



METRO

SOLID WASTE FACILITY LICENSE
No. L-026-16

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| LICENSEE: McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222 Telephone: (503) 659-4240 Fax: (503) 659-0237 | FACILITY NAME AND LOCATION: McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222 Telephone: (503) 659-4240 Fax: (503) 659-0237 |
| OPERATOR: McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222 Telephone: (503) 659-4240 Fax: (503) 659-0237 | PROPERTY OWNER: Dan McFarlane and Marjorie McFarlane Telephone: (503) 659-4240 Fax: (503) 659-0237 |

This license replaces and supersedes the provisions of Metro Solid Waste Facility License No. L-026-13A. Metro grants this license to the Licensee named above. The Licensee is authorized to operate and maintain a solid waste facility and to accept the solid waste and perform the activities authorized by and subject to the conditions stated in this license.

ISSUED BY METRO

Roy W. Brower
Solid Waste Compliance and Cleanup Director

Date



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| 1.0 | | ISSUANCE |
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| 1.1 | Licensee | McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222 |
| 1.2 | Contact | Dan McFarlane, President |
| 1.3 | License number | Metro Solid Waste Facility License Number L-026-16 |
| 1.4 | Term | The license term is from July 1, 2016, to June 30, 2021, unless amended, suspended, or revoked under Section 11.0. |
| 1.5 | Renewal | The Licensee may apply for a license renewal as provided in Metro Code Section 5.01. |
| 1.6 | Facility name and mailing address | McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222 |
| 1.7 | Operator | McFarlane's Bark, Inc. |
| 1.8 | Facility legal description | Tax Lot 00202-00400-00802-00803 Section 05, Township 25, Range 2E, W.M. City of Milwaukie, State of Oregon |
| 1.9 | Property owner | Dan McFarlane and Marjorie McFarlane |
| 1.10 | Permission to operate | The property owner is the owner/operator of the facility. |

| 2.0 | | CONDITIONS AND DISCLAIMERS |
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| 2.1 | Guarantees | This license does 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 | This license must not in any way limit Metro from granting other solid waste licenses within Metro's boundaries. |
| 2.3 | Property rights | This license does not convey any property rights in either real or personal property. |
| 2.4 | No recourse | The Licensee will have no recourse whatsoever against |



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| | | 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 Metro determines that the license or any part thereof is invalid. |
| 2.5 | Indemnification | Licensee must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses related to or arising out of the granting of this license or the Licensee's performance of or failure to perform any of the obligations under the license or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors. |
| 2.6 | Binding nature | This license is 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 Chief Operating Officer ("COO"). |
| 2.8 | Effect of waiver | Waiver of a term or condition of this license does 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 must be construed, applied, and enforced in accordance with the laws of the State of Oregon. |
| 2.10 | Enforceability | If a court of competent jurisdiction determines that any provision of this license is 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 | This license does not relieve any owner, operator, or the Licensee from the obligation to obtain all required permits, licenses, or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies. |
| 2.12 | License not limiting | This license does not limit the power of a federal, state, or local agency to enforce any provision of law relating to the facility. |
| 2.13 | Definitions | Unless otherwise specified, all other terms are as defined in |



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| | Metro Code Chapter 5.00. |
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| 3.0 | AUTHORIZATIONS | |
| 3.1 | General conditions on acceptable materials | The Licensee is authorized to accept at the facility only the solid wastes described in Section 3.0. The Licensee is prohibited from knowingly receiving any solid waste not authorized in this section. |
| 3.2 | General conditions on activities | The Licensee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0. |
| 3.3 | Acceptance 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. The Licensee may accept yard debris for processing, composting, the production of mulch, and use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO. |
| 3.4 | Acceptance of land clearing debris | The Licensee is authorized to accept land-clearing debris (e.g. brush and stumps). The Licensee may accept land clearing debris for processing, composting, use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO. |
| 3.5 | Acceptance of untreated wood | The Licensee is authorized to accept source-separated, untreated and unpainted wood waste (e.g. untreated lumber and wood pallets). The Licensee may accept untreated wood waste for processing, composting, for use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO. |
| 3.6 | Acceptance and management of painted wood and preservative treated wood | <ol style="list-style-type: none"> 1. The Licensee is authorized to accept painted and treated wood waste, other than creosote-treated wood waste, for grinding and reloading to authorized facilities for use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO. 2. The Licensee shall not incorporate painted or treated wood into compost feedstocks, mulch, animal bedding, or any other product unless otherwise described in an operating plan and approved in writing by the COO. |



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| | | 3. Painted and treated wood waste shall be kept separated at all times from yard debris and untreated wood waste destined for composting or mulch. Signs must clearly describe the different locations for painted and treated wood waste from other composting feedstock. |
| 3.7 | Production of hogged fuel | <p>1. The Licensee is authorized to accept and grind only yard debris, land clearing debris, untreated wood, painted wood, and treated wood for delivery to facilities with industrial boilers for use as hogged fuel.</p> <p>2. Licensee is prohibited from mixing any other solid waste with the wood wastes described above for the production of hogged fuel.</p> |
| 3.8 | Acceptance of inert materials | The Licensee is authorized to accept inert materials such as concrete, asphalt, rock and clean dirt for processing and reuse. |

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| 4.0 | LIMITATIONS AND PROHIBITIONS | |
| 4.1 | Pile height limitation | The Licensee must not stockpile or store yard debris, wood waste, compost, or other landscaping products in piles greater than 30 feet in height. |
| 4.2 | Prohibited waste | The Licensee is prohibited from receiving, processing, reloading or disposing of any solid waste not authorized in this license. The Licensee must not knowingly accept or retain any material amounts of the following types of wastes: non-putrescible or putrescible waste other than that specifically allowed in Section 3.0, special wastes as defined in Metro Code Chapter 5.02, creosote-treated wood or timbers, materials contaminated with or containing asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; any waste prohibited by the Oregon Department of Environmental Quality ("DEQ"). |
| 4.3 | Source-separated residential yard debris mixed with food waste | The Licensee must not knowingly accept or retain source-separated residential yard debris mixed with food waste from municipal curbside collection programs. |



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| 4.4 | No disposal of recyclable materials | The Licensee must not dispose of source-separated recyclable materials to a disposal site. |
| 4.5 | Limits not exclusive | This License must not 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. |

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| 5.0 | OPERATING CONDITIONS | |
| 5.1 | Qualified operator | <ol style="list-style-type: none"> 1. The Licensee must, 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. 2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this license and the relevant procedures contained within the facility's operating plan (see Section 6.0). 3. 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. |
| 5.2 | Fire prevention | The operator must 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. |
| 5.3 | Adequate vehicle accommodation | <p>The Licensee must:</p> <ol style="list-style-type: none"> 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. 2. Take reasonable steps to notify and remind persons delivering solid waste to the facility that all inbound and outbound vehicles must not: |



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| | | <ul style="list-style-type: none">a. Park or queue on public streets, roads, or easement areas except under emergency conditions or as provided by local traffic ordinances; andb. Obstruct access to adjacent properties and businesses. <p>3. Post signs to inform customers not to queue on public roadways.</p> <p>4. Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site tarping and untarping of loads that does not obstruct access to adjacent properties and businesses.</p> |
| 5.4 | Managing prohibited wastes | <ul style="list-style-type: none">1. The Licensee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when inadvertently received.2. The Licensee must maintain a load-checking program to prevent the acceptance of waste that is prohibited by the license. This program must include at a minimum:<ul style="list-style-type: none">a. Visual inspection. As each load is tipped, a qualified operator shall visibly inspect the load to prevent the acceptance of waste that is prohibited by the license.b. Containment area. The Licensee must provide a secured or isolated containment area for the storage of prohibited wastes that are inadvertently received. The Licensee must ensure containment areas are covered and enclosed to prevent leaking and contamination.c. Record maintenance. The Licensee must maintain records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste in the operating record and make the records available for review by Metro.3. Upon discovery, the Licensee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes that the Licensee inadvertently receives shall be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by the DEQ or local government. Putrescible waste not authorized in Section 3.0 of this license that is inadvertently received shall be suitably contained and removed from the site and transported to |



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| | | an appropriate destination within 24-hours of receipt. |
| 5.5 | Storage and exterior stockpiles | <p>The Licensee must:</p> <ol style="list-style-type: none">1. Manage, contain, and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards;2. Maintain storage areas in an orderly manner and keep the areas free of litter;3. Manage stockpiles to ensure that they remain within the authorized volumes and pile heights;4. Position exterior stockpiles within footprints identified on the facility site plan or operating plan; and5. Not stockpile recovered or source-separated materials for longer than 180 days (6 months). |
| 5.6 | Dust, airborne debris, and litter | <ol style="list-style-type: none">1. The Licensee must operate the facility in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and will prevent its migration beyond property boundaries.2. The Licensee must:<ol style="list-style-type: none">a. 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.b. 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.c. 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.d. 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.e. Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud, gravel or other debris off-site. Provide access to |



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| | | <p>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, must 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 Metro Code Chapter 5.09.</p> |
| 5.7 | Odor | <ol style="list-style-type: none">1. The Licensee must operate the facility in a manner that prevents the generation of odors that are detectable off-site.2. The Licensee must maintain and follow procedures in the operating plan for minimizing odor at the facility. |
| 5.8 | Vectors (e.g., birds, rodents, insects) | <ol style="list-style-type: none">1. The Licensee must operate the facility in a manner that is not conducive to harborage of rodents, birds, insects, or other animals capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.2. If vectors are present or detected at the facility, the Licensee must implement vector control measures. |
| 5.9 | Noise | <p>The Licensee must 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> |
| 5.10 | Water quality | <p>The Licensee must operate the facility consistent with an approved DEQ stormwater management plan (or equivalent), and must:</p> <ol style="list-style-type: none">a. Operate and maintain the facility to minimize contact of solid wastes with storm water runoff and precipitation; andb. Dispose of or treat water contaminated by solid waste onsite in a manner complying with local, state, and federal laws and regulations. |
| 5.11 | Access control | <p>The Licensee must control public access to the facility as necessary to prevent unauthorized entry and dumping.</p> |
| 5.12 | Signage | <p>The Licensee must 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,</p> |



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| | | <p>and legible from off-site during all hours and must contain at least the following information:</p> <ul style="list-style-type: none">a. Name of the facility;b. Address of the facility;c. Telephone number for the facility;d. Emergency telephone number for the facility if different than that listed in subsection (c) above;e. Operating hours during which the facility is open for the receipt of authorized waste;f. Fees and charges;g. Metro's name and telephone number (503) 234-3000;h. A list of authorized and prohibited wastes;i. Vehicle/traffic flow information or diagram;g. Covered load requirements; andh. Directions to not queue on public roadways or obstruct access to adjacent properties and businesses. |
| 5.13 | Complaints | <ul style="list-style-type: none">1. The Licensee must respond to all nuisance complaints in a timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and must 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.2. If Licensee receives a complaint, Licensee must:<ul style="list-style-type: none">a. 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); andb. Log all such complaints as provided in the record keeping and reporting requirements of this license. Each log entry shall be retained for one year and shall be available for inspection by Metro. |
| 5.14 | Access to license document | <p>The Licensee must 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> |



| 6.0 | OPERATING PLAN | |
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| 6.1 | Plan compliance | The Licensee must operate the facility in accordance with an operating plan approved in writing by the COO. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this license. The Licensee may amend the operating plan from time to time, subject to written approval by the COO. |
| 6.2 | Plan maintenance | The Licensee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The Licensee shall submit revisions of the operating plan to the COO for written approval prior to implementation. |
| 6.3 | Access to operating plan | The Licensee must 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. |
| 6.4 | Procedures for inspecting loads | The operating plan must establish: <ul style="list-style-type: none">a. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; andb. A set of objective criteria for accepting and rejecting loads. |
| 6.5 | Procedures for processing and storage of loads | The operating plan must 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. |
| 6.6 | Procedures for managing prohibited wastes | <ol style="list-style-type: none">1. The operating plan must 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.2. In addition, the operating plan shall establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in |



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| | | drop boxes or other collection containers destined for the facility. |
| 6.7 | Procedures for odor prevention | <p>The operating plan must include an odor control plan that establishes procedures for preventing all objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include:</p> <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;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.c. Additional odor-minimizing measures which must, at a minimum, include a description of the:<ul style="list-style-type: none">(1) Measures that the facility will use to prevent, and if necessary, address anaerobic conditions in the compost pile; and(2) Methods that the facility will use to monitor and maintain the appropriate temperature and moisture content of the compost pile.d. Procedures for avoiding delay in processing and managing landscape waste and yard debris during all weather conditions.e. Methods for taking into consideration the following factors prior to turning or moving composted material:<ul style="list-style-type: none">(1) Time of day;(2) Wind direction;(3) Moisture content;(4) Estimated odor potential; and(5) Degree of maturity. |
| 6.8 | Procedures for dust prevention | <p>The operating plan must establish procedures for minimizing and mitigating the generation of dust on-site and preventing its migration beyond the property boundaries. The plan must include:</p> <ul style="list-style-type: none">a. A management plan that will be used to monitor and manage dust of any derivation; andb. Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust |



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| | | emissions, and remedying promptly any dust problem at the facility. |
| 6.9 | Procedures for managing vehicular traffic | The operating plan must establish procedures for managing traffic flow on site to ensure that: a. There is an orderly egress and ingress of vehicular traffic when the facility is in operation; and b. The facility's vehicle traffic does not obstruct access to adjacent properties and businesses. |
| 6.10 | Procedures for emergencies | The operating plan must establish procedures to be followed in case of fire or other emergency. |
| 6.11 | Procedures for nuisance complaints | 1. For every nuisance complaint (e.g. odor, dust, vibrations, litter) received, the Licensee must 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). 2. The Licensee must make records of such information available to Metro and local governments upon request. The Licensee shall retain each complaint record for a period of not less than one year. |
| 6.12 | Closure protocol | The Licensee must establish protocol for closure and restoration of the site in the event of a cessation of operations as provided in Metro Code Chapter 5.01 including: a. Short term closure (duration of time that is more than seven consecutive days but less than 30 consecutive days in length); and b. Long term closure (duration of time that is 30 consecutive days or more in length). |
| 6.13 | Financial assurance | The Licensee has certified that the cost to implement a closure plan will be less than \$10,000, therefore the financial assurance requirement is waived as provided in Metro Code Chapter 5.01 |



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| 7.0 | FEES AND RATE SETTING | |
| 7.1 | Annual fee | The Licensee must 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. |
| 7.2 | Rates not regulated | The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro. |
| 7.3 | Metro fee and tax imposed on disposal | The Licensee is liable for payment of the Metro Regional System Fee, as provided in Metro Code Title V, and the Metro Excise Tax, as provided in Metro Code Title VII, on all solid wastes delivered to a disposal site. |

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| 8.0 | RECORD KEEPING AND REPORTING | |
| 8.1 | Record keeping requirements | For all solid waste and materials the Licensee is authorized to receive under Section 3.0 of this license, including yard debris, the Licensee must keep and maintain accurate records of the amount of such materials the Licensee receives, recovers, recycles, reloads, disposes, and the quantity of product produced at the facility. |
| 8.2 | Reporting requirements | Licensee must transmit to Metro the records required under Section 8.0 no later than fifteen days following the end of each month in the form and format prescribed by Metro. |
| 8.3 | DEQ submittals | Licensee must 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. |
| 8.4 | Copies of enforcement actions provided to Metro | Licensee must send to Metro, upon receipt, copies of any notice of violation or noncompliance, 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. |
| 8.5 | Unusual occurrences | 1. The Licensee must 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 |



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| | | <p>implementing emergency procedures.</p> <p>2. If a breakdown of the Licensee's equipment occurs that will substantially impact the ability of the facility to remain in compliance, or create off-site impacts, the Licensee must notify Metro within 24-hours.</p> <p>3. The Licensee must 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.</p> |
| 8.6 | Changes in ownership | The Licensee may not lease, assign, mortgage, sell or otherwise transfer control of the license unless the Licensee follows the requirements of Metro Code Chapter 5.01. |

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| 9.0 | INSURANCE REQUIREMENTS | |
| 9.1 | General liability | The Licensee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than \$1,000,000 per occurrence. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. Contractor's coverage will be primary as respects Metro. |
| 9.2 | Automobile | The Licensee shall carry automobile bodily injury and property damage liability insurance with a combined single limit of \$1,000,000. |
| 9.3 | Additional insureds | Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED on the Commercial General Liability and automobile insurance policies. |
| 9.4 | 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 must 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. |



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| 9.5 | Notification | The Licensee must give at least 30 days written notice to the COO of any lapse or proposed cancellation of insurance coverage. |
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| 10.0 | ENFORCEMENT | |
| 10.1 | Generally | Enforcement of this license must be as specified in Metro Code. |
| 10.2 | 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. |
| 10.3 | No enforcement limitations | Nothing in this license may 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 will 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. |
| 10.4 | Penalties | Each violation of a license condition will be punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation. |

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| 11.0 | AMENDMENT, SUSPENSION, AND REVOCATION | |
| 11.1 | Amendment | At any time during the term of the license, either the COO or the Licensee may propose amendments or modifications to this license. The COO has the authority to approve or deny any such amendments provided that the activities authorized in the amended license do not require a Metro Solid Waste Facility Franchise under Metro Code Chapter 5.01. When applicable, the Licensee must comply with Metro Code Chapter 5.01. No amendment pursuant to this section will be effective unless in writing and executed by the COO. |



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| 11.2 | Amendment, suspension or revocation by Metro | <p>The COO may, at any time before the expiration date, amend, 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; andi. At any time before the expiration date, revoke this license upon request of the Licensee or in the event of a long term closure of the facility as described in Section 6.12(b). |
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| 12.0 GENERAL OBLIGATIONS | | |
| 12.1 | Compliance with law | <p>Licensee must 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 must be deemed part of this license as if specifically set forth herein. Such conditions and permits include those cited within or</p> |



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| | | 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. |
| 12.2 | Deliver waste to appropriate destinations | The Licensee must 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; |
| 12.3 | Right of inspection and audit | <ol style="list-style-type: none">1. Authorized representatives of Metro may take photographs, collect samples of materials, and perform such inspection or audit as the COO 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).2. Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law.3. Subject to the confidentiality provisions in Section 12.4 of this license, Metro's right to inspect includes 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. |
| 12.4 | 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 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 will 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 will provide Licensee written notice of the request. Licensee will have |



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| | | <p>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 must 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 12.0 will 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> |
| 12.5 | Compliance by agents | <p>The Licensee is responsible for ensuring that its agents and contractors operate in compliance with this license.</p> |