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METRO

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Non-System License Application

**Application packet for new non-system
licenses, renewals, and change of
authorization requests**



METRO NON-SYSTEM LICENSE APPLICATION PACKET

**Issued:
April 2011**

METRO

This packet contains an explanation of what a non-system license is, who needs one, and how to apply for a new license, license renewal, or a change of authorization to an existing license. Also included in the packet are copies of the relevant section of the Metro Code and a non-system license application form.

Solid waste generated within the Metro boundary is generally disposed at transfer stations, material recovery facilities, or landfills that are part of the Metro solid waste system. Such facilities automatically collect the regional system fees and excise taxes that are necessary to support a regional disposal system that benefits all that live and work in the Metro area. Metro generally allows solid waste generated within the Metro region to be directed to facilities that are not part of the Metro system provided that:

1. A non-system license is obtained in accordance with the requirements contained in Metro Code section 5.05.035, and
2. All Metro regional system fees and excise taxes, as described below, are paid on the generated waste.

Non-System License

A non-system license is required of any waste hauler, solid waste generator, or other person who delivers solid waste generated within the Metro boundary to a disposal facility that has not been designated as part of the Metro solid waste system.

All solid waste facilities inside the Metro region must obtain a solid waste license or franchise to operate, and are thereby a part of the solid waste system. In addition, Metro has entered into designated facility agreements with several landfills and other solid waste facilities outside the region. A list of system facilities may be found in Metro Code Section 5.05.030. A non-system license authorizes the disposal of a specific type and amount of solid waste at a specific disposal facility. The licensee is obligated to report to Metro the tonnage of solid waste delivered to the non-system facility each month. The licensee is also obligated to remit to Metro the regional system fee and excise tax on each ton of waste delivered to a non-system facility.

Metro Fees and Taxes

The regional system fee and excise tax are used to support the regional solid waste system and to provide services of benefit to all residents of the region. Such services include the collection of household hazardous wastes and conditionally exempt generator waste, clean-up and investigation of illegal dumpsites and various other programs that help make a great place for the people and businesses of the Metro region.

Additional Information

In addition to the questions listed on the attached form, the applicant may be required to provide, in writing, such additional information concerning the proposed non-system license as the Metro Chief Operating Officer or Metro Council deems necessary or appropriate in order to determine whether or not to issue a non-system license.

To apply for a non-system license, please complete the attached application form and mail it, along with a check for the application fee, to:

Metro
Finance and Regulatory Services
600 NE Grand Ave
Portland, OR 97232-2736
503-797-1835



METRO

MAIL THIS APPLICATION TO:

DATE RECEIVED BY METRO:

Metro
Finance and Regulatory Services
600 NE Grand Avenue
Portland, OR 97232-2736
(503) 797-1835

Solid Waste License Application Non-System License

PART I – Standard Non-System License Application Information

Applicants applying for a new license, license renewal, or a change of authorization must provide the following information:

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

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

3. Applicant is a:

	Industrial solid waste generator
	Solid waste facility
	Construction/demolition contractor
	Solid waste hauler
	Other (Explain)

4.1. This application is for:

	A new license
	The renewal of an existing license
	A change of authorization to an existing license (describe below in Section 4.B.)

4.2. Explain the requested change in authorization (attach additional page if necessary).

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5. This application is for authority to deliver:

	More than 500 tons of solid waste annually
	500 tons or less of solid waste annually
	Solid waste from a limited duration project that will be completed within 120 days
	Solid waste that is exempt from the Metro Regional System Fee and Excise Tax pursuant to Metro Code Chapter 5.01.

6. Requested tonnage authorization:

(a) If applying for a new or renewed license, specify the annual tonnage authorization requested for the license:

(b) If applying for a limited duration license, specify the annual tonnage authorization requested for the license:

(c) If applying to change the tonnage authorization of an existing license, specify the annual tonnage authorization requested for the amended license:

7. Please check the box that corresponds to the type of license you are applying for and include the application fee with this form.

Type of License Application	New		Renewal		Change of authorization	
Standard - More than 500 tons annually*	\$1000		\$1000		\$250**	
Standard -500 tons or less annually*	\$500		\$100			
Limited Duration - 120 days or less	\$250					
Fee Exempt Waste	\$100		\$50			

**In the event that the license application is denied, Metro will refund a portion of the application fee in accordance with Metro Code Section 5.05.035(b).*

***If the requested change is for an existing license that authorizes 500 tons or less and the result of granting the application would give the applicant more than 500 tons of total authority under the amended license, then the license application fee is \$500.*

8. Description and location of the site or sites at which the solid waste proposed to be covered by the non-system license is generated.

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9. Type of solid wastes proposed to be covered by the non-system license. (Check all that apply)

	Putrescible waste
	Non-putrescible processing residual from a material recovery facility (This category does <u>not</u> include unprocessed non-putrescible waste)
	Special waste
	Fee exempt waste (This category includes source-separated food waste)
	Other (describe below in Section 10)

10.1. Please provide a description of the specific wastes you propose to deliver to a non-system facility.

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10.2. If applying for a license for source-separated food waste, provide an estimate of the annual tonnage amounts of the following wastes that will be delivered under the proposed license:

(a) Residential food waste mixed with yard debris:

(b) Commercial/business food waste:

11. What facts or circumstances do you believe warrant the issuance of a non-system license?

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12. Name and location of the non-system facilities at which the above listed solid waste is proposed to be disposed or processed.

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13. Licenses are ordinarily processed as quickly as possible. However, if you are applying for a limited-duration license for a particular project and would like to specify a preferred start date, please list that date below.

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14. If applicable, identify the facilities at which the above listed solid waste is presently being disposed or processed.

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15. What, if any, measures will be taken to recover or recycle materials from the waste prior to disposal?

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PART II – Standard Attachment to Non-System License Application

In accordance with Metro Code Section 5.05.035(c), the following additional factors are considered by Metro to determine whether or not to issue a non-system license. Applicants applying for a new license, license renewal, or a change of authorization must provide all of the following information in order for an application to be considered complete. Please note that the term “non-system facility” used below refers to the destination facility where the applicant intends to deliver the solid waste identified in this application.

1. Describe the degree to which prior uses of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;
2. Describe the record of regulatory compliance of the non-system facility’s owner and operator with federal, state, and local requirements, including but not limited to public health, safety and environmental rules and regulations;
3. Describe the adequacy of operational practices and management controls at the non-system facility;
4. Describe the expected impact on the region’s recycling and waste reduction efforts;
5. To the extent known to the applicant, describe the consistency of the designation with Metro’s existing contractual arrangements;
6. Describe the record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state, and local requirements, including but not limited to public health, safety and environmental rules and regulations;
7. Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination. Such other factors include, but are not limited to the following:
 - a. Explain the benefits and detriments, including impacts on ratepayers, accruing to residents of the region from Metro granting this request; and
 - b. Explain whether and how granting this request may affect the sustainability of the Metro region.

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 OF AUTHORIZED AGENT _____

PRINT NAME _____

TITLE _____

DATE _____ PHONE _____

EXCERPT FROM METRO CODE CHAPTER 5.05
(April 2009 Edition)

The following is an excerpt from the portion of the Metro Code that applies to applications for non-system licenses. The entire Code can be accessed from the Metro website at www.oregonmetro.gov.

5.05.035 License to Use Non-System Facility

A waste hauler or other person may transport solid waste generated within Metro to, or to utilize or cause to be utilized for the disposal or other processing of any solid waste generated within Metro, any non-system facility only by obtaining a non-system license in the manner provided for in this Section 5.05.035.

Applications for non-system licenses for Non-putrescible waste, Special waste and Cleanup Material Contaminated By Hazardous Substances shall be subject to approval or denial by the Chief Operating Officer. Applications for non-system licenses for Putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council.

(a) **Application for License.** Any waste hauler or other person desiring to obtain a non-system license shall make application to the Chief Operating Officer, which application shall be filed on forms or in the format provided by the Chief Operating Officer. Applicants may apply for a limited-duration non-system license which has a term of not more than 120 days and is not renewable. An application for any non-system license shall set forth the following information:

- (1) The name and address of the waste hauler or person making such application;
- (2) The location of the site or sites at which the solid waste proposed to be covered by the non-system license is to be generated;
- (3) The nature of the solid waste proposed to be covered by the non-system license;
- (4) The expected tonnage of the solid waste proposed to be covered by the non-system license:
 - (A) The total tonnage if the application is for a limited duration non-system license; or
 - (B) The annual tonnage if the application is for any other non-system license;
- (5) A statement of the facts and circumstances which, in the opinion of the applicant, warrant the issuance of the proposed non-system license;
- (6) The non-system facility at which the solid waste proposed to be covered by the non-system license is proposed to be transported, disposed of or otherwise processed; and
- (7) The date the non-system license is to commence; and, for limited duration non-system licenses, the period of time the license is to remain valid not to exceed 120 days.

In addition, the Chief Operating Officer may require the applicant to provide, in writing, such additional information concerning the proposed non-system license as the Chief Operating Officer deems necessary or appropriate in order to determine whether or not to issue the proposed non-system license.

An applicant for a non-system license that authorizes the licensee to transport non-putrescible waste that has not yet undergone material recovery, is not processing residual, and originated or was generated within Metro boundaries shall provide documentation that the non-system facility is in substantial compliance with the facility performance standards, design requirements and operating requirements adopted pursuant to Metro Code Chapter 5.01.132 for non-putrescible waste material recovery

facilities. Any applicant or licensee that is authorized or seeks to deliver non-putrescible waste to a non-system facility after December 31, 2008, must demonstrate that the non-system facility will be in substantial compliance with the material recovery requirements in Metro Code Section 5.01.125.

(b) Every application shall be accompanied by payment of an application fee, part of which may be refunded to the applicant in the event that the application is denied, as provided in this section. The following application fees shall apply:

- (1) For an application for a limited duration non-system license, the application fee shall be two hundred fifty dollars (\$250), no part of which shall be refunded to the applicant in the event that the application is denied.
- (2) For an application for a non-system license seeking authority to deliver no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be five hundred dollars (\$500), two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250); provided, however, that if the result of granting the application would be to give the applicant the authority to deliver more than 500 tons of solid waste per year to a non-system facility, the application fee shall be \$500, two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. An application for renewal of a non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility shall be one hundred dollars (\$100).
- (3) For all applications for a non-system license seeking authority to deliver more than 500 tons of solid waste per year to a non-system facility, whether they be new applications or applications for the renewal of existing licenses, the application fee shall be one thousand dollars (\$1,000), five hundred dollars (\$500) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250).
- (4) For an application for a non-system license seeking to deliver solid waste that is exempt from paying the Metro fees described in Section 5.01.150, the application fee shall be one hundred dollars (\$100) as well as a fifty dollar (\$50) fee to either renew or amend such licenses.

(c) Factors to Consider To Determine Whether to Issue Non-System License. The Chief Operating Officer or Metro Council, as applicable, shall consider the following factors to the extent relevant to determine whether or not to issue a non-system license:

- (1) The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;
- (3) The adequacy of operational practices and management controls at the non-system facility;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The consistency of the designation with Metro's existing contractual arrangements;

- (6) The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations; and
 - (7) Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.
- (d) Timetables To Determine Whether to Issue a Non-System License.
- (1) Non-system licenses for Non-putrescible waste, Special waste, Cleanup Material Contaminated By Hazardous Substances, or any other solid waste other than Putrescible waste.
 - (A) New licenses. The Chief Operating Officer shall determine whether or not to issue the non-system license and shall inform the applicant in writing of such determination within 60 days after receipt of a new completed application, including receipt of any additional information required by the Chief Operating Officer in connection therewith.
 - (B) License renewals. An application for renewal of an existing non-system license shall be substantially similar to the existing non-system license with regard to waste type, quantity and destination. A holder of a non-system license shall submit a completed application to renew the license at least 60 days prior to the expiration of the existing non-system license, including receipt of any additional information required by the Chief Operating Officer in connection therewith. The Chief Operating Officer shall determine whether or not to renew the non-system license and shall inform the applicant in writing of such determination prior to the expiration of the existing non-system license. The Chief Operating Officer is not obligated to make a determination earlier than the expiration date of the existing license even if the renewal request is filed more than 60 days before the existing license expires.
 - (2) Non-system licenses for Putrescible waste. The Chief Operating Officer shall formulate and provide to the Council recommendations regarding whether or not to issue or renew a non-system license for Putrescible waste. If the Chief Operating Officer recommends that the non-system license be issued or renewed, the Chief Operating Officer shall recommend to the council specific conditions of the non-system license.
 - (A) New licenses. The Council shall determine whether or not to issue the non-system license and shall direct the Chief Operating Officer to inform the applicant in writing of such determination within 120 days after receipt of a completed application for a non-system license for Putrescible waste, including receipt of any additional information required by the Chief Operating Officer in connection therewith.
 - (B) License renewals. An application for renewal of an existing non-system license shall be substantially similar to the existing non-system license with regard to waste type, quantity and destination. A holder of a non-system license shall submit a completed application to renew the license at least 120 days prior to the expiration of the existing non-system license, including receipt of any additional information required by the Chief Operating Officer in connection therewith. The Council shall determine whether or not to renew the non-system license and shall inform the applicant in writing of such determination prior to the expiration of the existing non-system license. The Council is not obligated to make a

determination earlier than the expiration date of the existing license even if the renewal request is filed more than 120 days before the existing license expires.

- (3) At the discretion of the Chief Operating Officer or the Council, the Chief Operating Officer or Council may impose such conditions on the issuance of a new or renewed non-system license as deemed necessary or appropriate under the circumstances.

(e) Issuance of Non-System License; Contents. Each non-system license shall be in writing and shall set forth the following:

- (1) The name and address of the waste hauler or other person to whom such non-system license is issued;
- (2) The nature of the solid waste to be covered by the non-system license;
- (3) The maximum total, weekly, monthly or annual quantity of solid waste to be covered by the non-system license;
- (4) The non-system facility or facilities at which or to which the solid waste covered by the non-system license is to be transported or otherwise processed;
- (5) The expiration date of the non-system license, which date shall be not more than:
 - (A) 120 days from the date of issuance for a limited-duration non-system license;
 - (B) Three years from the date of issuance for a new full-term license; and
 - (C) Two years from the date of issuance of a renewed full-term non-system license.
- (6) Any conditions imposed by the Chief Operating Officer as provided above which must be complied with by the licensee during the term of such non-system license, including but not limited to conditions that address the factors in Section 5.05.035(c).

(f) Requirements to be met by License Holder. Each waste hauler or other person to whom a non-system license is issued shall be required to:

- (1) Maintain complete and accurate records regarding all solid waste transported, disposed of or otherwise processed pursuant to the non-system license, and make such records available to Metro or its duly designated agents for inspection, auditing and copying upon not less than three days written notice from Metro;
- (2) Report in writing to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, the number of tons of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month; and
- (3) Pay to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, a fee equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste transported, disposed or

otherwise processed pursuant to such non-system license during the preceding month.

- (4) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated outside the Metro boundary, the load in its entirety shall be reported to Metro by the non-system licensee as having been generated within the Metro boundary and the Regional System Fee and Excise Tax shall be paid on the entire load unless the licensee provides Metro with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary, or unless Metro has agreed in writing to another method of reporting.

(g) Failure to Comply with Non-System License. In the event that any waste hauler or other person to whom a non-system license is issued fails to fully and promptly comply with the requirements set forth in Section 5.05.035(e) above or any conditions of such non-system license imposed pursuant to Section 5.05.035(c), then, upon discovery of such non-compliance, the Chief Operating Officer shall issue to such licensee a written notice of non-compliance briefly describing such failure. If, within 20 days following the date of such notice of non-compliance or such longer period as the Chief Operating Officer may determine to grant as provided below, the licensee fails to:

- (1) Demonstrate to the satisfaction of the Chief Operating Officer either that the licensee has at all times fully and promptly complied with the foregoing requirements and the conditions of such non-system license or that the licensee has fully corrected such non-compliance; and
- (2) Paid in full, or made arrangements satisfactory to the Chief Operating Officer for the payment in full of, all fines owing as a result of such non-compliance;

Then, and in such event such non-system license shall automatically terminate, effective as of 5:00 p.m. (local time) on such 20th day or on the last day of such longer period as the Chief Operating Officer may determine to grant as provided below. If, in the judgment of the Chief Operating Officer, such non-compliance cannot be corrected within such 20-day period but the licensee is capable of correcting it and within such 20-day period diligently commences such appropriate corrective action as shall be approved by the Chief Operating Officer, then and in such event such 20-day period shall be extended for such additional number of days as shall be specified by the Chief Operating Officer in writing, but in no event shall such the local period as so extended be more than 60 days from the date of the notice of non-compliance.

(h) Notwithstanding any other provision in this section, and unless contrary to any other applicable law, the Chief Operating Officer shall not accept any application for a new non-system license for mixed putrescible solid waste until September 2, 2008. Neither the Chief Operating Officer nor the Metro Council shall issue a new non-system license for mixed putrescible solid waste whose term commences before January 1, 2009.

(Ordinance No. 89-319. Amended by Ordinance No. 91-388; Ordinance No. 01-917, Sec. 9; Ordinance No. 02-979, Sec. 2; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-992B, Sec. 1; Ordinance No. 03-1019, Sec. 4; Ordinance No. 06-1098B, Sec. 3; Ordinance No. 06-1105; Ordinance No. 07-1138, Sec. 5; Ordinance No. 07-1139, Sec. 3; Ordinance No. 07-1161, Sec. 2; Ordinance No. 07-1147B, Sec. 11.)

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