



METRO

www.oregonmetro.gov

SOLID WASTE FACILITY FRANCHISE APPLICATION

Food Waste Processing

Food waste processing activities include but are not limited to composting, anaerobic digestion and fermentation.

Application packet for new franchises, franchise renewals, changes of authorization, or changes in ownership for food waste processing facilities.



METRO

METRO SOLID WASTE FACILITY FRANCHISE APPLICATION PACKET

**Issued:
July 2014**

This packet contains an application for a Metro Solid Waste Facility Franchise. 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.oregonmetro.gov.

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 Franchise

Applicants seeking a new Metro Solid Waste Facility Franchise must first participate in a pre-application conference prior to submitting a final application form. The purpose of the pre-application conference is to obtain a description of the proposed solid waste facility and provide the applicant with information regarding the applicable requirements for the proposed operation. The conference also provides the applicant with an opportunity to discuss the application process and to identify any potential issues specific to its proposal. 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 Compliance and Cleanup Division at (503) 797-1835.

After completing the pre-application conference, applicants seeking a new franchise must submit to Metro a completed *Solid Waste Facility Franchise Application* form and provide all additional information as required. Metro will generally grant or deny a new franchise application within 120 days after the filing of a complete application. The fee for filing a franchise application is \$500. See Metro Code Chapter 5.01 for more information regarding the issuance of franchises.

Renewal of an Existing Franchise

Applicants seeking to renew an existing franchise without substantive changes to the current authorization must submit a completed *Solid Waste Facility Franchise Application* form and provide all additional information as required unless otherwise directed by Metro staff. Franchise renewal applications must be submitted not less than 120 days prior to expiration of the existing franchise. Failure to submit applications in a timely fashion may result in a lapse of authority to operate. The fee for filing a franchise renewal application is \$500. See Metro Code Chapter 5.01 for more information regarding the renewal of franchises.

Change of Authorization to an Existing Franchise

Applicants seeking a change in authorization of an existing franchise (other than a renewal) must submit to Metro a completed *Solid Waste Facility Franchise Application* form and provide all additional information as required unless otherwise directed by Metro staff. The applicant shall not implement the requested change of authorization until it has been approved by Metro in writing. The fee for filing a change of authorization application is \$100. See Metro Code Chapter 5.01 for more information regarding changes of authorization for franchises.

Transfer of Ownership or Control of an Existing Franchise

Applicants seeking to transfer ownership or control of an existing franchise must submit to Metro a completed *Solid Waste Facility Franchise Application* form and provide all additional information as required unless otherwise directed by Metro staff. The applicant may not transfer ownership or control of an existing Franchise until it has been approved by Metro. See Metro Code Chapter 5.01 for more information regarding transfer of ownership for franchises.



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 Facility Franchise Application

Food Waste Processing

(Including but not limited to composting and anaerobic digestion and fermentation)

PART 1 - Standard Franchise Application Information

Applicants applying to operate a solid waste facility must provide the following information:

1. Type of Application (please check one)	
<input type="checkbox"/>	New franchise Date of Pre-Application Conference: _____
<input type="checkbox"/>	Renewal of an existing franchise Solid Waste Facility Franchise No. _____
<input type="checkbox"/>	Change of authorization to an existing franchise (other than a renewal) Please describe the proposed change below in Section 2.
<input type="checkbox"/>	Transfer of ownership or control of an existing franchise Please describe the proposed change below in Section 4.

2. If seeking a change of authorization to an existing franchise, please explain the proposed change below (attach additional pages if necessary). Complete all remaining sections of this form as they pertain to the request.

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

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

5. Site Operator (if different from Franchisee)	
Company Name:	
Contact Person:	
Street Address:	
Mailing Address:	
City/State/Zip:	
Phone Number:	
Fax Number:	
E-mail Address:	

6. Site Description			
Tax Lot(s):	Section:	Township:	Range:

7. Land Use		
Present Land Use Zone:		
Is proposed use permitted outright?	<input type="checkbox"/> Yes If yes, attach a copy of the <i>Land Use Compatibility Statement</i> (see Attachment E).	<input type="checkbox"/> No
Is a conditional use permit necessary for the facility?	<input type="checkbox"/> Yes If yes, attach a copy of the <i>Conditional Use Permit</i>	<input type="checkbox"/> No
Are there any land use issues presently pending with the site?	<input type="checkbox"/> Yes If yes, please explain the land use issues below.	<input type="checkbox"/> No
Description of the pending land use issues identified above:		
Are any DEQ permits required?	<input type="checkbox"/> Yes If yes, please list all DEQ permits below and attach copies with this application (see Attachment F).	<input type="checkbox"/> No
Listing of all required DEQ permits:		
Are any other local permits required?	<input type="checkbox"/> Yes If yes, please list all other required permits below and attach copies with this application (see Attachment G).	<input type="checkbox"/> No
Listing of other required permits:		

8. 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 no, please complete this section and attach a completed <i>Property Use Consent Form</i> (see Attachment I).
Property Owner:		

Mailing Address:	
City/State/Zip:	
Phone Number:	

9. Public/Commercial Operations		
Will the facility be open to the public (i.e., non-commercial self-haul customers)?	<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/feedstocks from outside the boundary of Metro?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

10. Operating Hours and Traffic Volume			
	Public (non-commercial self-haul)	Commercial Affiliated	Commercial Non-Affiliated
Operating Hours			
Estimated Vehicles Per Day			

11. Inbound Waste/Feedstock by Type				
Identify the types of waste/feedstock and annual tonnage amounts of each that are expected to be received at the facility. Also, identify how each waste stream will be managed and the expected tip fees that will be posted at the facility (attach additional pages if necessary).				
Waste/Feedstock Type	Accepted at Facility	Expected Annual Tonnage Amount	Type of Activity to be Performed on Waste	Expected Tip Fee (per Ton)
Source-Separated Wood:	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Source-Separated Yard Debris:	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Source-Separated Residential Food Waste Mixed with Yard Debris:	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Source-Separated Food Waste:	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Inerts (e.g., rock, concrete, etc.):	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Waste/Feedstocks (please specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Waste/Feedstocks (please specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No			

12. Inbound Waste/Feedstock by Generator

Identify the expected annual tonnage amount of waste/feedstock that will be received and recovered at the facility from the following types of generators.

Generator	Tons Received	Tons Recovered	Tons Residual
Agricultural:			
Commercial:			
Industrial:			
Residential:			
TOTAL TONS:			

13. Outbound Waste, Products, and By-Products

List the expected destination and amount of each type of outbound solid waste, products or by-products to be transferred from the facility (attach additional pages if necessary).

Destination Site	Waste/Product/By-Product Type	Expected Annual Tonnage	Purpose of Delivery*

**For example: disposal, recovery, land reclamation, beneficial use, etc*

4. Subcontractors

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

NAME	ADDRESS	FUNCTION

PART 2 – Standard Attachments to Franchise Application (Franchise application continued)

- All of the following attachments (Attachments A – K) are required for new applications and must be submitted in order for a franchise 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 seeking to renew an existing franchise without substantive changes to the current authorization must submit a completed *Solid Waste Facility Franchise Application* form and provide all additional information as required unless otherwise directed by Metro staff.

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 location of the following items must be provided on the site plan:

- (1) Boundaries of the facility.
- (2) Property boundaries, if different.
- (3) 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) all proposed buildings and structures to include: intake, processing, and product/by-product storage.
 - d) sorting line and other major materials recovery equipment
 - e) fencing and gates
 - f) access roads
 - g) paved areas.
 - h) vegetative buffer zones and berms

(4)	All receiving, processing, reload and storage areas, as applicable, for solid waste, source-separated recyclable materials, yard debris, recovered materials, product/by-products, waste residuals, exterior stockpiles, hazardous waste, and other materials.
(5)	All exterior material stockpile footprints, material types stored outside, and maximum height of each stockpile.
(6)	Load checking areas.
(7)	Prohibited waste storage areas. Containment areas shall be covered and enclosed and constructed to prevent leaking and contamination.
(8)	Identification of on-site traffic flow patterns.
(9)	The location of all commercial and residential structures within a one mile radius of the composting facility, identified on a map or aerial photograph.
(10)	The prevailing wind direction, by season, identified on a map or aerial photograph.
(11)	Facility signage. Facility signs must display all of the information required by Metro and be posted at all public entrances to the facility, and in conformity with local government signage regulations.

ATTACHMENT B: FACILITY DESIGN PLAN AND REPORT

The applicant shall submit a facility design plan and/or report to address the following:

- (1) **Submit a narrative that includes a description of the following:**
 - a) Facility overview.
 - b) Key assumptions for economic viability.
 - c) Facility design and technology.
 - d) Buildings and major equipment (existing and proposed).
 - e) Construction timeline.
 - f) Types of wastes to be processed.
 - g) Feedstock receiving procedures.
 - h) Feedstock pretreatment and contaminant removal procedures and equipment.
 - i) Processing: digestion process and methane recovery, fermentation or composting process.
 - j) Dewatering and liquids management (as applicable for anaerobic digestion or fermentation facilities).
 - k) Digestate fiber management (as applicable for anaerobic digestion or fermentation facilities).
 - l) Residuals management.
 - m) Pathogen reduction / control procedures.
 - n) Biogas storage, conditioning and power and/or fuel generation (for anaerobic digestion or fermentation facilities).
 - o) Monitoring, quality control and testing.
- (2) **Dust, odor, airborne debris and litter.**
 - a) Submit a proposed design or existing design plan that identifies the location of all areas for load checking, receiving/tipping, mixing, processing, curing and storage for all materials. Provide locations for compost piles/windrows, digestion, fermentation, aeration systems including biofilters or enclosed structures to prevent odors from being detected offsite.
 - b) Describe control measures to prevent odors, 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 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 odor, dust, windblown materials, airborne debris, litter and for the handling of the waste and waste by-products in the case of major processing facility breakdown.

(3) 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 food wastes and materials that will be delivered to and generated by the facility.
- b) Provide the estimated capacity (cubic yards and tons) of the facility storage area(s) for incoming solid waste waiting to be processed, the estimated capacity (cubic yards and tons) for storage of recovered materials or products, and the estimated capacity (cubic yards and tons) for storage of processing residual and other by-products.

(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: OPERATING PLAN

The applicant is required to develop and submit an operating plan for Metro review and approval. 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 franchise application and must be amended if subject to any additional elements required in the franchise - if one is approved and issued. The operating plan shall describe at a minimum:

- (1) The types of materials to be accepted and handled at the facility.
- (2) Methods of measuring and keeping records of incoming materials.
- (3) A detailed description of how you will distinguish and manage loads of incoming materials.
- (4) 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.
- (5) Procedures for processing and storage of loads. The operating plan shall establish procedures for:
 - a) Processing of all authorized materials. Include the methods and equipment to be used on site (e.g., pre-processing, sorting lines, hand picking, magnets, and other major processing equipment.)
 - b) Reloading and transfer of authorized materials.
 - c) Managing stockpiles.
 - d) Storing authorized materials
 - e) Minimizing storage times and avoiding delay in processing and managing of all authorized materials and recovered materials.
- (6) Describe the general markets for the materials recovered and processed at the facility.

- | | |
|------|--|
| (7) | 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: <ul style="list-style-type: none"> a) Hazardous wastes. b) Other prohibited solid wastes (e.g., putrescible waste other than source separated food 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. |
| (8) | Procedures for rejecting or managing loads of food waste that are contaminated with plastic or other non-biodegradable wastes. The operating plan shall describe procedures for rejecting, managing, reloading and transporting to appropriate facilities or disposal sites: <ul style="list-style-type: none"> a) Loads contaminated with plastics and other non-biodegradable waste. b) Processed material that due to concentrations of contaminants cannot be further processed or marketed and must be disposed. |
| (9) | 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: <ul style="list-style-type: none"> c) A management plan that will be used to monitor and manage all objectionable odors of any derivation including malodorous loads delivered to the facility. d) 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. |
| (10) | Procedures for emergencies. The operating plan shall describe procedures to be followed in case of fire or other emergency. |
| (11) | 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. |
| (12) | Procedures for fire prevention, protection, and control measures used at the facility. |
| (13) | Procedures for pathogen reduction and pathogen testing on end products and by-products. |

ATTACHMENT D: INSURANCE

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

- | | |
|-----|--|
| (1) | The most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis. The policy must include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. |
| (2) | Automobile bodily injury and property damage liability insurance. |
| (3) | Insurance coverage shall be a minimum of \$1,000,000 per occurrence and \$1,000,000 aggregate |
| (4) | Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSUREDS. |
| (5) | Certification of Workers' Compensation insurance including employer's liability. If the Franchisee 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. |

ATTACHMENT E: LAND USE COMPATIBILITY STATEMENT (LUCS)

The following information must be provided:

A copy of a completed Metro LUCS or DEQ LUCS. Metro LUCS is available at www.oregonmetro.gov.

ATTACHMENT F: 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 G: 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 H: 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 Franchise. 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 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 I: PROPERTY USE CONSENT FORM

If required by Section 9 of Part 1 of this application. Form is available at www.oreognmetro.gov.

ATTACHMENT J: APPLICANT QUALIFICATIONS AND EXPERIENCE

Provide a written description of the experience and qualifications of the facility owner and operator. Attach as many additional pages as needed.

ATTACHMENT K: ADDITIONAL FACTORS FOR METRO COUNCIL CONSIDERATION

The following information must be provided (see Metro Code Section 5.01.070(f)).

- 1) Describe how or why the proposed facility and activities will be consistent with the Regional Solid Waste Management Plan.
- 2) If a franchise is granted, provide an analysis of the effect that the facility have on the cost of solid waste disposal and recycling services for the citizens of the Metro region.
- 3) Discuss why the proposed facility would be unlikely to unreasonably adversely affect the health, safety and welfare of Metro’s residents.
- 4) Discuss why the proposed facility would be unlikely to unreasonably adversely affect nearby residents, property owners or the existing character or expected future development of the surrounding neighborhood.
- 5) Describe how or why the proposed facility applicant will comply with all of the requirements and standards of Metro Code Chapter 5.01, the administrative rules and performance standards adopted pursuant to Section 5.01.132, and other applicable local, state, and federal laws rules, regulations, ordinances, orders, and permits pertaining in any manner to the proposed franchise.

PUBLIC NOTICE AND CONFIDENTIAL INFORMATION

This application for the proposed solid waste facility is subject to Metro’s public notice procedures. Metro will notify the public of all complete license and franchise applications that are received by Metro and provide an opportunity for the public to review and comment on the proposed application. Such public notice may include, but not limited to, the posting of the complete license or franchise application on Metro’s website.

The applicant may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the applicant that are directly related to the proposed application and that are submitted to or reviewed by Metro. The applicant 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 the applicant as confidential, Metro shall provide the applicant written notice of the request. The applicant 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. The applicant 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. These conditions shall not 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.

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 _____

TITLE _____

PRINT NAME _____

DATE _____ PHONE _____

M:\rem\regaff\projects\Forms\Application Forms\Solid Waste Facility\Solid Waste Franchise Forms\Franchise_Food_Waste_APP_07302014.docx