or by the end of the business day, whichever is earlier.

7.3.3 Dust, airborne debris and litter

7.3.3.A Specific Performance Goal

7.3.3.A.1 Minimize and mitigate the generation of dust, airborne debris and litter on-site and prevent its migration beyond property boundaries.

7.3.3.B Design requirement (to be addressed in application)

7.3.3.B.1 Submit a proposed design providing a roofed structure enclosed on at least three sides for the tipping floor, processing (sorting)

areas, and reloading areas. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover for processing within 12-hours of receipt or the end of the business day whichever is earlier.

7.3.3.B.2 Describe control measures to prevent fugitive dust, airborne debris and litter. The design shall provide for shrouding and dust prevention for the receiving area, processing area, reload area, and all dry processing equipment and all conveyor transfer points where dust is generated.

7.3.3.B.3 Provide a discussion of any additional facility design measures and procedures for the control of dust, windblown materials, airborne debris, litter and for the handling of the waste in the case of major processing facility breakdown.

7.3.3.C Performance Standards and Operating Requirements

7.3.3.C.1 The facility shall be operated in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and shall prevent its migration beyond property boundaries. The facility shall:

Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit.

7.3.3.C.2 Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.

Maintain, and operate all access roads, receiving, processing (including grinding), storage, and reload areas in such a manner as to minimize and mitigate dust and debris from being generated on-site and prevent such dust and debris from blowing or settling off-site.

7.3.3.C.3 Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation.

7.3.3.C.4 All mixed non-putrescible waste tipping, storage, sorting and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover prior to processing within 12-hours of receipt.

7.3.3.C.5 Mixed non-putrescible waste and processing residual may not be stored unless it is on an impervious surface (e.g. asphalt or concrete) within a covered building or alternatively, inside water tight covered or tarped containers or within covered or tarped transport trailers.

7.3.3.C.6 On-site facility access roads shall be maintained to prevent or control dust and to prevent or control the tracking of mud off-site.

7.3.4 Facility capacity

7.3.4.A Specific Performance Goal

7.3.4.A.1 The operational capacity of the facility or site shall not be exceeded.

7.3.4.B Design requirement (to be addressed in application)

7.3.4.B.1 Provide engineering plans/reports and specifications to document that the size and configuration of the facility grounds, building and equipment, including the facility layout, drainage structures, building design, and major facility equipment, processing systems and storage areas are of sufficient capacity to accommodate seasonal throughput of all materials that will be delivered to and generated by the facility.

7.3.4.C Performance Standards and Operating Requirements

7.3.4.C.1 Applicable standards are addressed in other sections.

7.3.5 Storage and exterior stockpiles

7.3.5.A Specific Performance Goal

7.3.5.A.1 Stored materials and solid wastes shall be suitably managed, contained and removed at sufficient frequency to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards.

7.3.5.B Design requirement (to be addressed in application)

7.3.5.B.1 The facility site plan shall identify stockpile footprints, the type of materials and the maximum height of each material stockpile.

7.3.5.B.2 The facility design must include processing systems and storage areas of sufficient capacity to accommodate seasonal throughput of all materials that are delivered to and generated by the facility.

7.3.5.C Performance Standards and Operating Requirements

7.3.5.C.1 Exterior stockpiles shall be positioned within footprints identified on the facility site plan. Stored materials and solid wastes shall be suitably managed, contained and removed at sufficient frequency to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards. Storage areas must be maintained in an orderly manner and kept free of litter.

7.3.5.C.2 Materials may not be stockpiled for longer than 180 days (6 months). Exceptions may be granted provided the facility has received written authority to store materials for longer periods of time based on a demonstrated need and the materials will be used productively and provided that such stockpiles will not create nuisances, health, safety or environmental problems.

7.3.5.C.3 Mixed non-putrescible waste or processing residual may not be stored on-site unless it is on an impervious surface (e.g. asphalt or concrete) within a covered building or alternatively, inside water tight covered or tarped containers or within covered or tarped

transport trailers.

- 7.3.5.C.4 All non-putrescible waste processing residual shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with, other source-separated recyclable or recovered materials, including wood waste, yard debris and other recyclables.

7.3.6 Fire prevention

- 7.3.6.A Specific Performance Goal
 - 7.3.6.A.1 Provide adequate fire prevention, protection, and control measures.
- 7.3.6.B Design requirement (to be addressed in application)
 - 7.3.6.B.1 Submit proof of compliance with local and state fire codes. Stockpiles shall be located, sized and configured as required by local fire authorities.
 - 7.3.6.B.2 Identify water sources for fire suppression and layout that allows for isolation of potential heat sources.
- 7.3.6.C Performance Standards and Operating Requirements
 - 7.3.6.C.1 The operator shall provide fire prevention, protection, and control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the processing area.

7.3.7 Qualified operator

- 7.3.7.A Specific Performance Goal
 - 7.3.7.A.1 Provide a qualified operator on-site during all hours of operation to carry out the functions required by the license and operating plan.
- 7.3.7.B Design requirement (to be addressed in application)
 - 7.3.7.B.1 Not applicable.
- 7.3.7.C Performance Standards and Operating Requirements
 - 7.3.7.C.1 The facility shall, during all hours of operation, provide a qualified and competent operating staff.
 - 7.3.7.C.2 Facility personnel, as relevant to their job duties and responsibilities, shall be familiar with the relevant provisions of the license and the relevant procedures contained within the facility's operating plan.
 - 7.3.7.C.3 A qualified operator must be an employee of the facility with training and authority to reject prohibited loads and properly manage prohibited waste that is inadvertently received.

7.3.8 Prohibited waste

- 7.3.8.A Specific Performance Goal
 - 7.3.8.A.1 Prevent the acceptance of prohibited waste, including but not

limited to putrescible waste, hazardous waste and asbestos.

- 7.3.8.A.2 Prohibited waste shall be properly managed and disposed when inadvertently received.
- 7.3.8.B Design requirement (to be addressed in application)
 - 7.3.8.B.1 Designate a load checking area on the facility site plan and a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated.
 - 7.3.8.B.2 Containment areas shall be covered and enclosed and constructed to prevent leaking and contamination.
- 7.3.8.C Performance Standards and Operating Requirements
 - 7.3.8.C.1 The facility shall provide qualified operators on-site during all hours of operation.
 - 7.3.8.C.2 The facility shall not accept prohibited waste, including but not limited to putrescible waste, hazardous waste and asbestos. Prohibited loads must be rejected upon discovery. Prohibited waste shall be properly managed and disposed when inadvertently received.
 - 7.3.8.C.3 The facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by the license. This program must include at a minimum:
 - 7.3.8.C.3.a Visual inspection. Ensure that as each load is tipped, it is visually inspected by a qualified operator to prevent the acceptance of waste that is prohibited by the license; and
 - 7.3.8.C.3.b A secured or isolated containment area for the storage of prohibited wastes that are inadvertently received. Containment areas shall be covered and enclosed to prevent leaking and contamination.
 - 7.3.8.C.4 Records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste shall be maintained in the operating record and be available for review by Metro.

7.3.9 Measurement of waste

- 7.3.9.A Specific Performance Goal
 - 7.3.9.A.1 All non-putrescible waste and source-separated recyclable materials shall be accurately weighed when they are received, transferred to market or intra-facility, and transported from the facility.
- 7.3.9.B Design requirement (to be addressed in application)
 - 7.3.9.B.1 The location of scales shall be designated on the facility site plan.
- 7.3.9.C Performance Standards and Operating Requirements
 - 7.3.9.C.1 The facility operator shall weigh all non-putrescible waste and source-separated recyclable material when it is received, transferred to market or intra-facility, and transported from the facility.

7.3.9.C.2 The scale used to weigh all solid waste shall be licensed by the state of Oregon (Weights and Measures Act).

7.3.10 Transaction records and reporting

7.3.10.A Specific Performance Goal

7.3.10.A.1 Maintain complete and accurate transaction records on the weights and types of all solid wastes and recyclable materials received, recovered, reloaded, removed or disposed from the facility.

7.3.10.B Design requirement (to be addressed in application)

7.3.10.B.1 Not applicable.

7.3.10.C Performance Standards and Operating Requirements

7.3.10.C.1 Record transmittals. Records required shall be transmitted to Metro no later than fifteen days following the end of each month in electronic format prescribed by Metro.

7.3.10.C.2 Hauler account number listing. Within 5 business days of Metro's request, licensee shall provide Metro with a computer listing that cross references the incoming hauler account number with the hauling company's name and address.

7.3.10.C.3 Transactions to be based on scale weights. Except for minimum fee transactions for small, light-weight loads, the licensee shall record each transaction electronically based on actual and accurate scale weights using the licensee's on-site scales.

7.3.10.C.4 For all solid waste the licensee is authorized to receive, including all non-putrescible waste, source-separated recyclables, inert materials, and yard debris, the licensee shall keep and maintain accurate records of the amount of such materials the licensee receives, recovers, recycles, reloads, and disposes.

7.3.10.C.5 The licensee shall keep and maintain complete and accurate records of the following for all transactions:

7.3.10.C.5.a Ticket Number (should be the same as the ticket number on the weight slips);

7.3.10.C.5.b Account Number or Business Name: Incoming hauler account number on all incoming transactions and outgoing destination account number on all outgoing transactions. For incoming cash commercial customers, incoming hauler business name for all incoming commercial cash transactions;

7.3.10.C.5.c Material category: Code designating the following types of material (more detail, such as differentiating yard debris, is acceptable): (1) incoming source-separated recyclable materials by type; (2) incoming mixed dry waste; (3) outgoing recyclable materials by type; (4) outgoing mixed dry waste;

- 7.3.10.C.5.d Origin: Code designating the following origin of material: (1) from inside Metro boundaries; (2) from within Multnomah, Clackamas and Washington Counties but outside Metro boundaries; and (3) from out-of-state;

Any load containing any amount of waste from within the Metro region shall be reported as if the entire load was generated from inside the Metro region.

If the Licensee elects to report all loads delivered to the facility as being generated from inside the Metro region, then the Licensee is not required to designate the origin of loads in (d)(2) and (3) above.
- 7.3.10.C.5.e Date the load was received at, transferred within, or transmitted from the facility;
- 7.3.10.C.5.f Time the load was received at, transferred within, or transmitted from the facility;
- 7.3.10.C.5.g Indicate whether Licensee or Franchisee accepted or rejected the load;
- 7.3.10.C.5.h Net weight of the load;
- 7.3.10.C.5.i The fee charged to the generator of the load.

7.3.11 Access control

- 7.3.11.A Specific Performance Goal
 - 7.3.11.A.1 Control access and prevent unauthorized pedestrian and vehicular traffic and illegal dumping.
- 7.3.11.B Design requirement (to be addressed in application)
 - 7.3.11.B.1 Control pedestrian and vehicular access to the proposed facility by means of fencing, gates which may be locked, natural barriers or security guards.
- 7.3.11.C Performance Standards and Operating Requirements
 - 7.3.11.C.1 Access to the facility shall be controlled as necessary to prevent unauthorized entry and dumping.
 - 7.3.11.C.2 A gate or other suitable barrier shall be maintained at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.

7.3.12 Adequate vehicle accommodation

- 7.3.12.A Specific Performance Goal
 - 7.3.12.A.1 Provide and maintain access roads to allow the orderly egress and ingress of vehicular traffic.
- 7.3.12.B Design requirement (to be addressed in application)
 - 7.3.12.B.1 Access roads shall be provided from the public highways or roads,

to and within the facility site and shall be designed and maintained to prevent traffic congestion and traffic hazards.

7.3.12.B.2 Adequate on-site area at the facility's entrance, scales, loading and unloading points and exit points shall be provided to allow the number and types of vehicles expected to use the facility during peak times to safely queue off the public roads and right-of-way.

7.3.12.C Performance Standards and Operating Requirements

7.3.12.C.1 Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. Access roads shall be maintained to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.

7.3.12.C.2 Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles shall not park or queue on public streets or roads except under emergency conditions or in accordance with local traffic ordinances.

7.3.12.C.3 Signs shall be posted to inform customers not to queue on public roadways.

7.3.12.C.4 Adequate off-street parking and queuing for vehicles shall be provided, including adequate space for on-site tarping and untarpping of loads.

7.3.13 Water contaminated by solid waste and solid waste leachate

7.3.13.A Specific Performance Goal

7.3.13.A.1 Provide pollution control measures to protect surface and ground waters from contamination from solid waste.

7.3.13.B Design requirement (to be addressed in application)

7.3.13.B.1 Submit a DEQ approved stormwater management plan (or equivalent) with pollution control measures to protect surface and ground waters, including runoff collection and discharge and equipment cleaning and washdown water.

7.3.13.C Performance Standards and Operating Requirements

7.3.13.C.1 The facility shall be operated consistent with an approved DEQ stormwater management plan (or equivalent), and shall:

Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and

7.3.13.C.2 Dispose of or treat water contaminated by solid waste generated onsite in a manner complying with local, state, and federal laws and regulations.

7.3.13.C.3 All mixed non-putrescible waste tipping, storing, sorting and reloading activities must occur on an asphalt or concrete surface and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover for processing within 12-hours of receipt or by the end of the business

day whichever is earlier.

7.3.14 Vectors (e.g.: birds, rodents, insects)

7.3.14.A Specific Performance Goal

7.3.14.A.1 Prevent the attraction or harborage of rodents, birds, insects and other vectors.

7.3.14.B Design requirement (to be addressed in application)

7.3.14.B.1 Describe facility design features that will prevent vectors.

7.3.14.C Performance Standards and Operating Requirements

7.3.14.C.1 The facility shall be operated in a manner that is not conducive to the harborage of rodents, birds, insects or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.

7.3.14.C.2 If vectors are present or detected at the facility, vector control measures shall be implemented.

7.3.15 Nuisance complaints

7.3.15.A Specific Performance Goal

7.3.15.A.1 Respond to all nuisance complaints in a timely manner, and keep a record of such complaints, and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.

7.3.15.B Design requirement (to be addressed in application)

7.3.15.B.1 Not applicable.

7.3.15.C Performance Standards and Operating Requirements

7.3.15.C.1 The facility operator shall respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and shall keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.

7.3.15.C.2 If the facility receives a complaint, the operator shall:

Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and log all such complaints as provided by the recordkeeping and reporting standards. Each log entry shall be retained for one year and shall be available for inspection by Metro.

7.3.16 Noise

7.3.16.A Specific Performance Goal

7.3.16.A.1 Prevent excessive noise that creates adverse off-site impacts.

7.3.16.B Design requirement (to be addressed in application)

- 7.3.16.B.1 Identify noise abatement design features on the facility site plan, if proposed.
- 7.3.16.C Performance Standards and Operating Requirements
 - 7.3.16.C.1 The facility shall be operated in a manner that prevents the creation of noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.
- 7.3.17 Odor**
 - 7.3.17.A Specific Performance Goal
 - 7.3.17.A.1 Prevent odors that create off-site impacts.
 - 7.3.17.B Design requirement (to be addressed in application)
 - 7.3.17.B.1 Identify odor abatement design features on the facility site plan, if proposed
 - 7.3.17.C Performance Standards and Operating Requirements
 - 7.3.17.C.1 The facility shall be operated in a manner that prevents the generation of odors that create off-site impacts. Odors from the facility shall not be detectable off-site.
 - 7.3.17.C.2 The Licensee shall establish and follow procedures in the operating plan for minimizing odor at the facility.
- 7.3.18 Signage**
 - 7.3.18.A Specific Performance Goal
 - 7.3.18.A.1 Have signage that identifies the facility, shows the required information, and is posted in locations as required.
 - 7.3.18.B Design requirement (to be addressed in application)
 - 7.3.18.B.1 Identify where the sign(s) will be located on the facility site plan.
 - 7.3.18.C Performance Standards and Operating Requirements
 - 7.3.18.C.1 The Licensee shall post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, and legible from off-site during all hours and shall contain at least the following information:
 - 7.3.18.C.1.a General facility information to include:
 - Name of the facility
 - Address of the facility;
 - Emergency telephone number for the facility;
 - Operating hours during which the facility is open for the receipt of authorized waste;
 - Fees and charges;
 - Metro's name and telephone number (503) 234-3000;
 - A list of authorized and prohibited wastes;

Directions not to queue on public roadways.

7.3.18.C.1.b Vehicle / traffic flow information or diagram.

7.3.18.C.1.c Covered load requirements.

7.3.19 Operating plan

7.3.19.A Specific Performance Goal

7.3.19.A.1 Develop, keep and abide by a Metro approved operating plan.

7.3.19.B Design requirement (to be addressed in application)

7.3.19.B.1 Not applicable.

7.3.19.C Performance Standards and Operating Requirements

7.3.19.C.1 Plan compliance-The Licensee must operate the facility in accordance with an operating plan approved by the Manager of the Metro Solid Waste Regulatory Affairs Division. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this license. The operating plan may be amended from time to time, subject to approval by the Manager of the Metro Solid Waste Regulatory Affairs Division.

7.3.19.C.2 Plan maintenance-The Licensee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The Licensee must submit revisions of the operating plan to the Manager of the Metro Solid Waste Regulatory Affairs Division for written approval prior to implementation.

7.3.19.C.3 Access to operating plan-The Licensee shall maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.

7.3.19.C.4 The operating plan shall establish:

7.3.19.C.4.a Procedures for inspecting loads
Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes;
A set of objective criteria for accepting and rejecting loads; and
An asbestos testing protocol for all material that appears as if it may contain friable asbestos.

7.3.19.C.4.b Procedures for processing and storage of loads
Processing authorized solid wastes,
Reloading and transfer of authorized solid wastes,
Managing stockpiles.
Storing authorized solid wastes; and
Minimizing storage times and avoiding delay in processing of authorized solid wastes.

7.3.19.C.5 Procedures for managing prohibited wastes

7.3.19.C.5.a The operating plan shall establish procedures

for managing, reloading, and transporting to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan shall establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.

7.3.19.C.6 Procedures for odor prevention

The operating plan shall establish procedures for preventing all objectionable odors from being detected off the premises of the facility. The plan must include:

7.3.19.C.6.a A management plan that will be used to monitor and manage all odors of any derivation including malodorous loads delivered to the facility; and

7.3.19.C.6.b Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.

7.3.19.C.7 Procedures for dust prevention

The operating plan shall establish procedures for preventing the production of dust from blowing or falling off the premises of the facility. The plan must include:

7.3.19.C.7.a A management plan that will be used to monitor and manage dust of any derivation; and

7.3.19.C.7.b Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.

7.3.19.C.8 Procedures for emergencies

The operating plan shall establish procedures to be followed in case of fire or other emergency.

7.3.19.C.9 Procedures for nuisance complaints

For every nuisance complaint (e.g. odor, dust, vibrations, litter) received, the Licensee shall record:

7.3.19.C.9.a The nature of the complaint;

7.3.19.C.9.b The date the complaint was received;

7.3.19.C.9.c The name, address and telephone number of the person or persons making the complaint; and

7.3.19.C.9.d Any actions taken by the operator in response to the complaint (whether successful or

unsuccessful).

- 7.3.19.C.9.e Records of such information shall be made available to Metro upon request. The Licensee shall retain each complaint record for a period of not less than two years.

7.3.20 Pre-Operating conditions (for new construction or new authorizations)

7.3.20.A Specific Performance Goal

- 7.3.20.A.1 The facility shall not be permitted to accept solid waste until it has demonstrated that construction is complete and the facility will likely be able to comply with all license conditions.

7.3.20.B Performance Standards and Operating Requirements

- 7.3.20.B.1 The facility may not accept any solid waste until the Director of the Solid Waste and Recycling Department has approved in writing that:

- 7.3.20.B.1.a The facility construction is complete according to plans submitted by the facility and approved by Metro. Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.

- 7.3.20.B.1.b The storm water management system must be constructed and in proper working order in accordance with the plans submitted to Metro and approved by the DEQ. Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.

- 7.3.20.B.1.c An adequate operating plan has been submitted and approved by the Director of the Solid Waste and Recycling Department.

- 7.3.20.B.2 Such written approval shall be based upon the Licensee's compliance with license provisions, including the Director's inspection of the facility and the documents submitted to the Director by the Licensee. Prior to the required construction inspection, the Licensee shall submit to the Director of the Solid Waste and Recycling Department "as constructed" facility plans which note any changes from the original plans submitted to Metro.

- 7.3.20.B.3 When construction is complete or nearly complete, the Licensee shall notify the Director of the Solid Waste and Recycling Department so that an inspection can be made before acceptance of any solid waste.

7.3.21 General Recordkeeping and Reporting

7.3.21.A Specific Performance Goal

- 7.3.21.A.1 Maintain complete and accurate records and report such information to Metro.

- 7.3.21.B Performance Standards and Operating Requirements
 - 7.3.21.B.1 DEQ submittals. Licensee shall provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this license within two business days of providing such information.
 - 7.3.21.B.2 Copies of enforcement actions provided to Metro. Licensee shall send to Metro, upon receipt, copies of any notice of violation or non-compliance, citation, or any other similar enforcement actions issued to licensee by any federal, state, or local government other than Metro, and related to the operation of the facility.
 - 7.3.21.B.3 Unusual occurrences. Licensee shall keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. If a breakdown of the operator's equipment occurs that will substantially impact the ability of the facility to remain in compliance, or create off-site impacts, the operator shall notify Metro within 24-hours. The licensee shall report any facility fires, accidents, emergencies, and other significant incidents to Metro at (503) 234-3000 within 12 hours of the discovery of their occurrence.
 - 7.3.21.B.4 Nuisance complaints. For every nuisance complaint (e.g. odor, noise, dust, vibrations, litter) received, the licensee shall record: a) the nature of the complaint, b) the date the complaint was received, c) the name, address and telephone number of the person or persons making the complaint; and d) any actions taken by the operator in response to the complaint (whether successful or unsuccessful). Records of such information shall be maintained on-site and made available to Metro upon request. The licensee shall retain each complaint record for a period not less than one year.
 - 7.3.21.B.5 Changes in ownership. The licensee must, in accordance with Metro Code Section 5.01.090, submit a new license application to Metro if the licensee proposes to transfer ownership or control of (1) the license, (2) the facility property, or (3) the name and address of the operator.

7.4 General Administrative and Legal Obligations for Operating

This section identifies standard administrative and legal obligations, required by the Metro Code, for all solid waste facility licenses and franchises. These requirements are not unique to a mixed non-putrescible waste material recovery facility or to a mixed non-putrescible waste reload facility.

7.4.1 Compliance by agents

- 7.4.1.A Operating Requirement (license / franchise provision)

7.4.1.A.1 Compliance by agents. The Licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this license.

7.4.2 Compliance with law

7.4.2.A Operating Requirement (license / franchise provision)

7.4.2.A.1 Compliance with law. The Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility shall be deemed part of this license as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the license document, as well as any existing at the time of the issuance of the license but not cited or attached, and permits or conditions issued or modified during the term of the license.

7.4.3 Confidential information

7.4.3.A Operating Requirement (license / franchise provision)

7.4.3.A.1 Confidential information. The Licensee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the Licensee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. Licensee shall prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro shall treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five (5) days of Metro's receipt of a request for disclosure of information identified by Licensee as confidential, Metro shall provide Licensee written notice of the request. Licensee shall have three (3) days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. Licensee shall pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. Nothing in this Section 13.0 shall limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, such representatives agree to continue to treat such information as confidential and make good faith

efforts not to disclose such information.

7.4.4 Deliver waste to appropriate destinations

7.4.4.A Operating Requirement (license / franchise provision)

7.4.4.A.1 Deliver waste to appropriate destinations. The Licensee shall ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.

7.4.5 Enforcement

7.4.5.A Operating Requirement (license / franchise provision)

7.4.5.A.1 Generally. Enforcement of the license shall be as specified in Metro Code.

7.4.5.A.2 Authority vested in Metro. The power and right to regulate, in the public interest, the exercise of the privileges granted by this license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against Licensee.

7.4.5.A.3 No Enforcement Limitations. Nothing in this license shall be construed to limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor shall this license be construed or interpreted so as to limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the Licensee's operation of the facility.

7.4.6 Indemnification

7.4.6.A Operating Requirement (license / franchise provision)

7.4.6.A.1 Indemnification. The Licensee shall indemnify and hold Metro, its employees, agents and elected officials harmless from any and all claims, damages, actions, losses and expenses including attorney's fees, or liability related to or arising out of or in any way connected with the Licensee's performance or failure to perform under this license, including patent infringement and any claims or disputes involving subcontractors.

7.4.7 Modifications

7.4.7.A Operating Requirement (license / franchise provision)

7.4.7.A.1 Modification. At any time during the term of the license, either the Chief Operating Officer or the Licensee may propose amendments or modifications to this license. The Chief Operating Officer has the authority to approve or deny any such amendments or modifications provided that the activities authorized in the amended or modified license do not require a Metro Solid Waste

Facility Franchise under Metro Code Chapter 5.01. No amendment or modification pursuant to this section shall be effective unless in writing and executed by the Chief Operating Officer.

7.4.7.A.2 Modification, suspension or revocation by Metro. The Chief Operating Officer may, at any time before the expiration date, modify, suspend, or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:

- 7.4.7.A.2.a Violation of the terms or conditions of this license, Metro Code, or any applicable statute, rule, or standard;
- 7.4.7.A.2.b Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license;
- 7.4.7.A.2.c Failure to disclose fully all relevant facts;
- 7.4.7.A.2.d A significant release into the environment from the facility;
- 7.4.7.A.2.e Significant change in the character of solid waste received or in the operation of the facility;
- 7.4.7.A.2.f Any change in ownership or control, excluding transfers among subsidiaries of the Licensee or Licensee's parent corporation;
- 7.4.7.A.2.g A request from the local government stemming from impacts resulting from facility operations.
- 7.4.7.A.2.h Compliance history of the Licensee.

7.4.8 Right of inspection and audit

7.4.8.A Operating Requirement (license / franchise provision)

7.4.8.A.1 Right of inspection and audit. Authorized representatives of Metro may take photographs, collect samples of materials, and perform such inspection or audit as the Chief Operating Officer deems appropriate, and shall be permitted access to the premises of the facility at all reasonable times during business hours with or without notice or at such other times upon giving reasonable advance notice (not less than 24 hours). Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the confidentiality provisions in Section 13.5 of this license, Metro's right to inspect shall include the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of Licensee that are directly related to the operation of the Facility.

7.4.9 Insurance

7.4.9.A Operating Requirement (license / franchise provision)

- 7.4.9.A.1 General liability. The Licensee shall carry broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy shall be endorsed with contractual liability coverage.
- 7.4.9.A.2 Automobile. The Licensee shall carry automobile bodily injury and property damage liability insurance.
- 7.4.9.A.3 Coverage Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- 7.4.9.A.4 Additional insureds. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS.
- 7.4.9.A.5 Worker's Compensation Insurance. The Licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Licensee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
- 7.4.9.A.6 Notification. The Licensee shall give at least 30 days written notice to the Director of the Solid Waste and Recycling Department of any lapse or proposed cancellation of insurance coverage.

7.4.10 Financial assurance

- 7.4.10.A Operating Requirement (license / franchise provision)
 - 7.4.10.A.1 Financial assurance The Licensee shall maintain financial assurance in an amount adequate for the cost of the facility's closure and in a form approved by Metro for the term of the license, as provided in Metro Code section 5.01.060(c)(4).

Attachment A Standard Operating Condition Templates

Solid Waste Facility License MATERIAL RECOVERY FACILITY

TEMPLATE NOT A LICENSE

This document is a license template and is not an actual license. The specific terms and conditions of each individual license may vary based on a number of factors including but not limited to: the license application information, site conditions and operating requirements or limitations. Sections of this template may be modified at the discretion of the Chief Operating Officer and in accordance with the provisions in Metro Code Chapter 5.01.



METRO

ATTACHMENT A
SOLID WASTE FACILITY LICENSE TEMPLATE
Non-Putrescible Mixed Waste Material Recovery Facility
 Number L-XXX-XX

LICENSEE:	FACILITY NAME AND LOCATION:
<i>Name</i> <i>Address</i> <i>Telephone number</i> <i>Fax number</i> <i>Email address</i>	<i>Name</i> <i>Address</i> <i>Telephone number</i> <i>Fax number</i> <i>Email address</i>
OPERATOR:	PROPERTY OWNER:
<i>Name</i> <i>Address</i> <i>Telephone number</i> <i>Fax number</i> <i>Email address</i>	<i>Name</i> <i>Address</i> <i>Telephone number</i> <i>Fax number</i> <i>Email address</i>

This license is granted to the Licensee named above and is not transferable. Subject to the conditions stated in this license document, the Licensee is authorized to operate and maintain a solid waste facility, and to accept the solid wastes and perform the activities authorized herein.

Metro:

Licensee's Acceptance & Acknowledgement of Receipt:

Signature

Signature of Licensee

Print name and title

Print name and title

Date

Date



TABLE OF CONTENTS

<u>SECTION</u>	<u>TITLE</u>	<u>PAGE</u>
1.0	Issuance	1
2.0	Conditions and Disclaimers	2
3.0	Pre-Operating Conditions and Requirements	3
4.0	Authorizations	4
5.0	Limitations and Prohibitions	7
6.0	Operating Conditions	8
7.0	Operating Plan	13
8.0	Fees and Rate Setting	15
9.0	Record Keeping and Reporting	16
10.0	Insurance Requirements	18
11.0	Enforcement	19
12.0	Modifications	19
13.0	General Obligations	20

TEMPLATE NOT A LICENSE

This document is a license template and is not an actual license. The specific terms and conditions of each individual license may vary based on a number of factors including but not limited to: the license application information, site conditions and operating requirements or limitations. Sections of this template may be modified at the discretion of the Chief Operating Officer and in accordance with the provisions in Metro Code Chapter 5.01.



1.0	ISSUANCE	
1.1	Licensee	<i>Name Address Telephone number Fax number Email address</i>
1.2	Contact	<i>Name, Title</i>
1.3	License number	When referring to this license, please cite: Metro Solid Waste Facility License Number <i>L-XXX-XX</i> .
1.4	Term	The term commences from the date this license is signed by Metro and shall remain in force until (<i>month/day/year</i>), unless modified, suspended, or revoked under the provisions of Section 12 of this license.
1.5	Renewal	The Licensee may apply for a license renewal, provided that the Licensee files a completed application for renewal accompanied by payment of the required application fee not less than 120 days prior to the expiration of the license term and as provided in Metro Code sections 5.01.060, 5.01.067 and 5.01.087.
1.6	Facility name and mailing address	<i>Name Address</i>
1.7	Operator	<i>Name Address Telephone number Fax number Email address</i>
1.8	Facility legal description	<i>Tax lots, Section, Township, Range, City, County, State of Oregon</i>
1.9	Property owner	<i>Name Address Telephone number Fax number Email address</i>
1.10	Permission to operate	<i>Indicate if property owner is same as licensee, or if signed consent form was submitted with application.</i>



2.0	CONDITIONS AND DISCLAIMERS	
2.1	Guarantees	The granting of this license shall not vest any right or privilege in the Licensee to receive specific quantities of solid waste at the direction of Metro during the term of the license.
2.2	Non-exclusive license	The granting of this license shall not in any way limit Metro from granting other solid waste licenses within Metro's boundaries.
2.3	Property rights	The granting of this license does not convey any property rights in either real or personal property, nor does it authorize any injury to private property or invasion of property rights.
2.4	No recourse	The Licensee shall have no recourse whatsoever against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this license or because of the enforcement of the license or in the event the license or any part thereof is determined to be invalid.
2.5	Release of liability	Metro, its elected officials, employees, or agents do not sustain any liability on account of the granting of this license or on account of the construction, maintenance, or operation of the facility pursuant to this license.
2.6	Binding nature	The conditions of this license are binding on the Licensee. The Licensee is liable for all acts and omissions of the Licensee's contractors and agents.
2.7	Waivers	To be effective, a waiver of any terms or conditions of this license must be in writing and signed by the Metro Chief Operating Officer.
2.8	Effect of waiver	Waiver of a term or condition of this license shall not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.9	Choice of law	The license shall be construed, applied and enforced in accordance with the laws of the State of Oregon.
2.10	Enforceability	If any provision of this license is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this license shall not be affected.



2.11	License not a waiver	Nothing in this license shall be construed as relieving any owner, operator, or Licensee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.12	License not limiting	Nothing in this license is intended to limit the power of a federal, state, or local agency to enforce any provision of law relating to the solid waste facility that it is authorized or required to enforce or administer.
2.13	Definitions	Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.01.

3.0	PRE-OPERATING CONDITIONS AND REQUIREMENTS	
3.1	Director's certification of the completion of facility construction	<p>The Licensee may not accept mixed non-putrescible solid waste (as authorized in Section 4.0 of this license), until the Director of the Solid Waste and Recycling Department has approved in writing that:</p> <p>a) The material recovery facility construction is complete according to plans submitted by the Licensee and approved by Metro. Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.</p> <p>b) The storm water management system must be constructed and in proper working order in accordance with the plans submitted to Metro and approved by the DEQ (or equivalent). Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.</p> <p>c) An adequate operating plan has been submitted in accordance with Section 7.0 of this license.</p> <p>Such written approval shall be based upon the Licensee's compliance with the provisions of Section 3.0 and Section 7.0 of this license, including the Director's inspection of the facility and the documents submitted to the Director by the Licensee.</p>



3.2	“As constructed” documents	Prior to the construction inspection required in Section 3.0 of this license, the Licensee shall submit to the Director of the Solid Waste and Recycling Department “as constructed” facility plans which note any changes from the original plans submitted to Metro.
3.3	Construction inspection	When construction is complete or nearly complete, the Licensee shall notify the Director of the Solid Waste and Recycling Department so that an inspection can be made before acceptance of mixed non-putrescible solid waste (as authorized in Section 4.0 of this License).

4.0	AUTHORIZATIONS	
4.1	Purpose	This section of the license describes the wastes that the Licensee is authorized to accept at the facility, and the waste-related activities the Licensee is authorized to perform at the facility.
4.2	General conditions on acceptable materials	The Licensee is authorized to accept at the facility only the solid wastes described in Section 4.0 of this license. The Director of the Solid Waste and Recycling Department may authorize the Licensee to accept solid wastes not otherwise described in Section 4.0, provided that the acceptance of such wastes would not require a Metro Solid Waste Facility Franchise under Metro Code chapter 5.01. Any such authorization must specifically describe the additional type of acceptable solid waste and must be in writing. The Licensee is prohibited from knowingly receiving any solid waste not authorized in this section.
4.3	General conditions on activities	The Licensee is authorized to perform at the facility only those waste-related activities that are described in Section 4.0 of this license.
4.4	Acceptance and management of mixed non-putrescible solid waste	<p>The Licensee is authorized to accept loads of mixed non-putrescible solid wastes for the purpose of conducting material recovery.</p> <p>All mixed non-putrescible waste tipping, storage, sorting and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours of receipt, or by the end of the business day, whichever is earlier.</p> <p>Mixed non-putrescible solid waste shall at all times be kept</p>



		physically separated from, and shall not be mixed or allowed to commingle at any time with source-separated recyclable materials, including wood waste, yard debris and other recyclables.
4.5	Material recovery required	The Licensee shall perform material recovery on mixed non-putrescible wastes. The Licensee shall ensure that the facility is designed and operated to assure materials are recovered in a timely manner and to protect the quality of non-putrescible waste that has not yet undergone material recovery. Recovery must be performed at no less than the minimum level stipulated in Metro Code Chapter 5.01.
4.6	Management of processing residual from material recovery	All non-putrescible waste processing residual must be stored on a concrete or asphalt surface within a covered building or alternatively, inside water-tight covered or tarped containers or within covered or tarped transport trailers. All non-putrescible waste processing residual shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with source-separated recyclable materials, including wood waste, yard debris and other recyclables.

Note: Additional sections shall be inserted when a licensee requests authorization to accept other specific wastes and materials. The following examples are shown for reference and may not be applicable to all material recovery facilities.

4.7	Acceptance and processing of yard debris	The Licensee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. Yard debris may be accepted only for grinding and reloading to authorized composting facilities or to facilities with industrial boilers for use as hogged fuel.
4.8	Acceptance and processing of land clearing debris	The licensee is authorized to accept land clearing debris (e.g. brush and stumps). Land clearing debris may be accepted for grinding and reloading to authorized composting facilities or to facilities with industrial boilers for use as hogged fuel.
4.9	Acceptance and processing of clean untreated wood	The Licensee is authorized to accept for grinding and reloading, source-separated, untreated and unpainted “clean” wood waste (e.g. untreated lumber and wood pallets). Clean wood waste may be accepted only for grinding, screening, and reloading to authorized composting facilities or to facilities with industrial boilers for use as hogged fuel.



4.10	Acceptance and processing of painted wood	The Licensee is authorized to accept painted wood waste only for the production of hogged fuel. Painted wood waste shall be kept separate from yard debris and untreated wood waste destined for composting or mulch. Painted wood shall not be used as or incorporated into mulch, animal bedding, or compost feedstock.
4.11	Acceptance and management of preservative-treated wood	The Licensee is authorized to accept incidental quantities of preservative-treated wood waste, other than creosote-treated wood waste, that may be present in loads comprised predominantly of clean or painted wood waste. Preservative-treated wood waste, such as wood treated with Pentachlorophenol (PCP or "penta") and Copper Chromium Arsenic (CCA), may not be incorporated into mulch, animal bedding, or compost feedstock.
4.12	Acceptance of composition roofing for recovery	The Licensee is authorized to accept source-separated composition roofing trimmings from the manufacture of composition roof shingles for use as fuel, engineered fill, engineered road base, or any use approved by the DEQ. At Metro's request, the Licensee will provide Metro with information on uses approved by the DEQ. All composition roofing shall be certified as being free of asbestos through a protocol approved by the Oregon Department of Environmental Quality (DEQ). <i>(Note: Maximum pile heights and/or volumes for on-site composition roofing may be specified here).</i>
4.13	Acceptance and reloading of clean gypsum wallboard scrap	The Licensee is authorized to accept unpainted and untreated homogeneous loads of gypsum wallboard scrap from new construction for reloading to a facility authorized to utilize such gypsum wallboard scrap for recycling. No other types of gypsum wallboard scrap, such as textured or painted gypsum wallboard, or gypsum wallboard scrap from demolition projects shall be accepted at this facility without prior written approval of the Director of the Solid Waste and Recycling Department as specified in Section 4.2 of this License. <i>(Note: Maximum pile heights and/or volumes for on-site gypsum wallboard may be specified here).</i>



<p>4.14</p>	<p>Delivery of clean gypsum wallboard scrap to an authorized facility</p>	<p>The Licensee is authorized to accept homogenous loads of gypsum wallboard scrap, as provided in Section 4.13 of this license, only if the Licensee has pre-arranged to deliver such scrap to a facility authorized to accept it. If the Licensee becomes unable to deliver gypsum wallboard scrap to a facility authorized to accept it, the Licensee shall immediately cease accepting gypsum wallboard scrap, and any gypsum wallboard scrap remaining on the Licensee's site shall be delivered to a Metro-authorized disposal site.</p>
--------------------	--	--

<p>5.0</p>	<p>LIMITATIONS AND PROHIBITIONS</p>	
<p>5.1</p>	<p>Purpose</p>	<p>This section of the license describes limitations and prohibitions on the wastes handled at the facility and activities performed at the facility.</p>
<p>5.2</p>	<p>Prohibited waste</p>	<p>The Licensee is prohibited from receiving, processing, reloading or disposing of any solid waste not authorized in this license. The Licensee shall not knowingly accept or retain any material amounts of the following types of wastes: non-putrescible waste other than that specifically allowed in Section 4 of this license, putrescible waste, special wastes as defined in chapter 5.02 of the Metro Code, creosote-treated wood waste, materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; any waste prohibited by the DEQ.</p>
<p>5.3</p>	<p>Prohibition on mixing</p>	<p>The Licensee shall not mix any source-separated recyclable materials, source-separated yard debris or wood wastes brought to the facility with any other solid wastes.</p>
<p>5.4</p>	<p>No disposal of recyclable materials; other potential disposal bans</p>	<p>Source-separated recyclable materials may not be disposed of by landfilling or incineration. The Licensee also shall not dispose, by landfilling or incineration, any other wastes identified in an ordinance adopted by the Metro Council during the term of this license.</p>
<p>5.5</p>	<p>Composting prohibited</p>	<p>The Licensee shall not keep yard debris on site long enough for more than negligible biological decomposition to begin.</p>
<p>5.6</p>	<p>Limits not exclusive</p>	<p>Nothing in this section of the license shall be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this license document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.</p>



Note: Additional limitations, conditions, and prohibitions may be inserted in Section 5.0 at the discretion of the Chief Operating Officer as provided in Metro Code Section 5.01.067.

6.0 OPERATING CONDITIONS	
6.1	<p>Purpose and general performance goals</p> <p>This section of the license describes criteria and standards for the operation of the facility.</p> <p>The Licensee shall meet the following general performance goals:</p> <p>(1) <u>Environment</u>. The facility shall be designed and operated to preclude the creation of undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste asbestos and other prohibited wastes.</p> <p>(2) <u>Health and safety</u>. The facility shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.</p> <p>(3) <u>Nuisances</u>. The facility shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors, and noise.</p>
6.2	<p>Qualified operator</p> <p>The Licensee shall, during all hours of operation, provide an operating staff employed by the facility, and qualified and competent to carry out the functions required by this license and to otherwise ensure compliance with Metro Code Chapter 5.01. Facility personnel, as relevant to their job duties and responsibilities, shall be familiar with the relevant provisions of this license and the relevant procedures contained within the facility's operating plan (see Section 7.0). A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is inadvertently received.</p>
6.3	<p>Fire prevention</p> <p>The operator shall provide fire prevention, protection, and control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the processing area.</p>



6.4	Adequate vehicle accommodation	<p>Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. Access roads shall be maintained to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.</p> <p>Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles shall not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances.</p> <p>Signs shall be posted to inform customers not to queue on public roadways.</p> <p>Adequate off-street parking and queuing for vehicles shall be provided, including adequate space for on-site tarping and untarping of loads.</p>
6.5	Managing prohibited wastes	<p>The facility shall not accept prohibited waste, including but not limited to putrescible waste, hazardous waste and friable asbestos-containing material. Prohibited waste must be rejected upon discovery. Prohibited waste shall be properly managed and disposed when inadvertently received.</p> <p>The facility shall implement a load-checking program to prevent the acceptance of waste which is prohibited by the license. This program must include at a minimum:</p> <ul style="list-style-type: none">Visual inspection. Ensure that as each load is tipped, it is visually inspected by a qualified operator to prevent the acceptance of waste that is prohibited by the license; andA secured or isolated containment area for the storage of prohibited wastes that are inadvertently received. Containment areas shall be covered and enclosed to prevent leaking and contamination. <p>Records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste shall be maintained in the operating record and be available for review by Metro.</p> <p>Upon discovery, all prohibited or unauthorized wastes shall be removed or managed in accordance with procedures established in the operating plan (see Section 7.7 of this license).</p>
6.6	Storage and exterior stockpiles	<p>Stored materials and solid wastes shall be suitably managed, contained and removed at sufficient frequency to avoid creating nuisance conditions, vector or bird attraction</p>



		<p>or harborage, or safety hazards. Storage areas must be maintained in an orderly manner and kept free of litter.</p> <p>Exterior stockpiles shall be positioned within footprints identified on the facility site plan or operating plan.</p> <p>Materials may not be stockpiled for longer than 180 days (6 months). Exceptions may be granted provided the facility has received written authority to store materials for longer periods of time based on a demonstrated need and the materials will be used productively and provided that such stockpiles will not create nuisances, health, safety or environmental problems.</p> <p>Mixed non-putrescible waste or processing residual may not be stored on-site unless it is on an impervious surface (i.e., asphalt or concrete) within a covered building or alternatively, inside water-tight covered or tarped containers or within covered or tarped transport trailers.</p> <p>All non-putrescible waste processing residual shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with source-separated recyclable or recovered materials, including wood waste, yard debris and other recyclables.</p>
<p>6.7</p>	<p>Dust, airborne debris and litter</p>	<p>The facility shall be operated in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and shall prevent its migration beyond property boundaries. The facility shall:</p> <p>Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit.</p> <p>Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.</p> <p>Maintain and operate all access roads and receiving, processing (including grinding), storage, and reload areas in such a manner as to minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site.</p> <p>Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation.</p> <p>All mixed non-putrescible waste tipping, storage, sorting and reloading activities must occur on an impervious</p>



		<p>surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover prior to processing within 12-hours of receipt.</p> <p>Mixed non-putrescible waste and processing residual may not be stored unless it is on an impervious (asphalt or concrete) surface within a covered building or alternatively, inside water tight covered or tarped containers or within covered or tarped transport trailers.</p> <p>On-site facility access roads shall be maintained to prevent or control dust and to prevent or control the tracking of mud off-site.</p> <p>Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, shall be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of section 5.09.040 of the Metro Code.</p>
6.8	Odor	<p>The facility shall be operated in a manner that prevents the generation of odors that are detectable off-site.</p> <p>The Licensee shall establish and follow procedures in the operating plan for minimizing odor at the facility (see Section 7.8 of this license).</p>
6.9	Vectors (e.g. birds, rodents, insects)	<p>The Licensee shall operate the facility in a manner that is not conducive to the harborage of rodents, birds, insects, or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.</p> <p>If vectors are present or detected at the facility, vector control measures shall be implemented.</p>
6.10	Noise	<p>The Licensee shall operate the facility in a manner that prevents the creation of noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.</p>
6.11	Water contaminated by solid waste and solid waste leachate	<p>The Licensee shall operate the facility consistent with an approved DEQ stormwater management plan (or equivalent), and shall:</p> <p>Operate and maintain the facility to prevent contact of solid</p>



		<p>wastes with storm water runoff and precipitation; and</p> <p>Dispose of or treat water contaminated by solid waste generated onsite in a manner complying with local, state, and federal laws and regulations.</p> <p>All mixed non-putrescible waste tipping, storing, sorting and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover prior to processing within 12-hours of receipt or by the end of the business day whichever is earlier.</p>
6.12	Access control	<p>Access to the facility shall be controlled as necessary to prevent unauthorized entry and dumping.</p> <p>A gate or other suitable barrier shall be maintained at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.</p>
6.13	Signage	<p>The Licensee shall post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, and legible from off-site during all hours and shall contain at least the following information:</p> <ul style="list-style-type: none">a. Name of the facilityb. Address of the facility;c. Emergency telephone number for the facility;d. Operating hours during which the facility is open for the receipt of authorized waste;e. Fees and charges;f. Metro's name and telephone number (503) 234-3000; andg. A list of authorized and prohibited wastes.h. Vehicle / traffic flow information or diagram.i. Covered load requirements.j. Directions not to queue on public roadways.
6.14	Nuisance complaints	<p>The facility operator shall respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and</p>



		<p>vectors), and shall keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint. If the facility receives a complaint, the operator shall:</p> <p>Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and log all such complaints as provided by the recordkeeping and reporting standards (section 7.11). Each log entry shall be retained for one year and shall be available for inspection by Metro.</p>
6.15	Access to license document	<p>The Licensee shall maintain a copy of this Metro Solid Waste Facility License on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.</p>

7.0	OPERATING PLAN	
7.1	Purpose	<p>This section lists the requirements associated with preparing and implementing a facility operating plan, and lists the procedures that must be included in the required facility operating plan.</p>
7.2	Plan compliance	<p>The Licensee must operate the facility in accordance with an operating plan approved by Metro's Solid Waste Regulatory Affairs Division Manager. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this license. The operating plan may be amended from time to time, subject to approval by Metro's Solid Waste Regulatory Affairs Division Manager.</p>
7.3	Plan maintenance	<p>The Licensee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The Licensee must submit revisions of the operating plan to Metro's Solid Waste Regulatory Affairs Division Manager for written approval prior to implementation.</p>
7.4	Access to operating plan	<p>The Licensee shall maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.</p>



7.5	Procedures for inspecting loads	The operating plan shall establish: <ul style="list-style-type: none">a. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes;b. A set of objective criteria for accepting and rejecting loads; andc. An asbestos testing protocol for all material that appears as if it may contain friable asbestos.
7.6	Procedures for processing and storage of loads	The operating plan shall establish procedures for: <ul style="list-style-type: none">a. Processing authorized solid wastes,b. Reloading and transfer of authorized solid wastes,c. Managing stockpiles to ensure that they remain within the authorized volumes and pile heights.d. Storing authorized solid wastes; ande. Minimizing storage times and avoiding delay in processing of authorized solid wastes.
7.7	Procedures for managing prohibited wastes	The operating plan shall establish procedures for managing, reloading, and transporting to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan shall establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
7.8	Procedures for odor prevention	The operating plan shall establish procedures for preventing all objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include: <ul style="list-style-type: none">a. A management plan that will be used to monitor and manage all odors of any derivation including malodorous loads delivered to the facility; andb. Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.
7.9	Procedures for dust prevention	The operating plan shall establish procedures for preventing dust from blowing off the premises of the facility. The plan must include: <ul style="list-style-type: none">a. A management plan that will be used to monitor and manage dust of any derivation; and



		<p>b. Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.</p>
7.10	Procedures for emergencies	The operating plan shall establish procedures to be followed in case of fire or other emergency.
7.11	Procedures for nuisance complaints	<p>For every nuisance complaint (e.g. odor, dust, vibrations, litter) received, the Licensee shall record:</p> <p>a. The nature of the complaint;</p> <p>b. The date the complaint was received;</p> <p>c. The name, address and telephone number of the person or persons making the complaint; and</p> <p>d. Any actions taken by the operator in response to the complaint (whether successful or unsuccessful).</p> <p>Records of such information shall be made available to Metro upon request. The Licensee shall retain each complaint record for a period of not less than one year.</p>
7.12	Closure protocol	The operator shall establish protocol for closure and restoration of the site in the event of a long-term cessation of operations as provided in Metro Code Section 5.01.060.
7.13	Financial assurance	The Licensee shall maintain financial assurance in an amount adequate for the cost of the facility's closure and in a form approved by Metro for the term of this license, as provided in Metro Code Section 5.01.060.

8.0	FEES AND RATE SETTING	
8.1	Purpose	This section of the license specifies fees payable by the Licensee, and describes rate regulation by Metro.
8.2	Annual fee	The Licensee shall pay an annual license fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the license fee at any time by action of the Metro Council.
8.3	Rates not regulated	The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro.
8.5	Metro fee imposed on disposal	The Licensee is liable for payment of the Metro Regional System Fee and excise taxes on any solid wastes delivered to a disposal site, unless these solid wastes are exempted



		by Metro Code Chapter 5.01.
--	--	-----------------------------

9.0	RECORD KEEPING AND REPORTING	
9.1	Purpose	This section of the license describes record keeping and reporting requirements. The Licensee shall effectively monitor facility operation and maintain accurate records of the information described in this section.
9.2	Special feedstock reporting	<i>(Note: This section may contain special feedstock reporting requirements as determined by the Director of the Solid Waste and Recycling Department).</i>
9.3	Reporting requirements	<p>For all solid waste and materials the Licensee is authorized to receive under Section 4.0 of this license, including all non-putrescible waste, source-separated recyclables, inert materials, and yard debris, the Licensee shall keep and maintain accurate records of the amount of such materials the Licensee receives, recovers, recycles, reloads, and disposes. The Licensee shall keep and maintain complete and accurate records of the following for all transactions:</p> <ul style="list-style-type: none"> a. Ticket Number (should be the same as the ticket number on the weight slips); b. Account Number or Business Name: Incoming hauler account number on all incoming transactions and outgoing destination account number on all outgoing transactions. For incoming cash commercial customers, incoming hauler business name for all incoming commercial cash transactions; c. Material Category: Code designating the following types of material (more detail, such as differentiating yard debris, is acceptable): (1) incoming source-separated recyclable materials by type; (2) incoming mixed dry waste; (3) outgoing recyclable materials by type; (4) outgoing mixed dry waste; d. Origin: Code designating the following origin of material: (1) from inside Metro boundaries; (2) from within Multnomah, Clackamas and Washington Counties but outside Metro boundaries;; and (3) from out-of-state; <ul style="list-style-type: none"> i. Any load containing any amount of waste from within the Metro region shall be reported as if the entire load was generated from inside the Metro region. ii. If the Licensee elects to report all loads delivered to the facility as being generated



		<p>from inside the Metro region, then the Licensee is not required to designate the origin of loads in (d)(2) and (3) above.</p> <p>e. Date the load was received at, transferred within, or transmitted from the facility;</p> <p>f. Time the load was received at, transferred within, or transmitted from the facility;</p> <p>g. Indicate whether Licensee accepted or rejected the load;</p> <p>h. Net weight of the load;</p> <p>i. The fee charged to the generator of the load.</p>
9.4	Record transmittals	Records required under Section 9.0 shall be transmitted to Metro no later than fifteen days following the end of each month in electronic format prescribed by Metro.
9.5	Hauler account number listing	Within 5 business days of Metro's request, Licensee shall provide Metro with a computer listing that cross references the incoming hauler account Number with the hauling company's name and address.
9.6	Transactions based on scale weights	Except for minimum fee transactions for small, light-weight loads, the Licensee shall record each transaction electronically based on actual and accurate scale weights using the Licensee's on-site scales.
9.7	DEQ submittals	Licensee shall provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this license within two business days of providing such information to DEQ.
9.8	Copies of enforcement actions provided to Metro	Licensee shall send to Metro, upon receipt, copies of any notice of violation or non-compliance, citation, or any other similar enforcement actions issued to the Licensee by any federal, state, or local government other than Metro, and related to the operation of the facility.
9.9	Unusual occurrences	The Licensee shall keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. If a breakdown of the Licensee equipment occurs that will substantially impact the ability of the facility to remain in compliance, or create off-site impacts, the Licensee shall notify Metro within 24-hours. The Licensee shall report any facility fires, accidents, emergencies, and other significant incidents to Metro at



		(503) 234-3000 within 12 hours of the discovery of their occurrence.
9.10	Changes in ownership	The Licensee must, in accordance with Metro Code Section 5.01.090, submit a new license application to Metro if the Licensee proposes to transfer ownership or control of (1) the license, (2) the facility property, or (3) the name and address of the operator.

10.0	INSURANCE REQUIREMENTS	
10.1	Purpose	The section describes the types of insurance that the Licensee shall purchase and maintain at the Licensee's expense, covering the Licensee, its employees, and agents.
10.2	General liability	The Licensee shall carry broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy shall be endorsed with contractual liability coverage.
10.3	Automobile	The Licensee shall carry automobile bodily injury and property damage liability insurance.
10.4	Coverage	Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
10.5	Additional insureds	Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED.
10.6	Worker's Compensation Insurance	The Licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Licensee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
10.7	Notification	The Licensee shall give at least 30 days written notice to the Director of the Solid Waste and Recycling Department of any lapse or proposed cancellation of insurance coverage.



11.0	ENFORCEMENT	
11.1	Generally	Enforcement of this license shall be as specified in Metro Code.
11.2	Authority vested in Metro	The power and right to regulate, in the public interest, the exercise of the privileges granted by this license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against Licensee.
11.3	No Enforcement Limitations	Nothing in this license shall be construed to limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor shall this license be construed or interpreted so as to limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the Licensee's operation of the facility.
11.4	Fines	Each violation of a license condition shall be punishable by fines as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation. Metro reserves the right to change fines at any time by action of the Metro Council.

12.0	MODIFICATIONS	
12.1	Modification	At any time during the term of the license, either the Chief Operating Officer or the Licensee may propose amendments or modifications to this license. The Chief Operating Officer has the authority to approve or deny any such amendments or modifications provided that the activities authorized in the amended or modified license do not require a Metro Solid Waste Facility Franchise under Metro Code Chapter 5.01. No amendment or modification pursuant to this section shall be effective unless in writing and executed by the Chief Operating Officer.
12.2	Modification, suspension or revocation by Metro	The Chief Operating Officer may, at any time before the expiration date, modify, suspend, or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to: <ol style="list-style-type: none"> a. Violation of the terms or conditions of this license,



		<p>Metro Code, or any applicable statute, rule, or standard;</p> <p>b. Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license;</p> <p>c. Failure to disclose fully all relevant facts;</p> <p>d. A significant release into the environment from the facility;</p> <p>e. Significant change in the character of solid waste received or in the operation of the facility;</p> <p>f. Any change in ownership or control, excluding transfers among subsidiaries of the Licensee or Licensee's parent corporation;</p> <p>g. A request from the local government stemming from impacts resulting from facility operations.</p> <p>h. Compliance history of the Licensee.</p>
--	--	--

13.0	GENERAL OBLIGATIONS	
13.1	Compliance with law	<p>Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility shall be deemed part of this license as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the license document, as well as any existing at the time of the issuance of the license but not cited or attached, and permits or conditions issued or modified during the term of the license.</p>
13.2	Indemnification	<p>The Licensee shall indemnify and hold Metro, its employees, agents and elected officials harmless from any and all claims, damages, actions, losses and expenses including attorney's fees, or liability related to or arising out of or in any way connected with the Licensee's performance or failure to perform under this license, including patent infringement and any claims or disputes involving subcontractors.</p>



<p>13.3</p>	<p>Deliver waste to appropriate destinations</p>	<p>The Licensee shall ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits;</p>
<p>13.4</p>	<p>Right of inspection and audit</p>	<p>Authorized representatives of Metro may take photographs, collect samples of materials, and perform such inspection or audit as the Chief Operating Officer deems appropriate, and shall be permitted access to the premises of the facility at all reasonable times during business hours with or without notice or at such other times upon giving reasonable advance notice (not less than 24 hours). Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the confidentiality provisions in Section 13.5 of this license, Metro's right to inspect shall include the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of Licensee that are directly related to the operation of the Facility.</p>
<p>13.5</p>	<p>Confidential information</p>	<p>Licensee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the Licensee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. Licensee shall prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro shall treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five (5) days of Metro's receipt of a request for disclosure of information identified by Licensee as confidential, Metro shall provide Licensee written notice of the request. Licensee shall have three (3) days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. Licensee shall pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. Nothing in this Section 13.0 shall limit the use of any information submitted to or reviewed by Metro for regulatory purposes</p>



		or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, such representatives agree to continue to treat such information as confidential and make good faith efforts not to disclose such information
13.6	Compliance by agents	The Licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this license.

BM:bjl
M:\rem\regaff\projects\Administrative Procedures\Section 7 MRF Standards\Admin_procedure_revised_Sect_7.doc

Attachment A Standard Operating Condition Templates

Solid Waste Facility License RELOAD FACILITY

TEMPLATE NOT A LICENSE

This document is a license template and is not an actual license. The specific terms and conditions of each individual license may vary based on a number of factors including but not limited to: the license application information, site conditions and operating requirements or limitations. Sections of this template may be modified at the discretion of the Chief Operating Officer and in accordance with the provisions in Metro Code Chapter 5.01.



METRO

ATTACHMENT A
SOLID WASTE FACILITY LICENSE TEMPLATE
Non-Putrescible Mixed Waste Reload Facility
 Number L-XXX-XX

LICENSEE:	FACILITY NAME AND LOCATION:
<i>Name</i> <i>Address</i> <i>Telephone number</i> <i>Fax number</i> <i>Email address</i>	<i>Name</i> <i>Address</i> <i>Telephone number</i> <i>Fax number</i> <i>Email address</i>
OPERATOR:	PROPERTY OWNER:
<i>Name</i> <i>Address</i> <i>Telephone number</i> <i>Fax number</i> <i>Email address</i>	<i>Name</i> <i>Address</i> <i>Telephone number</i> <i>Fax number</i> <i>Email address</i>

This license is granted to the Licensee named above and is not transferable. Subject to the conditions stated in this license document, the Licensee is authorized to operate and maintain a solid waste facility, and to accept the solid wastes and perform the activities authorized herein.

Metro:

Licensee's Acceptance & Acknowledgement of Receipt:

Signature

Signature of Licensee

Print name and title

Print name and title

Date

Date



TABLE OF CONTENTS

<u>SECTION</u>	<u>TITLE</u>	<u>PAGE</u>
1.0	Issuance	1
2.0	Conditions and Disclaimers	2
3.0	Pre-Operating Conditions and Requirements	3
4.0	Authorizations	4
5.0	Limitations and Prohibitions	6
6.0	Operating Conditions	7
7.0	Operating Plan	12
8.0	Fees and Rate Setting	15
9.0	Record Keeping and Reporting	15
10.0	Insurance Requirements	17
11.0	Enforcement	18
12.0	Modifications	19
13.0	General Obligations	19

TEMPLATE NOT A LICENSE

This document is a license template and is not an actual license. The specific terms and conditions of each individual license may vary based on a number of factors including but not limited to: the license application information, site conditions and operating requirements or limitations. Sections of this template may be modified at the discretion of the Chief Operating Officer and in accordance with the provisions in Metro Code Chapter 5.01.



1.0	ISSUANCE	
1.1	Licensee	<i>Name Address Telephone number Fax number Email address</i>
1.2	Contact	<i>Name, Title</i>
1.3	License number	When referring to this license, please cite: Metro Solid Waste Facility License Number <i>L-XXX-XX</i> .
1.4	Term	The term commences from the date this license is signed by Metro and shall remain in force until (<i>month/day/year</i>), unless modified, suspended, or revoked under the provisions of Section 12 of this license.
1.5	Renewal	The Licensee may apply for a license renewal, provided that the Licensee files a completed application for renewal accompanied by payment of the required application fee not less than 120 days prior to the expiration of the license term and as provided in Metro Code sections 5.01.060, 5.01.067 and 5.01.087.
1.6	Facility name and mailing address	<i>Name Address</i>
1.7	Operator	<i>Name Address Telephone number Fax number Email address</i>
1.8	Facility legal description	<i>Tax lots, Section, Township, Range, City, County, State of Oregon</i>
1.9	Property owner	<i>Name Address Telephone number Fax number Email address</i>
1.10	Permission to operate	<i>Indicate if property owner is same as licensee, or if signed consent form was submitted with application.</i>



2.0	CONDITIONS AND DISCLAIMERS	
2.1	Guarantees	The granting of this license shall not vest any right or privilege in the Licensee to receive specific quantities of solid waste at the direction of Metro during the term of the license.
2.2	Non-exclusive license	The granting of this license shall not in any way limit Metro from granting other solid waste licenses within Metro's boundaries.
2.3	Property rights	The granting of this license does not convey any property rights in either real or personal property, nor does it authorize any injury to private property or invasion of property rights.
2.4	No recourse	The Licensee shall have no recourse whatsoever against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this license or because of the enforcement of the license or in the event the license or any part thereof is determined to be invalid.
2.5	Release of liability	Metro, its elected officials, employees, or agents do not sustain any liability on account of the granting of this license or on account of the construction, maintenance, or operation of the facility pursuant to this license.
2.6	Binding nature	The conditions of this license are binding on the Licensee. The Licensee is liable for all acts and omissions of the Licensee's contractors and agents.
2.7	Waivers	To be effective, a waiver of any terms or conditions of this license must be in writing and signed by the Metro Chief Operating Officer.
2.8	Effect of waiver	Waiver of a term or condition of this license shall not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.9	Choice of law	The license shall be construed, applied and enforced in accordance with the laws of the State of Oregon.
2.10	Enforceability	If any provision of this license is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this license shall not be affected.



2.11	License not a waiver	Nothing in this license shall be construed as relieving any owner, operator, or Licensee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.12	License not limiting	Nothing in this license is intended to limit the power of a federal, state, or local agency to enforce any provision of law relating to the solid waste facility that it is authorized or required to enforce or administer.
2.13	Definitions	Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.01.

3.0	PRE-OPERATING CONDITIONS AND REQUIREMENTS	
3.1	Director's certification of the completion of facility construction	<p>The Licensee may not accept mixed non-putrescible solid waste (as authorized in Section 4.0 of this license), until the Director of the Solid Waste and Recycling Department has approved in writing that:</p> <p>a) The facility construction is complete according to plans submitted by the Licensee and approved by Metro. Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.</p> <p>b) The storm water management system must be constructed and in proper working order in accordance with the plans submitted to Metro and approved by the DEQ (or equivalent). Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.</p> <p>c) An adequate operating plan has been submitted in accordance with Section 7.0 of this license.</p> <p>Such written approval shall be based upon the Licensee's compliance with the provisions of Section 3.0 and Section 7.0 of this license, including the Director's inspection of the facility and the documents submitted to the Director by the Licensee.</p>



3.2	“As constructed” documents	Prior to the construction inspection required in Section 3.3 of this license, the Licensee shall submit to the Director of the Solid Waste and Recycling Department “as constructed” facility plans which note any changes from the original plans submitted to Metro.
3.3	Construction inspection	When construction is complete or nearly complete, the Licensee shall notify the Director of the Solid Waste and Recycling Department so that an inspection can be made before acceptance of mixed non-putrescible solid waste (as authorized in Section 4.0 of this license).

4.0	AUTHORIZATIONS	
4.1	Purpose	This section of the license describes the wastes that the Licensee is authorized to accept at the facility, and the waste-related activities the Licensee is authorized to perform at the facility.
4.2	General conditions on acceptable materials	The Licensee is authorized to accept at the facility only the solid wastes described in Section 4.0 of this license. The Director of the Solid Waste and Recycling Department may authorize the Licensee to accept solid wastes not otherwise described in Section 4.0, provided that the acceptance of such wastes would not require a Metro Solid Waste Facility Franchise under Metro Code chapter 5.01. Any such authorization must specifically describe the additional type of acceptable solid waste and must be in writing. The Licensee is prohibited from knowingly receiving any solid waste not authorized in this section.
4.3	General conditions on activities	The Licensee is authorized to perform at the facility only those waste-related activities that are described in Section 4.0 of this license.
4.4	Acceptance and management of non-putrescible solid waste for reloading	<p>The Licensee is authorized to accept loads of mixed non-putrescible solid wastes for the purpose of reloading to a Metro authorized facility that conducts material recovery.</p> <p>All unprocessed mixed non-putrescible waste must be removed from the site within 48 hours after it has been received.</p> <p>All mixed non-putrescible waste tipping, storage, and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside,</p>



		<p>provided the tipped wastes are moved under cover prior to reloading, within 12 hours of receipt, or by the end of the business day, whichever is earlier.</p> <p>Mixed non-putrescible solid waste shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with source-separated recyclable materials, including wood waste, yard debris and other recyclables.</p>
--	--	---

Note: Additional sections may be inserted at this point when a licensee requests authorization to accept other specific wastes and materials. The following examples are shown for reference and may not be applicable to all reload facilities.

4.5	Acceptance and processing of yard debris	The Licensee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. Yard debris may be accepted only for grinding and reloading to authorized composting facilities or to facilities with industrial boilers for hogged fuel.
4.6	Acceptance and processing of land clearing debris	The licensee is authorized to accept land clearing debris (e.g. brush and stumps). Land clearing debris may be accepted for grinding and reloading to authorized composting facilities or to facilities with industrial boilers for use as hogged fuel.
4.7	Acceptance and processing of clean untreated wood	The Licensee is authorized to accept for grinding and reloading, source-separated, untreated and unpainted “clean” wood waste (e.g. untreated lumber and wood pallets). Clean wood waste may be accepted only for grinding, screening, and reloading to authorized composting facilities or to facilities with industrial boilers for use as hogged fuel.
4.8	Acceptance and processing of painted wood	The Licensee is authorized to accept painted wood waste only for the production of hogged fuel. Painted wood waste shall be kept separate from yard debris and untreated wood waste destined for composting or mulch. Painted wood shall not be used as or incorporated into mulch, animal bedding, or compost feedstock.
4.9	Acceptance and management of preservative-treated wood	The Licensee is authorized to accept incidental quantities of preservative-treated wood waste, other than creosote-treated wood waste, that may be present in loads comprised predominantly of clean or painted wood waste. Preservative-treated wood waste, such as wood treated with Pentachlorophenol (PCP or “penta”) and Copper Chromium Arsenic (CCA), may not be incorporated into mulch, animal bedding, or compost feedstock.



<p>4.10</p>	<p>Acceptance and reloading of clean gypsum wallboard scrap</p>	<p>The Licensee is authorized to accept unpainted and untreated homogeneous loads of gypsum wallboard scrap from new construction for reloading to a facility authorized to utilize such gypsum wallboard scrap for recycling. No other types of gypsum wallboard scrap, such as textured or painted gypsum wallboard, or gypsum wallboard scrap from demolition projects shall be accepted at this facility without prior written approval of the Director of the Solid Waste and Recycling Department as specified in Section 4.2 of this License. Note: <i>Maximum pile heights and/or volume for on-site gypsum wallboard may also be limited and specified here.</i></p>
<p>4.11</p>	<p>Delivery of clean gypsum wallboard scrap to an authorized facility</p>	<p>The Licensee is authorized to accept homogenous loads of gypsum wallboard scrap, as provided in Section 4.10 of this license, only if the Licensee has pre-arranged to deliver such scrap to a facility authorized to accept it. If the Licensee becomes unable to deliver gypsum wallboard scrap to a facility authorized to accept it, the Licensee shall immediately cease accepting homogenous loads of gypsum wallboard scrap, and any gypsum wallboard scrap remaining on the Licensee's site shall be delivered to a Metro-authorized material recovery facility.</p>

<p>5.0</p>	<p>LIMITATIONS AND PROHIBITIONS</p>	
<p>5.1</p>	<p>Purpose</p>	<p>This section of the license describes limitations and prohibitions on the wastes handled at the facility and activities performed at the facility.</p>
<p>5.2</p>	<p>Prohibited waste</p>	<p>The Licensee is prohibited from receiving, processing, reloading or disposing of any solid waste not authorized in this license. The Licensee shall not knowingly accept or retain any material amounts of the following types of wastes: non-putrescible waste other than that specifically allowed in Section 4 of this license, putrescible waste, special wastes as defined in chapter 5.02 of the Metro Code, creosote-treated wood waste, materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; any waste prohibited by the DEQ.</p>



5.3	Prohibition on mixing	The Licensee shall not mix any source-separated recyclable materials, source-separated yard debris or wood wastes brought to the facility with any other solid wastes.
5.4	No disposal of recyclable materials; other potential disposal bans	Source-separated recyclable materials may not be disposed of by landfilling or incineration. The Licensee also shall not dispose, by landfilling or incineration, any other wastes identified in an ordinance adopted by the Metro Council during the term of this license.
5.5	Composting prohibited	The Licensee shall not keep yard debris on site long enough for more than negligible biological decomposition to begin.
5.6	Limits not exclusive	Nothing in this section of the license shall be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this license document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

Note: Additional limitations, conditions, and prohibitions may be inserted in Section 5.0 at the discretion of the Chief Operating Officer (Metro Code Section 5.01.067).

6.0	OPERATING CONDITIONS	
6.1	Purpose and general performance goals	<p>This section of the license describes criteria and standards for the operation of the facility.</p> <p>The Licensee shall meet the following general performance goals:</p> <p>(1) <u>Environment</u>. Facilities shall be designed and operated to preclude the creation of undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes.</p> <p>(2) <u>Health and safety</u>. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.</p> <p>(3) <u>Nuisances</u>. Facilities shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors and noise.</p> <p>(4) <u>Reloading</u>. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure</p>



		that the reloading and transfer of non-putrescible waste to a Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.
6.2	Qualified operator	The Licensee shall, during all hours of operation, provide an operating staff employed by the facility, and qualified and competent to carry out the functions required by this license and to otherwise ensure compliance with Metro Code Chapter 5.01. Facility personnel, as relevant to their job duties and responsibilities, shall be familiar with the relevant provisions of this license and the relevant procedures contained within the facility's operating plan (see Section 7.0). A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is inadvertently received.
6.3	Fire prevention	The operator shall provide fire prevention, protection, and control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the processing area.
6.4	Adequate vehicle accommodation	<p>Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. Access roads shall be maintained to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.</p> <p>Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles shall not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances.</p> <p>Signs shall be posted to inform customers not to queue on public roadways.</p> <p>Adequate off-street parking and queuing for vehicles shall be provided, including adequate space for on-site tarping and untarping of loads.</p>
6.5	Managing prohibited wastes	<p>The facility shall not accept prohibited waste, including but not limited to putrescible waste, hazardous waste and friable asbestos-containing material. Prohibited waste must be rejected upon discovery. Prohibited waste shall be properly managed and disposed when inadvertently received.</p> <p>The facility shall implement a load-checking program to</p>



		<p>prevent the acceptance of waste which is prohibited by the license. This program must include at a minimum:</p> <p>Visual inspection. Ensure that as each load is tipped, it is visually inspected by a qualified operator to prevent the acceptance of waste that is prohibited by the license; and</p> <p>A secured or isolated containment area for the storage of prohibited wastes that are inadvertently received. Containment areas shall be covered and enclosed to prevent leaking and contamination.</p> <p>Records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste shall be maintained in the operating record and be available for review by Metro.</p> <p>Upon discovery, all prohibited or unauthorized wastes shall be removed or managed in accordance with procedures established in the operating plan (see Section 7.7 of this license).</p>
6.6	Storage and exterior stockpiles	<p>Stored materials and solid wastes shall be suitably managed, contained and removed at sufficient frequency to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards. Storage areas must be maintained in an orderly manner and kept free of litter.</p> <p>Exterior stockpiles shall be positioned within footprints identified on the facility site plan.</p> <p>Materials may not be stockpiled for longer than 180 days (6 months). Exceptions may be granted provided the facility has received written authority to store materials for longer periods of time based on a demonstrated need and the materials will be used productively and provided that such stockpiles will not create nuisances, health, safety or environmental problems.</p> <p>Mixed non-putrescible waste or processing residual may not be stored on-site unless it is on an impervious surface (i.e., asphalt or concrete) within a covered building or alternatively, inside water-tight covered or tarped containers or within covered or tarped transport trailers.</p> <p>All non-putrescible waste processing residual shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with source-separated recyclable or recovered materials, including wood waste, yard debris and other recyclables.</p>
6.7	Dust, airborne debris and litter	<p>The facility shall be operated in a manner that minimizes and mitigates the generation of dust, airborne debris and</p>



		<p>litter, and shall prevent its migration beyond property boundaries. The facility shall:</p> <p>Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit.</p> <p>Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.</p> <p>Maintain, and operate all access roads, receiving, processing (including grinding), storage, and reload areas in such a manner as to minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site.</p> <p>Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation.</p> <p>All mixed non-putrescible waste tipping, storage, and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover prior to reloading within 12-hours of receipt.</p> <p>Mixed non-putrescible waste and processing residual may not be stored unless it is on an impervious surface (e.g. asphalt or concrete) within a covered building or alternatively, inside water-tight covered or tarped containers or within covered or tarped transport trailers.</p> <p>On-site facility access roads shall be maintained to prevent or control dust and to prevent or control the tracking of mud off-site.</p> <p>Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, shall be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of section 5.09.040 of the Metro Code.</p>
6.8	Odor	The facility shall be operated in a manner that prevents the



		<p>generation of odors that are detectable off-site.</p> <p>The Licensee shall establish and follow procedures in the operating plan for minimizing odor at the facility (see Section 7.8 of this license).</p>
6.9	Vectors (e.g. birds, rodents, insects)	<p>The Licensee shall operate the facility in a manner that is not conducive to the harborage of rodents, birds, insects, or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.</p> <p>If vectors are present or detected at the facility, vector control measures shall be implemented.</p>
6.10	Noise	<p>The Licensee shall operate the facility in a manner that prevents the creation of noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.</p>
6.11	Water contaminated by solid waste and solid waste leachate	<p>The Licensee shall operate the facility consistent with an approved DEQ stormwater management plan (or equivalent), and shall:</p> <p>Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and</p> <p>Dispose of or treat water contaminated by solid waste generated onsite in a manner complying with local, state, and federal laws and regulations.</p> <p>All mixed non-putrescible waste tipping, storing, sorting and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover for processing within 12-hours of receipt or by the end of the business day whichever is earlier.</p>
6.12	Access control	<p>Access to the facility shall be controlled as necessary to prevent unauthorized entry and dumping.</p> <p>A gate or other suitable barrier shall be maintained at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.</p>
6.13	Signage	<p>The Licensee shall post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, and legible from off-site during all hours and shall contain at least the following information:</p> <p>a. Name of the facility</p>



		<p>b. Address of the facility;</p> <p>c. Emergency telephone number for the facility;</p> <p>d. Operating hours during which the facility is open for the receipt of authorized waste;</p> <p>e. Fees and charges;</p> <p>f. Metro's name and telephone number (503) 234-3000; and</p> <p>k. A list of authorized and prohibited wastes.</p> <p>l. Vehicle / traffic flow information or diagram.</p> <p>m. Covered load requirements.</p> <p>n. Directions not to queue on public roadways.</p>
6.14	Nuisance complaints	<p>The facility operator shall respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and shall keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.</p> <p>If the facility receives a complaint, the operator shall:</p> <p>Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and log all such complaints as provided by the recordkeeping and reporting standards (section 7.11). Each log entry shall be retained for one year and shall be available for inspection by Metro.</p>
6.15	Access to license document	<p>The Licensee shall maintain a copy of this Metro Solid Waste Facility License on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.</p>

7.0	OPERATING PLAN	
7.1	Purpose	<p>This section lists the requirements associated with preparing and implementing a facility operating plan, and lists the procedures that must be included in the required facility operating plan.</p>
7.2	Plan compliance	<p>The Licensee must operate the facility in accordance with an operating plan approved by Metro's Solid Waste Regulatory Affairs Division Manager. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this license. The</p>



		operating plan may be amended from time to time, subject to approval by Metro's Solid Waste Regulatory Affairs Division Manager.
7.3	Plan maintenance	The Licensee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The Licensee must submit revisions of the operating plan to Metro's Solid Waste Regulatory Affairs Division Manager for written approval prior to implementation.
7.4	Access to operating plan	The Licensee shall maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
7.5	Procedures for inspecting loads	The operating plan shall establish: a. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; b. A set of objective criteria for accepting and rejecting loads; and c. An asbestos testing protocol for all material that appears as if it may contain friable asbestos.
7.6	Procedures for processing and storage of loads	The operating plan shall establish procedures for: a. Processing authorized solid wastes, b. Reloading and transfer of authorized solid wastes, c. Managing stockpiles to ensure that they remain within the authorized volumes and pile heights. d. Storing authorized solid wastes; and e. Minimizing storage times and avoiding delay in processing of authorized solid wastes.
7.7	Procedures for managing prohibited wastes	The operating plan shall establish procedures for managing, reloading, and transporting to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan shall establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
7.8	Procedures for odor prevention	The operating plan shall establish procedures for preventing all objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include: a. A management plan that will be used to monitor and



		<p>manage all odors of any derivation including malodorous loads delivered to the facility; and</p> <p>b. Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.</p>
7.9	Procedures for dust prevention	<p>The operating plan shall establish procedures for preventing dust from blowing off the premises of the facility. The plan must include:</p> <p>a. A management plan that will be used to monitor and manage dust of any derivation; and</p> <p>b. Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.</p>
7.10	Procedures for emergencies	<p>The operating plan shall establish procedures to be followed in case of fire or other emergency.</p>
7.11	Procedures for nuisance complaints	<p>For every nuisance complaint (e.g. odor, dust, vibrations, litter) received, the Licensee shall record:</p> <p>a. The nature of the complaint;</p> <p>b. The date the complaint was received;</p> <p>c. The name, address and telephone number of the person or persons making the complaint; and</p> <p>d. Any actions taken by the operator in response to the complaint (whether successful or unsuccessful).</p> <p>Records of such information shall be made available to Metro upon request. The Licensee shall retain each complaint record for a period of not less than one year.</p>
7.12	Closure protocol	<p>The operator shall establish protocol for closure and restoration of the site in the event of a long-term cessation of operations, as provided in Metro Code Section 5.01.060.</p>
7.13	Financial assurance	<p>The Licensee shall maintain financial assurance in an amount adequate for the cost of the facility's closure and in a form approved by Metro for the term of this license, as provided in Metro Code Section 5.01.060.</p>



8.0	FEES AND RATE SETTING	
8.1	Purpose	This section of the license specifies fees payable by the Licensee, and describes rate regulation by Metro.
8.2	Annual fee	The Licensee shall pay an annual license fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the license fee at any time by action of the Metro Council.
8.3	Rates not regulated	The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro.
8.4	Metro fee imposed on disposal	The Licensee is liable for payment of the Metro Regional System Fee and excise tax on any solid wastes delivered to a disposal site, unless these solid wastes are exempted by Metro Code Chapter 5.01.

9.0	RECORD KEEPING AND REPORTING	
9.1	Purpose	This section of the license describes record keeping and reporting requirements. The Licensee shall effectively monitor facility operation and maintain accurate records of the information described in this section.
9.2	Special feedstock reporting	(Note: This section may contain special feedstock reporting requirements as determined by the Director of the Solid Waste and Recycling Department).
9.3	Reporting requirements	<p>For all solid waste and materials the Licensee is authorized to receive under Section 4.0 of this license, including all non-putrescible waste, source-separated recyclables, inert materials, and yard debris, the Licensee shall keep and maintain accurate records of the amount of such materials the Licensee receives, recovers, recycles, reloads, and disposes. The Licensee shall keep and maintain complete and accurate records of the following for all transactions:</p> <ul style="list-style-type: none"> a. Ticket Number (should be the same as the ticket number on the weight slips); b. Account Number or Business Name: Incoming hauler account number on all incoming transactions and outgoing destination account number on all outgoing transactions. For incoming cash commercial customers, incoming hauler business name for all incoming commercial cash transactions; c. Material Category: Code designating the following types



		<p>of material (more detail, such as differentiating yard debris, is acceptable): (1) incoming source-separated recyclable materials by type; (2) incoming mixed dry waste; (3) outgoing recyclable materials by type; (4) outgoing mixed dry waste;</p> <p>d. Origin: Code designating the following origin of material: (1) from inside Metro boundaries; (2) from within Multnomah, Clackamas and Washington Counties but outside Metro boundaries;; and (3) from out-of-state;</p> <p>i. Any load containing any amount of waste from within the Metro region shall be reported as if the entire load was generated from inside the Metro region.</p> <p>ii. If the Licensee elects to report all loads delivered to the facility as being generated from inside the Metro region, then the Licensee is not required to designate the origin of loads in (d)(2) and (3) above.</p> <p>e) Date the load was received at, transferred within, or transmitted from the facility;</p> <p>f) Time the load was received at, transferred within, or transmitted from the facility;</p> <p>g) Indicate whether Licensee accepted or rejected the load;</p> <p>h) Net weight of the load;</p> <p>i) The fee charged to the generator of the load.</p>
9.4	Record transmittals	Records required under Section 9.0 shall be transmitted to Metro no later than fifteen days following the end of each month in electronic format prescribed by Metro.
9.5	Hauler account number listing	Within 5 business days of Metro’s request, Licensee shall provide Metro with a computer listing that cross references the incoming hauler account Number with the hauling company’s name and address.
9.6	Transactions based on scale weights	Except for minimum fee transactions for small, light-weight loads, the Licensee shall record each transaction electronically based on actual and accurate scale weights using the Licensee’s on-site scales.
9.7	DEQ submittals	Licensee shall provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this license within two business days of providing such information to DEQ.



9.8	Copies of enforcement actions provided to Metro	Licensee shall send to Metro, upon receipt, copies of any notice of violation or non-compliance, citation, or any other similar enforcement actions issued to the Licensee by any federal, state, or local government other than Metro, and related to the operation of the facility.
9.9	Unusual occurrences	The Licensee shall keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. If a breakdown of the Licensee equipment occurs that will substantially impact the ability of the facility to remain in compliance, or create off-site impacts, the Licensee shall notify Metro within 24-hours. The Licensee shall report any facility fires, accidents, emergencies, and other significant incidents to Metro at (503) 234-3000 within 12 hours of the discovery of their occurrence.
9.10	Changes in ownership	The Licensee must, in accordance with Metro Code Section 5.01.090, submit a new license application to Metro if the Licensee proposes to transfer ownership or control of (1) the license, (2) the facility property, or (3) the name and address of the operator.

10.0	INSURANCE REQUIREMENTS	
10.1	Purpose	The section describes the types of insurance that the Licensee shall purchase and maintain at the Licensee's expense, covering the Licensee, its employees, and agents.
10.2	General liability	The Licensee shall carry broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy shall be endorsed with contractual liability coverage.
10.3	Automobile	The Licensee shall carry automobile bodily injury and property damage liability insurance.
10.4	Coverage	Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
10.5	Additional insureds	Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED.



10.6	Worker's Compensation Insurance	The Licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Licensee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
10.7	Notification	The Licensee shall give at least 30 days written notice to the Director of the Solid Waste and Recycling Department of any lapse or proposed cancellation of insurance coverage.

11.0	ENFORCEMENT	
11.1	Generally	Enforcement of this license shall be as specified in Metro Code.
11.2	Authority vested in Metro	The power and right to regulate, in the public interest, the exercise of the privileges granted by this license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against Licensee.
11.3	No Enforcement Limitations	Nothing in this license shall be construed to limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor shall this license be construed or interpreted so as to limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the Licensee's operation of the facility.
11.4	Fines	Each violation of a license condition shall be punishable by fines as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation. Metro reserves the right to change fines at any time by action of the Metro Council.



12.0	MODIFICATIONS	
12.1	Modification	At any time during the term of the license, either the Director of the Solid Waste and Recycling Department or the Licensee may propose amendments or modifications to this license. The Director of the Solid Waste and Recycling Department has the authority to approve or deny any such amendments or modifications provided that the activities authorized in the amended or modified license do not require a Metro Solid Waste Facility Franchise under Metro Code Chapter 5.01. No amendment or modification pursuant to this section shall be effective unless in writing and executed by the Director of the Solid Waste and Recycling Department.
12.2	Modification, suspension or revocation by Metro	<p>The Director of the Solid Waste and Recycling Department may, at any time before the expiration date, modify, suspend, or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:</p> <ul style="list-style-type: none"> a. Violation of the terms or conditions of this license, Metro Code, or any applicable statute, rule, or standard; b. Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license; c. Failure to disclose fully all relevant facts; d. A significant release into the environment from the facility; e. Significant change in the character of solid waste received or in the operation of the facility; f. Any change in ownership or control, excluding transfers among subsidiaries of the Licensee or Licensee's parent corporation; g. A request from the local government stemming from impacts resulting from facility operations. h. Compliance history of the Licensee.

13.0	GENERAL OBLIGATIONS	
13.1	Compliance with law	Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code



		provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility shall be deemed part of this license as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the license document, as well as any existing at the time of the issuance of the license but not cited or attached, and permits or conditions issued or modified during the term of the license.
13.2	Indemnification	The Licensee shall indemnify and hold Metro, its employees, agents and elected officials harmless from any and all claims, damages, actions, losses and expenses including attorney's fees, or liability related to or arising out of or in any way connected with the Licensee's performance or failure to perform under this license, including patent infringement and any claims or disputes involving subcontractors.
13.3	Deliver waste to appropriate destinations	The Licensee shall ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits;
13.4	Right of inspection and audit	Authorized representatives of Metro may take photographs, collect samples of materials, and perform such inspection or audit as the Chief Operating Officer deems appropriate, and shall be permitted access to the premises of the facility at all reasonable times during business hours with or without notice or at such other times upon giving reasonable advance notice (not less than 24 hours). Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the confidentiality provisions in Section 13.5 of this license, Metro's right to inspect shall include the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of Licensee that are directly related to the operation of the Facility.
13.5	Confidential information	Licensee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the Licensee that are directly related to the operation of the



		<p>facility and that are submitted to or reviewed by Metro. Licensee shall prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro shall treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five (5) days of Metro's receipt of a request for disclosure of information identified by Licensee as confidential, Metro shall provide Licensee written notice of the request. Licensee shall have three (3) days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. Licensee shall pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. Nothing in this Section 13.0 shall limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, such representatives agree to continue to treat such information as confidential and make good faith efforts not to disclose such information</p>
13.6	Compliance by agents	<p>The Licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this license.</p>

BM:bjl
M:\rem\regaff\projects\Administrative Procedures\Section 7 MRF Standards\Admin_procedure_revised_Sect_7.doc

Attachment B Standard Application Form Templates

Solid Waste Facility License Application MATERIAL RECOVERY FACILITY

TEMPLATE NOT AN APPLICATION

This document is a license application template and is not an actual license application form. This template may be modified at the discretion of the Chief Operating Officer and in accordance with the provisions in Metro Code Chapter 5.01.



METRO

www.metro-region.org

ATTACHMENT B TEMPLATE

SOLID WASTE LICENSE APPLICATION

(Revised DRAFT 04/06/07)

NON-PUTRESCIBLE WASTE MATERIAL RECOVERY FACILITY



METRO SOLID WASTE FACILITY LICENSE APPLICATION PACKET (FOR A SOLID WASTE LICENSE)

Issued:

This packet contains an application for a Metro Solid Waste Facility License. You may also want to review the relevant sections of the Metro Code. The Metro Code can be accessed via the Metro web site at www.metro-region.org. Solid waste facilities within the Metro boundary generally may operate only under the authorization of a License or Franchise.

Application for a new Solid Waste Facility License

Those wishing to apply for a new Metro Solid Waste Facility License must schedule a pre-application conference prior to submitting a final application form. Applicants should prepare for the pre-application conference by reviewing the application forms and drafting answers prior to the conference with Metro. To schedule the pre-application conference, contact Metro's Solid Waste & Recycling Department at (503) 797-1835. The purpose of the pre-application conference is to determine what parts of the Metro Solid Waste Facility License Application you will need to submit, and to identify any potential issues specific to your proposal. Applications for new licenses are generally granted or denied within 120 days of the filing of a complete application. (See Metro Code section 5.01.060.) The fee for filing a license application is \$300.

Renewal of an Existing License

Those wishing to renew an existing authorization without substantive changes to the current authorization must submit a completed *Renewal Application Form*, unless otherwise directed by Metro staff. License renewal applications must be submitted not less than 60 days prior to expiration of the existing license. Failure to submit applications in a timely fashion may result in a lapse of authority to operate. (See Metro Code section 5.01.087.) The fee for filing a license renewal application is \$300.

Change of Authorization to an Existing License

A change in authorization of an existing license requires an application for a formal license amendment. The applicant cannot implement the change of authorization until it has been approved by Metro. (See Metro Code section 5.01.095.) The fee for filing an application for a change of authorization is \$100.

Change of Ownership or Control of an Existing License

To transfer ownership or control of an existing license, an application for a formal license amendment is required. The applicant cannot transfer ownership or control of an existing license until it has been approved by Metro. (See Metro Code section 5.01.090.)



METRO

MAIL THIS APPLICATION TO:

DATE RECEIVED BY METRO:

Metro Solid Waste & Recycling Department
Regulatory Affairs Division
600 NE Grand Avenue
Portland, OR 97232-2736
(503) 797-1835

Date of Pre-Application Conference: _____

MATERIAL RECOVERY FACILITY
METRO SOLID WASTE LICENSE APPLICATION FORM TEMPLATE

PART 1 – Standard License Application Information

Applicants applying to conduct material recovery must provide the following information:

1. Applicant (Proposed Licensee)	
Facility Name:	
Company Name:	
Street Address:	
Mailing Address:	
City/State/Zip:	
Registered Agent	
Contact Person:	
Phone Number:	
Fax Number:	
E-mail Address:	

2. Proposed Licensee's Owner or Parent Company (provide information for all owners)	
Name:	
Address:	
City/State/Zip:	
Phone Number:	
Fax Number:	
E-mail Address:	

3. Site Operator (if different from Proposed Licensee)

Company Name:	
Contact Person:	
Street Address:	
Mailing Address:	
City/State/Zip:	
Phone Number:	
Fax Number and E-mail Address:	

4. Site Description

Tax Lot(s):	Section:	Township:	Range:
-------------	----------	-----------	--------

5. Land Use

Present Land Use Zone:	
Is proposed use permitted outright?	
<input type="checkbox"/> If yes, attach a copy of a completed Metro or DEQ Land Use Compatibility Statement. (See also, Attachment F requirements)	
Is a conditional use permit (CUP) necessary for the facility?	
<input type="checkbox"/> If yes, attach a copy of the CUP.	
Are there any land use issues presently pending?	
If yes, explain:	
Are any DEQ permits required?	
<input type="checkbox"/> If yes, list them and attach copies with this application. (See also, Attachment G requirements)	
Are any other local permits required? If yes, list them (see Attachment H requirements).	

6. Land Owner

Is the applicant the sole owner of the property on which the facility is located?	<input type="checkbox"/> YES	<input type="checkbox"/> NO (If you answer "NO", complete the rest of the information requested in this section and attach a copy of the Property Use Consent Form, signed by the owner(s) of the property. See Attachment J)
Name of Property Owner:		
Mailing Address:		
City/State/Zip:		
Phone Number:		

7. Public/Commercial Operations

Will the facility be open to the public?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the facility be open to non-affiliated commercial solid waste collectors?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the facility be open to solid waste collection companies that collect waste from outside the boundary of Metro?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Operating Hours and Traffic Volume:	PUBLIC	COMMERCIAL AFFILIATED	COMMERCIAL NON-AFFILIATED
Operating Hours			
Estimated Vehicles Per Day			

8. Solid Waste To Be Accepted and Activities Conducted

For each material type accepted at the facility, list the expected posted public tip fee: (attach additional pages if necessary)

WASTES / MATERIALS TO BE ACCEPTED	EXPECTED PUBLIC TIP FEE

Describe the purpose (activities to be performed and waste types to be received) of the proposed facility, include an estimate of the quantity of waste to be received annually.

WASTE TYPE	PURPOSE	QUANTITY

Solid Waste, and/or Solid Waste Residual from processing of Solid Waste, delivered to this facility will be reloaded for transport to the following facility or facilities: (Please list all facilities and include additional pages if necessary.)

FACILITY NAME	WASTE TYPE	WASTE QUANTITY	PURPOSE *

* For example: Disposal, Inert Fill, or Useful Material

a) Provide the name, address and function of all subcontractors involved in the facility operations:

NAME	ADDRESS	FUNCTION

b) List the anticipated quantity of wastes to be accepted annually.

BY GENERATOR TYPE:

	Tons Received	Tons Recovered	Tons Residual
• Commercial:			
• Industrial:			
• Residential:			
TOTAL			

BY WASTE TYPE:

Will you recover materials from this waste?

	Will you recover materials from this waste?			Estimate of the maximum and typical lengths of time required to process each day's receipt of each waste / material type:
	Tons	YES	NO	
• Non-Putrescible Wastes:				
• Source-Separated Recyclables:				
• Source-Separated Yard Debris:				
• Special Wastes:				
• Inerts:				
• Petroleum Contaminated Soil:				
• Other:				

PART 2 – Standard Attachments to License Application (License application form continued)

- All of the following attachments (Attachments A – J) are required and must be submitted in order for a license application to be considered complete. Each attachment must be clearly labeled.
- Application submittals such as facility design, building plans, site plans and specifications must be prepared, as appropriate, by persons licensed in engineering, architecture, landscape design, traffic engineering, air quality control, and design of structures.
- Applicants who have previously submitted copies of permits, site plans, facility design plans, or other attachments required herein, are not required to re-submit such documents if the documents on file at Metro are current.

ATTACHMENT A: SITE PLAN

The applicant must submit a facility site plan that includes scaled maps and drawings showing the location of the facility at an appropriate scale, and no smaller than one inch equals 30 feet. The following information must be provided:

- (1) Boundaries of the facility.
- (2) Property boundaries, if different.
- (3) Location of all buildings on the property (existing and proposed) and other pertinent information with respect to the operation of the facility, to include:
 - a) scale location
 - b) scale house
 - c) sorting line and other major materials recovery equipment
 - d) fencing and gates
 - e) access roads
 - f) paved areas.
- (4) Location of receiving, processing, reload and storage areas, as applicable, for solid waste, source-separated recyclable materials, recovered materials, waste residuals, exterior stockpiles, hazardous waste, and other materials.
- (5) Identify any exterior stockpile footprints, the type of materials and the maximum height of each exterior material stockpile.
- (6) Identify water sources for fire suppression.
- (7) Designate the load checking areas on the facility site plan.
- (8) Designate the location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated. Containment areas shall be covered and enclosed and constructed to prevent leaking and contamination
- (9) Designate on-site traffic flow patterns.

(10) **Identify where the sign(s) will be located on the facility site plan.**

Signs must be posted at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, and legible from off-site during all hours and shall contain at least the following information:

- General facility information
 - Name of the facility
 - Address of the facility;
 - Emergency telephone number for the facility;
 - Operating hours during which the facility is open for the receipt of authorized waste;
 - Fees and charges for public customers;
 - Metro's name and telephone number (503) 234-3000; and
 - A list of authorized and prohibited wastes.
- Vehicle / traffic flow information or diagram.
- Covered load requirements.

ATTACHMENT B: FACILITY DESIGN PLAN AND REPORT

The applicant shall submit a facility design plan and report that address the following:

(1) **Dust, airborne debris and litter.**

- a) Submit a proposed design providing a roofed structure enclosed on at least three sides and an impervious surface (e.g. asphalt, concrete) for the tipping floor, processing (sorting) areas, storage areas and reloading areas.
- b) Describe control measures to prevent fugitive dust, airborne debris and litter. Describe how the facility design will provide for shrouding and dust prevention for the receiving area, processing area, storage area, reload area, and all dry waste processing equipment and all conveyor transfer points where dust is generated.
- c) Describe any additional facility design measures and procedures for the control of dust, windblown materials, airborne debris, litter and for the handling of the waste in the case of major processing facility breakdown.

(2) **Facility capacity.**

- a) Provide engineering plans, reports and specifications to document that the size and configuration of the facility grounds, building and equipment, including the facility layout, drainage structures, building design, and major facility equipment, processing systems and storage areas are of sufficient capacity to accommodate seasonal throughput of all materials that will be delivered to and generated by the facility.
- b) Provide the estimated capacity (cubic yards) of the facility storage area(s) for incoming solid waste waiting to be processed, the estimated capacity (cubic yards) for storage of recovered materials, and the estimated capacity (cubic yards) for storage of processing residual.

(3) **Fire prevention.**

Submit proof of compliance with local and state fire codes.

(4) **Adequate vehicle accommodation.**

Provide documentation to demonstrate that adequate on-site area at the facility's entrance, scales, loading and unloading points and exit points shall be provided to allow the number and types of vehicles expected to use the facility during peak times to safely queue off the public roads and right-of-way.

(5) **Water contaminated by solid waste and solid waste leachate.**

Submit a DEQ (or equivalent) approved plan with pollution control measures to protect surface and ground waters, including runoff collection and discharge and equipment cleaning and washdown water.

ATTACHMENT C – MATERIAL RECOVERY PRACTICES Describe how material recovery will be conducted at the facility. Attach as many additional pages as necessary to address each of the following:

(1) A detailed description of how the proposed facility will further recycling or materials recovery processing within the Metro region.

(2) A detailed description of the methods you will use for measuring and keeping records of incoming solid waste.

(3) A detailed description of the methods you will use to distinguish loads of incoming source-separated recyclables from other materials.

(4) A detailed description of the steps you will take to recover materials from solid waste. Include the material recovery methods and equipment to be used on site (e.g., sorting lines, hand picking, magnets, etc.)

(5) The general markets for the materials recovered at the facility.

(6) A detailed description of the methods you will use for measuring and keeping records of materials received, recovered from processing, and solid waste disposed - consistent with Metro's reporting requirements.

ATTACHMENT D: OPERATING PLAN

The applicant is required to develop and submit an operating plan for review and approval by the Manager of the Metro Solid Waste Regulatory Affairs Division. This section lists the procedures that must be included in the required facility operating plan. A proposed facility operating plan must be submitted with the completed license application subject to any additional elements as required in the license - if one is approved and issued. The operating plan shall describe at a minimum:

(1) The types of solid wastes to be accepted and handled at the facility.

(2) A detailed description of how you will distinguish and manage loads of incoming source-separated recyclables from other materials.

- | | |
|-----|--|
| (3) | Procedures for inspecting loads. The operating plan shall establish:
a) Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes.
b) A set of objective criteria for accepting and rejecting loads.
c) An asbestos testing protocol for all material that appears as if it may contain asbestos. |
| (4) | Procedures for processing and storage of loads. The operating plan shall establish procedures for:
a) Processing of all authorized solid wastes.
b) Reloading and transfer of authorized solid wastes.
c) Managing stockpiles.
d) Storing authorized solid wastes
e) Minimizing storage times, and avoiding delay in processing and managing of all authorized solid wastes and recovered materials. |
| (5) | Procedures for rejecting or managing prohibited wastes. The operating plan shall describe procedures for rejecting, managing reloading and transporting to appropriate facilities or disposal sites any prohibited or unauthorized wastes discovered at the facility. The plan shall include procedures for managing:
a) Hazardous wastes.
b) Other prohibited solid wastes (e.g., putrescible waste, special waste).
c) Procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility. |
| (6) | Procedures for odor prevention. The operating plan shall establish procedures for preventing all objectionable odors for being detected off the premises of the facility. The plan must include:
a) A management plan that will be used to monitor and manage all objectionable odors of any derivation including malodorous loads delivered to the facility.
b) Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility. |
| (7) | Procedures for emergencies. The operating plan shall describe procedures to be followed in case of fire or other emergency. |
| (8) | Procedures for preventing and controlling nuisances, including noise, vectors, dust, litter, and odors. Include a description of how you will encourage delivery of waste in covered loads. |
| (9) | Procedures for fire prevention, protection, and control measures used at the facility. |

ATTACHMENT E: INSURANCE

Include proof of the following types of insurance, covering the applicant, its employees, and agents:

- (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage.
- (2) Automobile bodily injury and property damage liability insurance.
- (3) Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- (4) Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSUREDS.

ATTACHMENT F: LAND USE COMPATIBILITY STATEMENT (LUCS)

The following information must be provided:

A copy of a completed Metro LUCS or DEQ LUCS.

ATTACHMENT G: DEQ PERMIT APPLICATIONS AND INFORMATION

The following information must be provided:

A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ, including closure plans, financial assurance for the costs of closure of the facility, and conditional use permit or land use compatibility statement, if applicable.

ATTACHMENT H: OTHER REQUIRED PERMITS

The following information must be provided:

A copy of any required federal, state, county, city or other permits, licenses, or franchises that have been granted or issued, not including materials required by Attachment G, or a copy of any applications for such other permits, licenses, or franchises. Copies of correspondence pertaining to such permits, licenses or franchises may be requested.

ATTACHMENT I: CLOSURE PLAN AND FINANCIAL ASSURANCE

The following information must be provided

- (1) If a closure plan and financial assurance are required by DEQ, copies of these documents should be included with the application per Attachment G.

(2) If DEQ does **not** require a closure plan for the facility, attach a closure document describing closure protocol and associated costs. Closure means those activities associated with restoring the site to its condition prior to engaging in the licensable activity. Closure may include, but is not limited to removal of all on-site solid waste stockpiles accumulated after being issued a Metro Solid Waste Facility License. The Closure protocol is the written protocol that specifies the activities required to properly close the facility and cease further solid waste activities.

(3) If DEQ does **not** require any financial assurance for the costs of closure of the facility, attach proof of financial assurance for the costs of closure of the facility. Cost of closure means the costs associated with restoring the site to its condition prior to engaging in the licensable activity.

These costs may include but are not limited to:

- a) the cost to load and transport accumulated solid waste stockpiles to an authorized disposal site or recycling facility;
- b) the cost to “tip” the waste at an authorized landfill or recycling facility; and
- c) other related costs such as site grading or additional disposal costs associated with restoring the site.

Examples of acceptable forms of financial assurance include, but are not limited to the following: surety bond, irrevocable letter of credit, closure insurance, escrow account.

If the DEQ does not issue a permit or require financial assurance, then the COO may waive the requirement for financial assurance if the applicant provides written documentation demonstrating that the cost to implement the closure plan will be less than \$10,000.

ATTACHMENT J: PROPERTY USE CONSENT FORM

If required by Section 6 of Part 1 of this application.

Applicant Certification

This form cannot be processed without a signature

I certify under penalty of law that the information contained in this application is true and correct to the best of my knowledge. I agree to notify Metro within 10 days of any change in the information submitted as a part of this application.

Signature and title of person completing this application:

SIGNATURE _____ TITLE _____

PRINT NAME _____

DATE _____ PHONE _____

BM:bjl

M:\rem\regaff\projects\Administrative Procedures\Section 7 MRF Standards\Admin_procedure_revised_Sect_7.doc

Attachment B

Standard Application Form Templates

Solid Waste Facility License Application MATERIAL RECOVERY FACILITY

TEMPLATE NOT AN APPLICATION

This document is a license application template and is not an actual license application form. This template may be modified at the discretion of the Chief Operating Officer and in accordance with the provisions in Metro Code Chapter 5.01.



METRO

www.metro-region.org

ATTACHMENT B TEMPLATE

SOLID WASTE LICENSE APPLICATION *(Revised DRAFT 04/06/07)*

NON-PUTRESCIBLE WASTE RELOAD FACILITY



METRO SOLID WASTE FACILITY LICENSE APPLICATION PACKET (FOR A SOLID WASTE LICENSE)

Issued:

This packet contains an application for a Metro Solid Waste Facility License. You may also want to review the relevant sections of the Metro Code. The Metro Code can be accessed via the Metro web site at www.metro-region.org. Solid waste facilities within the Metro boundary generally may operate only under the authorization of a License or Franchise.

Application for a new Solid Waste Facility License

Those wishing to apply for a new Metro Solid Waste Facility License must schedule a pre-application conference prior to submitting a final application form. Applicants should prepare for the pre-application conference by reviewing the application forms and drafting answers prior to the conference with Metro. To schedule the pre-application conference, contact Metro's Solid Waste & Recycling Department at (503) 797-1835. The purpose of the pre-application conference is to determine what parts of the Metro Solid Waste Facility License Application you will need to submit, and to identify any potential issues specific to your proposal. Applications for new licenses are generally granted or denied within 120 days of the filing of a complete application. (See Metro Code section 5.01.060.) The fee for filing a license application is \$300.

Renewal of an Existing License

Those wishing to renew an existing authorization without substantive changes to the current authorization must submit a completed *Renewal Application Form*, unless otherwise directed by Metro staff. License renewal applications must be submitted not less than 60 days prior to expiration of the existing license. Failure to submit applications in a timely fashion may result in a lapse of authority to operate. (See Metro Code section 5.01.087.) The fee for filing a license renewal application is \$300.

Change of Authorization to an Existing License

A change in authorization of an existing license requires an application for a formal license amendment. The applicant cannot implement the change of authorization until it has been approved by Metro. (See Metro Code section 5.01.095.) The fee for filing an application for a change of authorization is \$100.

Change of Ownership or Control of an Existing License

To transfer ownership or control of an existing license, an application for a formal license amendment is required. The applicant cannot transfer ownership or control of an existing license until it has been approved by Metro. (See Metro Code section 5.01.090.)



METRO

MAIL THIS APPLICATION TO:

DATE RECEIVED BY METRO:

Metro Solid Waste & Recycling Department
Regulatory Affairs Division
600 NE Grand Avenue
Portland, OR 97232-2736
(503) 797-1835

Date of Pre-Application Conference: _____

NON-PUTRESCIBLE WASTE RELOAD FACILITY
METRO SOLID WASTE LICENSE APPLICATION FORM TEMPLATE

PART 1 – Standard License Application Information

Applicants applying to conduct reloading of non-putrescible waste must provide the following information:

1. Applicant (Proposed Licensee)	
Facility Name:	
Company Name:	
Street Address:	
Mailing Address:	
City/State/Zip:	
Registered Agent	
Contact Person:	
Phone Number:	
Fax Number:	
E-mail Address:	

2. Proposed Licensee's Owner or Parent Company (provide information for all owners)	
Name:	
Address:	
City/State/Zip:	
Phone Number:	
Fax Number:	
E-mail Address:	

3. Site Operator (if different from Proposed Licensee)

Company Name:	
Contact Person:	
Street Address:	
Mailing Address:	
City/State/Zip:	
Phone Number:	
Fax Number and E-mail Address:	

4. Site Description

Tax Lot(s):	Section:	Township:	Range:
-------------	----------	-----------	--------

5. Land Use

Present Land Use Zone:	
Is proposed use permitted outright?	
<input type="checkbox"/> If yes, attach a copy of a completed Metro or DEQ Land Use Compatibility Statement. (See also, Attachment F requirements)	
Is a conditional use permit (CUP) necessary for the facility?	
<input type="checkbox"/> If yes, attach a copy of the CUP.	
Are there any land use issues presently pending?	
If yes, explain:	
Are any DEQ permits required?	
<input type="checkbox"/> If yes, list them and attach copies with this application. (See also, Attachment G requirements)	
Are any other local permits required? If yes, list them (see Attachment H requirements).	

6. Land Owner

Is the applicant the sole owner of the property on which the facility is located?	<input type="checkbox"/> YES	<input type="checkbox"/> NO (If you answer "NO", complete the rest of the information requested in this section and attach a copy of the Property Use Consent Form, signed by the owner(s) of the property. See Attachment J)
Name of Property Owner:		
Mailing Address:		
City/State/Zip:		
Phone Number:		

7. Public/Commercial Operations

Will the facility be open to the public?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the facility be open to non-affiliated commercial solid waste collectors?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the facility be open to solid waste collection companies that collect waste from outside the boundary of Metro?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Operating Hours and Traffic Volume:	PUBLIC	COMMERCIAL AFFILIATED	COMMERCIAL NON-AFFILIATED
Operating Hours			
Estimated Vehicles Per Day			

8. Solid Waste To Be Accepted and Activities Conducted

For each material type accepted at the facility, list the expected posted public tip fee: (attach additional pages if necessary)

WASTES / MATERIALS TO BE ACCEPTED	EXPECTED PUBLIC TIP FEE

Describe the purpose (activities to be performed and waste types to be received) of the proposed facility, include an estimate of the quantity of waste to be received annually.

WASTE TYPE	PURPOSE	QUANTITY

Solid Waste, and/or Solid Waste Residual from processing of Solid Waste, delivered to this facility will be reloaded for transport to the following facility or facilities: (Please list all facilities and include additional pages if necessary.)

FACILITY NAME	WASTE TYPE	WASTE QUANTITY	PURPOSE *

* For example: Disposal, Inert Fill, or Useful Material

c) Provide the name, address and function of all subcontractors involved in the facility operations:

NAME	ADDRESS	FUNCTION

d) List the anticipated quantity of wastes to be accepted annually.

BY GENERATOR TYPE:

	Tons Received	Tons Recovered	Tons Residual
• Commercial:			
• Industrial:			
• Residential:			
TOTAL			

BY WASTE TYPE:

Will you recover materials from this waste?

	Will you recover materials from this waste?			Estimate of the maximum and typical lengths of time required to process each day's receipt of each waste / material type:
	Tons	YES	NO	
• Non-Putrescible Wastes:				
• Source-Separated Recyclables:				
• Source-Separated Yard Debris:				
• Special Wastes:				
• Inerts:				
• Petroleum Contaminated Soil:				
• Other:				

PART 2 – Standard Attachments to License Application (License application form continued)

- ❑ All of the following attachments (Attachments A – J) are required and must be submitted in order for a license application to be considered complete. Each attachment must be clearly labeled.
- ❑ Application submittals such as facility design, building plans, site plans and specifications must be prepared, as appropriate, by persons licensed in engineering, architecture, landscape design, traffic engineering, air quality control, and design of structures.
- ❑ Applicants who have previously submitted copies of permits, site plans, facility design plans, or other attachments required herein, are not required to re-submit such documents if the documents on file at Metro are current.

ATTACHMENT A: SITE PLAN

The applicant must submit a facility site plan that includes scaled maps and drawings showing the location of the facility at an appropriate scale, and no smaller than one inch equals 30 feet. The following information must be provided:

- (1) Boundaries of the facility.
- (2) Property boundaries, if different.
- (3) Location of all buildings on the property (existing and proposed) and other pertinent information with respect to the operation of the facility, to include:
 - a) scale location
 - b) scale house
 - c) fencing and gates
 - d) access roads
 - e) paved areas.
- (4) Location of receiving, processing, reload and storage areas, as applicable, for solid waste, source-separated recyclable materials, recovered materials, waste residuals, exterior stockpiles, hazardous waste, and other materials.
- (5) Identify any exterior stockpile footprints, the type of materials and the maximum height of each exterior material stockpile.
- (6) Identify water sources for fire suppression.
- (7) Designate the load checking areas on the facility site plan.
- (8) Designate the location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated. Containment areas shall be covered and enclosed and constructed to prevent leaking and contamination
- (9) Designate on-site traffic flow patterns.

(10) **Identify where the sign(s) will be located on the facility site plan.**

Signs must be posted at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, and legible from off-site during all hours and shall contain at least the following information:

- General facility information
 - Name of the facility
 - Address of the facility;
 - Emergency telephone number for the facility;
 - Operating hours during which the facility is open for the receipt of authorized waste;
 - Fees and charges for public customers;
 - Metro's name and telephone number (503) 234-3000; and
 - A list of authorized and prohibited wastes.
- Vehicle / traffic flow information or diagram.
- Covered load requirements.

ATTACHMENT B: FACILITY DESIGN PLAN AND REPORT

The applicant shall submit a facility design plan and report that address the following:

(1) **Dust, airborne debris and litter.**

- a) Submit a proposed design providing a roofed structure enclosed on at least three sides and an impervious surface (e.g. asphalt, concrete) for the tipping floor, storage areas and reloading areas.
- b) Describe control measures to prevent fugitive dust, airborne debris and litter. Describe how the facility design will provide for shrouding and dust prevention for the receiving area, storage area, reload area, and all dry waste processing equipment and all conveyor transfer points where dust is generated.
- c) Describe any additional facility design measures and procedures for the control of dust, windblown materials, airborne debris, litter and for the handling of the waste in the case of major processing facility breakdown.

(2) **Facility capacity.**

- a) Provide engineering plans, reports and specifications to document that the size and configuration of the facility grounds, building and equipment, including the facility layout, drainage structures, building design, and major facility equipment, processing systems and storage areas are of sufficient capacity to accommodate seasonal throughput of all materials that will be delivered to and generated by the facility.
- b) Provide the estimated capacity (cubic yards) of the facility storage area(s) for incoming solid waste waiting to be reloaded.

(3) **Fire prevention.**

Submit proof of compliance with local and state fire codes.

(4) **Adequate vehicle accommodation.**

Provide documentation to demonstrate that adequate on-site area at the facility's entrance, scales, loading and unloading points and exit points shall be provided to allow the number and types of vehicles expected to use the facility during peak times to safely queue off the public roads and right-of-way.

(5) **Water contaminated by solid waste and solid waste leachate.**

Submit a DEQ (or equivalent) approved plan with pollution control measures to protect surface and ground waters, including runoff collection and discharge and equipment cleaning and washdown water.

ATTACHMENT C – RELOADING PRACTICES Describe how reloading will be conducted at the facility. Attach as many additional pages as necessary to address each of the following:

(1) A detailed description of how the proposed facility will further recycling or materials recovery processing within the Metro region.

(2) A detailed description of the methods you will use for measuring and keeping records of incoming solid waste.

(3) A detailed description of the methods you will use to distinguish loads of incoming source-separated recyclables from other materials.

(4) A detailed description of how the materials and wastes will be managed and the type of equipment that will be used (from delivery to reload and transport to a processing or disposal facility):

(5) A detailed description of the methods you will use for measuring and keeping records of materials received, recovered from processing, and solid waste disposed - consistent with Metro's reporting requirements.

ATTACHMENT D: OPERATING PLAN

The applicant is required to develop and submit an operating plan for review and approval by the Manager of the Metro Solid Waste Regulatory Affairs Division. This section lists the procedures that must be included in the required facility operating plan. A proposed facility operating plan must be submitted with the completed license application subject to any additional elements as required in the license - if one is approved and issued. The operating plan shall describe at a minimum:

(1) The types of solid wastes to be accepted and handled at the facility.

(2) A detailed description of how you will distinguish and manage loads of incoming source-separated recyclables from other materials.

- (3) Procedures for inspecting loads. The operating plan shall establish:
- a) Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes.
 - b) A set of objective criteria for accepting and rejecting loads.
 - c) An asbestos testing protocol for all material that appears as if it may contain asbestos.
- (4) Procedures for processing and storage of loads. The operating plan shall establish procedures for:
- a) Processing of all authorized solid wastes.
 - b) Reloading and transfer of authorized solid wastes.
 - c) Managing stockpiles.
 - d) Storing authorized solid wastes
 - e) Minimizing storage times, and avoiding delay in processing and managing of all authorized solid wastes and recovered materials.
- (5) Procedures for rejecting or managing prohibited wastes. The operating plan shall describe procedures for rejecting, managing reloading and transporting to appropriate facilities or disposal sites any prohibited or unauthorized wastes discovered at the facility. The plan shall include procedures for managing:
- a) Hazardous wastes.
 - b) Other prohibited solid wastes (e.g., putrescible waste, special waste).
 - c) Procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
- (6) Procedures for odor prevention. The operating plan shall establish procedures for preventing all objectionable odors for being detected off the premises of the facility. The plan must include:
- a) A management plan that will be used to monitor and manage all objectionable odors of any derivation including malodorous loads delivered to the facility.
 - b) Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.
- (7) Procedures for emergencies. The operating plan shall describe procedures to be followed in case of fire or other emergency.
- (8) Procedures for preventing and controlling nuisances, including noise, vectors, dust, litter, and odors. Include a description of how you will encourage delivery of waste in covered loads.
- (9) Procedures for fire prevention, protection, and control measures used at the facility.

ATTACHMENT E: INSURANCE

Include proof of the following types of insurance, covering the applicant, its employees, and agents:

- (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage.
- (2) Automobile bodily injury and property damage liability insurance.
- (3) Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- (4) Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSUREDS.

ATTACHMENT F: LAND USE COMPATIBILITY STATEMENT (LUCS)

The following information must be provided:

A copy of a completed Metro LUCS or DEQ LUCS.

ATTACHMENT G: DEQ PERMIT APPLICATIONS AND INFORMATION

The following information must be provided:

A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ, including closure plans, financial assurance for the costs of closure of the facility, and conditional use permit or land use compatibility statement, if applicable.

ATTACHMENT H: OTHER REQUIRED PERMITS

The following information must be provided:

A copy of any required federal, state, county, city or other permits, licenses, or franchises that have been granted or issued, not including materials required by Attachment G, or a copy of any applications for such other permits, licenses, or franchises. Copies of correspondence pertaining to such permits, licenses or franchises may be requested.

ATTACHMENT I: CLOSURE PLAN AND FINANCIAL ASSURANCE

The following information must be provided

- (1) If a closure plan and financial assurance are required by DEQ, copies of these documents should be included with the application per Attachment G.

(2) If DEQ does **not** require a closure plan for the facility, attach a closure document describing closure protocol and associated costs. Closure means those activities associated with restoring the site to its condition prior to engaging in the licensable activity. Closure may include, but is not limited to removal of all on-site solid waste stockpiles accumulated after being issued a Metro Solid Waste Facility License. The Closure protocol is the written protocol that specifies the activities required to properly close the facility and cease further solid waste activities.

(3) If DEQ does **not** require any financial assurance for the costs of closure of the facility, attach proof of financial assurance for the costs of closure of the facility. Cost of closure means the costs associated with restoring the site to its condition prior to engaging in the licensable activity.

These costs may include but are not limited to:

- a) the cost to load and transport accumulated solid waste stockpiles to an authorized disposal site or recycling facility;
- b) the cost to “tip” the waste at an authorized landfill or recycling facility; and
- c) other related costs such as site grading or additional disposal costs associated with restoring the site.

Examples of acceptable forms of financial assurance include, but are not limited to the following: surety bond, irrevocable letter of credit, closure insurance, escrow account.

If the DEQ does not issue a permit or require financial assurance, then the COO may waive the requirement for financial assurance if the applicant provides written documentation demonstrating that the cost to implement the closure plan will be less than \$10,000.

ATTACHMENT J: PROPERTY USE CONSENT FORM

If required by Section 6 of Part 1 of this application.

I certify under penalty of law that the information contained in this application is true and correct to the best of my knowledge. I agree to notify Metro within 10 days of any change in the information submitted as a part of this application.

Signature and title of person completing this application:

SIGNATURE _____ TITLE _____

PRINT NAME _____

DATE _____ PHONE _____

BM:bjl

M:\rem\regaff\projects\Administrative Procedures\Section 7 MRF Standards\Admin_procedure_revised_Sect_7.doc



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURE
(AND PERFORMANCE STANDARDS)**

**AP NO. 501
Appendix A**

Administration of Metro Code Chapter 5.01

Administrative Procedure Adoption Record

- Section 1 Policy and Legal Authority adopted October 30, 2002.
- Section 2 Direct Haul adopted September 9, 1998.
- Section 3 Regional System Fee Credit Program moved to AP No. 502 on October 30, 2002.
Section 3 Reserved.
- Section 4 Service Areas adopted October 8, 2002.
- Section 5 Reserved.
- Section 6 Solid Waste Transfer Stations adopted October 1, 2002

Be it so ordered

11/5/02
Date

[Handwritten Signature]
Signature

, Director, Regional Environmental Management



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURE
(AND PERFORMANCE STANDARDS)**

**AP NO. 501
Appendix A**

Administration of Metro Code Chapter 5.01

Administrative Procedure Adoption Record

*Section 7 Standards for Non-Putrescible Mixed Waste Material Recovery
Facilities and Non-Putrescible Mixed Waste Reload Facilities.*

These administrative procedures and performance standards are published under the authority of Metro Code section 5.01.132, which directs the Chief Operating Officer to issue administrative procedures and performance standards governing the obligations of licensees and franchisees under Chapter 5.01 and are in addition to all requirements and provisions in Metro Code Chapter 5.01.

Be it so ordered:



Michael Jordan
Metro Chief Operating Officer

5/8/07
Date

BM:bjl
S:\REM\metzlerb\Facility Standards 2006\Admin Procedures\Section 7 Adoption Record.doc



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURE
(AND PERFORMANCE STANDARDS)**

**AP NO. 501
Appendix B**

Metro Solid Waste Regulatory Guidance

GB-1	July 2002	Management and Acceptance of Putrescible Waste at Recycling Facilities (RFs) and Material Recovery Facilities (MRFs)
GB-2	March 2004	Management of Dredged Material at Solid Waste Disposal Sites
GB-3	April 2004	Painted and Treated Wood Waste at Material Recovery Facilities, Yard Debris Reload Facilities and Yard Debris Composting Facilities
GB-4	June 2004	Metro Non-System License
GB-5	June 2004	Organic Materials at Composting and Reload Facilities