600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

SOLID WASTE FACILITY LICENSE

No. L-183-17B

LICENSEE:	FACILITY NAME AND LOCATION:
Tidewater Barge Lines P.O. Box 1210 Vancouver, WA 98666 (360) 693-1491	Sundial Marine Construction & Repair 5605 NE Sundial Rd Troutdale, OR 97060-9504 (360) 693-1491
OPERATOR:	**PROPERTY OWNER:**
Global Diving & Salvage, Inc. 3840 W Marginal Way SW Seattle, WA 98106 (206) 623-0621	Hickey Family Companies 5701 SE Columbia Way, Ste 200 Vancouver, WA 98661 (360) 604-4333

This license replaces and supersedes the provisions of Metro Solid Waste Facility License No. L-183-17A.

ISSUED BY METRO:

Roy W. Brower
Solid Waste Information, Compliance and Cleanup Director

7/27/18
Date

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1.0	ISSUANCE	
1.1	Licensee	Tidewater Barge Lines P.O. Box 1210 Vancouver, WA 98666 (360) 693-1491
1.2	Licensee contact	Stephanie Kranz 360-693-1491 E-mail: stephanie.kranz@tidewater.com
1.3	License number	Metro Solid Waste Facility License No. L-183-17B
1.4	Term	The license term originally commenced on August 17, 2017 and expires August 1, 2019, unless amended, suspended, or revoked as provided in Section 11.0.
1.5	Renewal	The licensee may apply for a license renewal as provided in Metro Code Chapter 5.01.
1.6	Facility name and mailing address	Sundial Marine Construction & Repair P.O. Box 1210 Vancouver, WA 98666
1.7	Operator	Global Diving & Salvage, Inc. 3840 W Marginal Way SW Seattle, WA 98106 Contact: Aaron Harrington (206) 623-0621 E-mail: aharrington@gdiving.com
1.8	Facility legal description	North of city of Troutdale, Section 22, Township 1 North, Range 3 East and tax lots 400 and 100 covering 21 acres, Multnomah County, State of Oregon
1.9	Property owner	Hickey Family Companies 5701 SE Columbia Way, Ste 200 Vancouver, WA 98661 (360) 604-4333
1.10	Permission to operate	Licensee has obtained the property owner's consent to operate the facility as specified in this license.

2.0	CONDITIONS AND DISCLAIMERS	
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 does 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 Metro, 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	The licensee must indemnify Metro, the Metro Council, the Chief Operating Officer (COO), and any of their employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this license or the licensee's performance of or failure to perform any of its 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	The 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 COO.
2.8	Effect of waiver	If Metro waives a specific term or condition of this license, that waiver does not waive nor prejudice Metro's right to require subsequent performance of the same term or condition or any other term or condition.
2.9	Choice of law	The license is to 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, that determination has no effect on the validity of the remaining license provisions.
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 Metro Code Chapter 5.00.

3.0	AUTHORIZATIONS	
3.1	General conditions on solid waste	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 and management of marine vessels	1. The licensee is authorized to accept and process marine vessels for the purpose of material recovery and disposal. 2. The licensee may only process marine vessels on land, with the exception of activities conducted aboard a deck barge. 3. The licensee must process, store, reload, and transfer all waste on land with the exception of work occurring on a deck barge. 4. The licensee must keep all mixed non-putrescible waste resulting from the processing of marine vessels physically separated from and not mixed or commingled with recyclable materials, including wood waste, metals and other recyclables.
3.4	Material recovery required	1. As is reasonably applicable to marine vessels and consistent with the intent of Metro Code Chapter 5.01, the licensee must perform material recovery on mixed non-putrescible waste at the level set forth in Metro Code Chapter 5.01.

		2. The licensee must design and operate the facility to assure materials are recovered in a timely manner and to protect the quality of non-putrescible waste that has not yet undergone material recovery.
3.5	Management of asbestos containing materials.	1. An accredited asbestos inspector must conduct an asbestos survey for each marine vessel before the licensee may process it. 2. If asbestos-containing material is identified on a vessel, then an asbestos abatement contractor must verify that asbestos abatement is complete before the licensee may process the vessel. All verification documents must remain on site in a location where facility personnel and Metro representatives have ready access to it. 3. Licensee must provide all staff with duty specific asbestos awareness training.

4.0	LIMITATIONS AND PROHIBITIONS	
4.1	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 5.00, yard debris, lead acid batteries; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; any waste prohibited by the Oregon Department of Environmental Quality ("DEQ").
4.2	Composting prohibited	The licensee must not keep yard debris on site long enough for more than negligible biological decomposition to begin.
4.3	No disposal of recyclable materials	The licensee must not transport recyclable materials to a disposal site.
4.4	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.

5.0	OPERATING CONDITIONS	
5.1	Qualified operator	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. 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	The licensee must: 1. Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. Access roads must 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 transporting solid waste to and from the facility that all inbound and outbound vehicles must not: a. Park or queue on public streets, roads, or easement areas except under emergency conditions or as provided by local traffic ordinances; and b. Obstruct access to adjacent properties and businesses. 3. 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. 4. Ensure that facility operations do not obstruct marine traffic on the waters of the Columbia River.
5.4	Managing prohibited wastes	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 program to prevent the acceptance of waste that is prohibited by the license. This program must include at a minimum: a) Visual inspection. As vessels are deconstructed, a qualified operator must visibly inspect the vessel to identify waste that is prohibited by the license.

		b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are inadvertently received. Containment areas must be covered and enclosed to prevent leaking and contamination. c) Records maintenance. Records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste must be maintained in the operating record and be available for review by Metro. 3. Upon discovery of any prohibited or unauthorized waste, the licensee must remove it or manage it in accordance with DEQ requirements and procedures established in the operating plan. The licensee must remove all prohibited or unauthorized waste from the site within 90 days of receipt and transport it to an appropriate destination, unless the DEQ or local government requires that it be removed sooner than 90 days.
5.5	**Storage and exterior stockpiles**	The licensee must: a) Manage, contain, and remove at sufficient frequency stored materials and solid waste to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards; b) Maintain storage areas in an orderly manner and keep the areas free of litter; c) Position the exterior stockpiles within the footprints identified on the facility site plan or operating plan; and d) Not stockpile recovered or source-separated materials for longer than 180 days (6 months).
5.6	**Dust, airborne debris and litter**	The licensee must operate the facility in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The licensee must: a) Take reasonable steps, including signage, to notify and remind persons transporting waste from 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 transporting waste or recyclables from the facility to prevent leaking, spilling or blowing of such material on-site or while in transit; c) Maintain and operate all access roads and receiving, processing, 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 off-site; and f) Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, shall be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Section 5.09.040.
5.7	Odor	1. The licensee must operate the facility in a manner that does not generate malodors that are detectable off-site. 2. The licensee must establish and follow procedures in the operating plan for minimizing malodor at the facility.
5.8	Vectors (e.g. birds, rodents, insects)	1. The licensee must operate the facility in a manner that is not conducive to the harborage of rodents, birds, insects, or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another. 2. If vectors are present or detected at the facility, the licensee must implement vector control measures.
5.9	Noise	The licensee must operate the facility in a manner that avoids noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.
5.10	Water quality	The licensee must operate the facility consistent with an approved DEQ storm water management plan, or equivalent and must: a) Operate and maintain the facility to minimize contact of solid wastes with storm water runoff and precipitation; and b) Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state, and federal laws and regulations.
5.11	Access control	1. The licensee must control access to the facility as necessary to

		prevent unauthorized entry and dumping. 2. The licensee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
5.12	Signage	The licensee must post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs must be easily and readily visible, and legible from off-site during all hours and must contain at least the following information: a) Name of the facility b) Address of the facility; c) Emergency telephone number for the facility; d) Metro's name and telephone number (503) 234-3000; e) Site activity description (e.g. vessel recovery facility)
5.13	Complaints	1. The licensee must respond to all nuisance complaints in a timely manner (including, but not limited to, blowing debris, fugitive dust, odors, noise, traffic and vectors), and must keep a record of those complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint. 2. If the facility receives a complaint, the licensee must: 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); and b) Log all complaints as provided in the operating plan. Licensee must retain each log entry for one year and make them available for inspection by Metro.
5.14	Access to license document	The licensee must maintain a copy of this license on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.
5.15	Completion of pre-operating requirements	The licensee may not accept and process marine vessels at the facility as provided in this license, unless the Oregon Department of Environmental Quality ("DEQ") has authorized, in writing, the acceptance and management of such waste at the facility.

6.0	OPERATING PLAN	
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 or revise 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 must submit amendments and 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's 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: a) Procedures for inspecting incoming vessels for the presence of prohibited wastes; and b) A set of objective criteria for accepting and rejecting vessels.
6.5	Procedures for processing and storing of loads	The operating plan must establish procedures for: a) Processing authorized solid wastes; b) Reloading and transfer of authorized solid wastes; c) Managing stockpiles to ensure that they remain within the authorized limits; d) Storing authorized solid wastes; and e) Minimizing storage times and avoiding delay in processing of authorized solid wastes.
6.6	Procedures for managing prohibited wastes	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.
6.7	Procedures for odor prevention	The operating plan must establish procedures for preventing objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include: a) A management plan that will be used to monitor and manage all odors of any derivation including malodorous loads delivered to the facility; and

		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.
6.8	Procedures for dust prevention	The operating plan must establish procedures for preventing dust from blowing off the premises of the facility. The plan must include: a) A management plan that will be used to monitor and manage dust of any derivation; and b) Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.
6.9	Procedures for emergencies	The operating plan must establish procedures to be followed in case of fire or other emergency.
6.10	Procedures for nuisance complaints	1. For every nuisance complaint (for example 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 this information available to Metro upon request. The licensee must retain each complaint record for a period of not less than one year.
6.11	Closure protocol	The licensee must establish protocol for closure of the site in the event of cessation of operations 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).

7.0	FEES AND RATES	
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	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.

8.0	RECORD KEEPING AND REPORTING	
8.1	Record keeping requirements	For all materials the licensee is authorized to receive under Section 3.0, the licensee must keep and maintain complete and accurate records of the amount of those materials that the licensee receives, reloads, recovers for delivery for reuse or recycling markets, and disposes. These records include the information specified in *Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchises, and Parties to Designated Facility Agreements.*
8.2	Reporting requirements	The 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	The 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 letter of authority or DEQ permit or this license within two business days of providing such information to DEQ.
8.4	Copies of enforcement actions provided to Metro	The 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 implementing emergency procedures.

		2. The licensee must notify Metro within 24 hours of any breakdown of the licensee's equipment that will substantially impact the ability of the facility to remain in compliance, or that will create off-site impacts. 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.
8.6	Changes in ownership	The licensee must notify Metro within 10 days if the licensee leases, assigns, mortgages, sells or otherwise transfers control of the facility to another person whether whole or in part.

9.0	INSURANCE REQUIREMENTS	
9.1	Purpose	This section describes the types of insurance that the licensee must purchase and maintain at the licensee's expense, covering the licensee, its employees, and agents. Licensee must provide Metro with certification of all insurance coverage required in Section 9.0.
9.2	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 must 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.
9.3	Automobile	The licensee must carry automobile bodily injury and property damage liability insurance with not less than a combined single limit of $1,000,000.
9.4	Additional insureds	The licensee must name Metro, its elected officials, departments, employees, and agents as ADDITIONAL INSUREDS on the Commercial General Liability and automobile insurance policies.
9.5	Worker's Compensation Insurance	The licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law and must comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. The licensee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the 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.
9.6	Notification	The licensee must give at least 30 days written notice to Metro of any lapse or proposed cancellation of insurance coverage.

10.0	ENFORCEMENT	
10.1	Authority vested in Metro	At all times Metro retains the right to regulate, in the public interest the privileges granted by this license. Metro may also establish or amend rules, regulations or standards regarding matters within Metro's authority, and enforce all requirements against the licensee.
10.2	No Enforcement Limitations	This license does not limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative rules adopted pursuant to Metro Code Chapter 5.01, nor does this license 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 those ordinances may have upon the terms of this license or the licensee's operation of the facility.
10.3	Penalties	Metro Code Chapter 5.01 sets forth the penalties applicable if a licensee violates any license condition. Each day that a violation continues is a separate violation.

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 to this license. The COO has the authority to approve or deny any 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 Section 5.01.130. An amendment pursuant to this section is not effective unless in writing and executed by the COO. The COO may amend the license based on any reasonably unforeseen circumstance at the time of license issuance that otherwise adversely affects the public interest or the intent and purpose of solid waste regulation under Metro Code Title V.
11.2	Suspension or revocation by Metro	The COO may, at any time before the expiration date, 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: 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 fully disclose 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; and i) Any reasonably unforeseen circumstance at the time of license issuance that otherwise adversely affects the public interest or the intent and purpose of solid waste regulation under Metro Code Title V.

12.0	GENERAL OBLIGATIONS	
12.1	**Compliance with law**	The 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 rules adopted pursuant to Chapter 5.01, regardless of whether those provisions are specifically mentioned or cited in this license. Any condition imposed on the facility's operation by federal, state, regional or local governments or agencies having jurisdiction over the facility is deemed part of this license as if specifically set forth in the license. These conditions and permits include those cited within or attached as exhibits to the license, as well as any existing at the time of the license's issuance but not cited or attached, as well as any permits or conditions issued or modified during the license term.
12.2	**Deliver waste to appropriate destinations**	The licensee must transfer solid waste from the facility to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and as under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
12.3	**Right of inspection and audit**	Metro's authorized representatives may take photographs, collect samples of materials, and perform inspections or audits as Metro considers appropriate. The licensee must allow access by Metro's authorized representatives to the facility at any time during open business hours, with or without advance notice. For non-business hours, Metro must provide reasonable advance notice (not less than 24 hours) for facility access. Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the applicable confidentiality provisions in Section 12.4, 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 facility's operation. The licensee must permit access to the facility premises to authorized representatives of Metro, including personnel on contract to Metro, at all reasonable times during business hours with or without notice to determine whether the Licensee meets the minimum level of recovery as provided in Section 3.0. The licensee must provide: a) Access to all areas where it generates, manages, stores, and reloads processing residual, including without limitation to transfer vehicles; b) Access to facility personnel and equipment to collect, segregate, contain, and weigh individual samples of processing residual; and c) A safe, covered location away from working areas and vehicle traffic where authorized representatives of Metro may conduct an analysis of the licensee's processing residual.
12.4	Confidential information	The licensee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the licensee that are directly related to the facility operation and that are submitted to or reviewed by Metro. The licensee must prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" before submittal to or review by Metro. Metro will treat as confidential any information so marked to the extent allowed under Oregon law. Metro will make a good faith effort not to disclose the information unless Metro's refusal to disclose would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. If Metro receives a public records request to disclose information that licensee has marked "Confidential," then Metro will provide the licensee written notice within five days of the request. After the licensee receives Metro's notice, the licensee will have three days to respond in writing to the request before Metro will determine, at its sole discretion, whether to disclose any requested information. The licensee must pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any confidential information from documents that Metro produces in response to a public records request. This Section 12.0 does 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, those representatives agree to continue to treat such information as confidential and make good faith efforts not to disclose such information.

12.5	**Compliance by agents**	The licensee is responsible for ensuring that its agents and contractors comply with this license.

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