



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

METRO SOLID WASTE FACILITY LICENSE

No. L-043-19

| LICENSEE: | FACILITY NAME AND LOCATION: |
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| Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015 | Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015 |
| OPERATOR: | PROPERTY OWNER: |
| Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015 | Grimm's Brothers, LLC. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015 |

This license replaces and supersedes the provisions of Metro Solid Waste Facility License No. L-043-18A.

ISSUED BY METRO:

DRAFT

DRAFT

Roy W. Brower
Interim Property and Environmental Services Director

Date

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| 1.0 | ISSUANCE | |
| 1.1 | Licensee | Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015 |
| 1.2 | Contact | Jeff Grimm Tel: (503) 636-3623 E-mail: jefgfc@teleport.com |
| 1.3 | License number | When referring to this license, please cite: Metro Solid Waste Facility License Number L-043-19. |
| 1.4 | Term | The license term is from March 1, 2019 to December 31, 2023 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 Chapter 5.01. |
| 1.6 | Facility name and mailing address | Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 |
| 1.7 | Operator | Grimm's Fuel Company, Inc. 18850 SW Cipole Road Tualatin, Oregon 97062 Telephone: (503) 636-3623 Fax: (503) 692-2015 |
| 1.8 | Facility legal description | Tax Lot numbers 1800, 1900, 2100, 2190 and 2202 Section 21, Township 25, Range 1W Washington County, State of Oregon |
| 1.9 | Property owner | Grimm's Brothers LLC 18850 SW Cipole Road Tualatin, Oregon 97062 |
| 1.10 | Permission to operate | The property owner is the owner/operator of the facility. |

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| 2.0 | CONDITIONS AND DISCLAIMERS | |
| 2.1 | Guarantees | This license does not vest any right or privilege in the licensee to receive specific |

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| | | 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 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 | 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 | 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 Metro. |
| 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 applicable 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 | <ol style="list-style-type: none"> 1. Unless otherwise specified, all terms are as defined in Metro Code Chapter 5.00. 2. "Aerated static pile (ASP) composting" means the managed process of controlled biological decomposition of feedstocks using an aerobic process. A |

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| | | <p>managed process includes, but is not limited to, reducing feedstock particle size, manipulating air through the material utilizing either positive or negative aeration systems, adding moisture, mixing feedstocks, manipulating compost piles, and performing procedures to achieve pathogen reduction.</p> |
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| 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 of yard debris | The licensee is authorized to accept source-separated yard debris provided that the yard debris has not decomposed to the point of producing odors detectable beyond the boundaries of the facility. The licensee may accept yard debris for grinding, composting, producing mulch, producing hogged fuel or other useful purpose as described in an operating plan and approved in writing by Metro. |
| 3.4 | Acceptance of incidental quantities of source-separated pre-consumer vegetative food waste | The licensee is authorized to accept incidental quantities of source-separated pre-consumer vegetative food waste for processing and production of compost as described in an operating plan and approved in writing by Metro. |
| 3.5 | Acceptance of incidental quantities of horse manure | The licensee is authorized to accept incidental quantities of horse manure for processing and production of compost as described in an operating plan and approved in writing by Metro. |
| 3.6 | Acceptance of land clearing debris | The licensee is authorized to accept land clearing debris (e.g. brush and stumps) for grinding, composting, producing hogged fuel, or other useful purpose as described in an operating plan and approved in writing by Metro. |
| 3.7 | Acceptance of untreated wood | The licensee is authorized to accept source-separated untreated and unpainted wood waste (e.g. untreated lumber and wood pallets) for grinding, composting, producing hogged fuel, or other useful purpose as described in an operating plan and approved in writing by Metro. |

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| 3.8 | Acceptance of painted and 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 Metro. 2. The licensee must not use or incorporate painted and treated wood into mulch, animal bedding, compost feedstock, or any other landscaping or agricultural products unless otherwise described in an operating plan and approved in writing by Metro. 3. The licensee must keep painted and treated wood separate from yard debris, untreated wood, and other feedstocks that are destined for mulch, animal bedding, compost, or any other landscaping or agricultural products. The licensee must post signs that clearly designate separate receiving areas for painted and treated wood waste and composting feedstock. |
| 3.9 | Production of hogged fuel | <ol style="list-style-type: none"> 1. As authorized by Section 3.0, 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. 2. The licensee is prohibited from mixing any other solid waste with the authorized wastes described above in Section 3.9.1 for the production of hogged fuel. |
| 3.10 | Acceptance of inert materials | <p>The licensee is authorized to accept inert materials such as clean concrete, asphalt, rock and dirt for processing and reuse.</p> |

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| 4.0 LIMITATIONS AND PROHIBITIONS | | |
| 4.1 | Prohibited waste | <p>The licensee must not knowingly receive, process, reload or dispose of any solid waste not authorized in this license. The licensee must not knowingly accept or retain any amounts of the following types of wastes: non-putrescible waste other than that specifically allowed in Section 3.0, putrescible waste, special waste, creosote-treated wood, 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 DEQ.</p> |
| 4.2 | Source-separated yard debris mixed with residential food waste | <p>The licensee must not knowingly accept or retain source-separated yard debris mixed with residential food waste, including from municipal curbside collection programs.</p> |
| 4.3 | No disposal of recyclable materials | <p>The licensee must not transfer source-separated recyclable materials to a disposal site for disposal without permission from Metro.</p> |

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| 4.4 | Limits not exclusive | This license does not 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 | |
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| 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. 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. |
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| 5.2 | Fire prevention | <ol style="list-style-type: none"> 1. The licensee 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 and storage areas. 2. The licensee must comply with all applicable Oregon Fire Code requirements and pile size requirements described in this license. |
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| 5.3 | Adequate vehicle accommodation | The licensee must: <ol style="list-style-type: none"> 1. Provide on-site access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The licensee must maintain access roads 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 materials to the facility that vehicles cannot park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances. 3. Post signs to inform customers not to queue on public roadways. 4. Provide adequate on-site parking and queuing for vehicles, including adequate space for on-site tarping and un-tarping of loads. |
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| 5.4 | Managing prohibited wastes | <ol style="list-style-type: none"> 1. The licensee must reject prohibited waste upon discovery and 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. At minimum the licensee must: |
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| | | <ul style="list-style-type: none"> a) Provide a qualified operator to perform visible inspection of each load as it is tipped. The qualified operator must reject prohibited waste discovered during the visual inspection. b) Provide a secured or isolated containment area storing any prohibited wastes that are inadvertently received at the facility. All containment areas must be covered and enclosed to prevent leaking or otherwise contaminating authorized materials. c) Maintain records showing that facility personnel has received training to recognize, properly handle and dispose prohibited waste. The licensee must make these records available to Metro for inspection upon request. <p>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. The licensee must remove from the site all prohibited or unauthorized wastes the licensee inadvertently receives and transport the waste to an appropriate destination within 90 days of receipt, unless DEQ or a local government requires that it be removed sooner.</p> |
| 5.5 | Storage and exterior stockpiles | <p>The licensee must:</p> <ul style="list-style-type: none"> 1. Manage, contain, and remove stored materials and solid wastes at sufficient frequency to prevent safety hazards or nuisance conditions, including, but not limited to, vector attraction or harborage. 2. Maintain storage areas in an orderly manner and keep the areas free of litter. 3. Position exterior stockpiles within footprints identified on the facility site plan or operating plan. 4. Not retain recovered or source-separated materials for longer than 180 days unless such material is composting feedstock that is received and managed in accordance with this license and facility operating plan. 5. Comply with all applicable Oregon Fire Code and applicable local requirements including, but not limited to, site access and pile size requirements. |
| 5.6 | Dust, airborne debris and litter | <ul style="list-style-type: none"> 1. The licensee must operate the facility in a manner that controls and minimizes the dust generation, airborne debris and litter, and which prevents its migration beyond property boundaries. 2. The licensee must: <ul style="list-style-type: none"> a) Take reasonable steps, including signage, to notify and remind persons delivering material 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 material from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit. |

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| | | <p>c) Maintain and operate all access roads and receiving, processing (including grinding), storage, and reload areas in such a manner as to control dust and debris generated on-site and minimize such dust and debris from blowing or settling off-site.</p> <p>d) Keep all areas within the site and all vehicle access roads within a quarter-mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation.</p> <p>e) Maintain on-site facility access roads to control dust and to minimize the tracking of mud, gravel or other debris off-site.</p> <p>f) Provide access to the facility for the purpose of uncovered load enforcement. During all times that the licensee is accepting materials, the licensee must allow authorized representatives of Metro (including law enforcement personnel on contract to Metro) to have access to the facility premises for the purpose of making contact with individuals that have been observed transporting uncovered loads of materials on a public road right-of-way in violation of Metro Code Chapter 5.09.</p> <p>g) Follow the dust control procedures described in its operating plan and immediately take other corrective actions as necessary to comply with the requirements of this license.</p> |
| 5.7 | Odor | <p>The licensee must:</p> <ol style="list-style-type: none"> 1. Operate the facility in a manner that controls and minimizes off-site odors. 2. Establish an odor minimization plan, included in the operating plan, as approved in writing by Metro. 3. Follow its odor minimization plan and immediately take other corrective actions as necessary to comply with the requirements of this license. |
| 5.8 | Vectors (e.g. birds, rodents, insects) | <p>The licensee must:</p> <ol style="list-style-type: none"> 1. 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. Implement vector control measures if vectors are present or detected at the facility. |
| 5.9 | Noise | <p>The licensee must operate the facility in a manner that controls and minimizes noise that causes adverse off-site impacts to comply with local noise regulatory standards and land-use regulations.</p> |
| 5.10 | Storm water and leachate | <p>The licensee must:</p> <ol style="list-style-type: none"> 1. Operate the facility consistent with an approved DEQ stormwater management plan (or equivalent). |

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| | | <ol style="list-style-type: none"> 2. Control storm water run-off that has contacted compost materials including, but not limited to, feedstocks. 3. Dispose 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 | <ol style="list-style-type: none"> 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 | <p>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:</p> <ol style="list-style-type: none"> a) Name of the facility; b) Address of the facility; c) Telephone number of 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; j) Covered load requirements; and k) Directions not to queue on public roadways. |
| 5.13 | Complaints | <ol style="list-style-type: none"> 1. The licensee must respond to all complaints in a timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and keep a record of these 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: <ol style="list-style-type: none"> a) Attempt to respond to that complainant within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and b) Log all such complaints as provided by the operating plan. The licensee must retain each log entry for one year and it must be available for inspection by Metro. |

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| 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. |
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| 6.0 PERFORMANCE REQUIREMENTS | | |
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| 6.1 | Composting method | By July 1, 2020, the licensee must employ ASP composting for all incoming feedstocks and all other materials actively composting on-site. |
| 6.2 | Pile size | <ol style="list-style-type: none"> By April 30, 2019, material stockpiles must not exceed 25-feet in height, 150-feet in width and 250-feet in length. By July 1, 2020, material stockpiles subject to ASP composting, including required cover material, must not exceed 14-feet in height. |
| 6.3 | Cover material | <ol style="list-style-type: none"> The licensee must apply and maintain cover material on all stockpiles subject to ASP composting. The licensee must use cover material that functions to control and minimize odors such as, a mix of porous overs and finished compost, a synthetic cover designed for use in composting systems, or another material used as a best practice for odor control in the compost industry as approved in writing by Metro. |
| 6.4 | Bulk density | The licensee must maintain ASP composting piles with adequate bulk density as described in the operating plan and approved in writing by Metro. |
| 6.5 | No disturbance of materials | <ol style="list-style-type: none"> The licensee must not disturb materials for a minimum of 15 days upon placement in an ASP composting pile. The licensee may only disturb ASP composting piles to maintain or achieve optimal composting parameters as specified in its operating plan. The licensee must keep a log on-site of ASP composting pile disturbances including date, time, and the reason for the disturbance and make the log available to Metro for inspection upon request. |
| 6.6 | Aeration system | <ol style="list-style-type: none"> The licensee must operate and maintain an aeration system that is designed to provide a minimum aeration of ten percent oxygen content to all of the ASP composting piles. The continuous aeration system, including applicable air cycles, must be described in the operating plan. The licensee must monitor and record oxygen levels at a prescribed frequency as described in the operating plan. |
| 6.7 | Capture and treatment of air | <ol style="list-style-type: none"> The licensee must capture odors at the equipment used for grinding, screening, and conveyance of materials. |

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| | over processing equipment | 2. The licensee must direct all captured air required under this section to a properly designed and maintained bio-filter. |
| 6.8 | Oxygen monitoring | The licensee must: <ol style="list-style-type: none"> 1. Describe in the operating plan how it will achieve and maintain an optimal oxygen level of 10 percent or above in the ASP composting piles. 2. Describe in the operating plan the method and frequency it will use to monitor and record oxygen levels in the ASP composting piles. 3. Describe in the operating plan what actions it will take if oxygen levels drop below 10 percent in any part of the ASP composting piles. 4. Maintain a record of all these oxygen monitoring results on-site and make the records available to Metro for inspection upon request. |
| 6.9 | Compost monitoring parameters | <ol style="list-style-type: none"> 1. The licensee must describe in the operating plan the method and frequency in which it will monitor and record compost parameters including: <ol style="list-style-type: none"> a) Moisture content; b) Temperature; c) Oxygen content (aeration); d) Retention time; e) Pile density; and f) Carbon to Nitrogen ratio 2. The licensee must describe in the operating plan the method and frequency in which it will monitor and record finished compost parameters including: <ol style="list-style-type: none"> a) Nutrient balance (Nitrogen Phosphorous Potassium - NPK); b) Acidity (pH); c) Stability; d) Electrical conductivity; e) Heavy metals; and f) <u>Fecal coliform and salmonella</u> f)g) <u>Carbon to Nitrogen ratio</u> 3. The licensee must maintain a record of all of these composting parameters on-site and make the records available to Metro for inspection upon request. |
| 6.10 | Pathogen Reduction | <ol style="list-style-type: none"> 1. The licensee must describe in the operating plan how it will achieve pathogen reduction on all compost processed at the facility. The plan must include a Process to Further Reduce Pathogens (PFRP) during ASP composting. 2. The ASP composting piles must be maintained at a minimum temperature of 131° Fahrenheit for a minimum of three consecutive days. 3. The licensee must maintain a log onsite with these records, subject to inspection by Metro. |

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| 6.11 | Temperature monitoring | The licensee must: <ol style="list-style-type: none"> 1. Monitor and record temperatures for ASP composting pile on a daily basis for at least 15 consecutive days. 2. Document the temperature of all composting piles, including curing piles, at least weekly. 3. Describe in the operating plan the measures it will implement when the temperatures are outside of the acceptable range, including but not limited to, the types of equipment used both for temperature readings and performing corrective actions. 4. Maintain a log on-site with these records, subject to inspection by Metro. |
| 6.12 | Community engagement plan | <ol style="list-style-type: none"> 1. By May 1, 2019, the licensee must establish and submit to Metro a proposed community engagement plan subject to review and written approval by Metro. 2. The community engagement plan must describe, at a minimum, how the facility will perform ongoing outreach to residents and business located in proximity to the facility (such as good neighbor agreement, informational tours, open house gatherings, flyers, etc.). 3. By December 31, 2019, the licensee must either establish a mutually agreed upon Good Neighbor Agreement with the local community group(s) or demonstrate to Metro that it made a good faith effort to engage with the local community, as determined by Metro. |
| 6.13 | Compost operator training | The licensee must: <ol style="list-style-type: none"> 1. Establish a composter training program for its qualified operators, including continuing compost education. The licensee must describe the training program in the operating plan. 2. Maintain a log on-site with training attendance records. 3. Make the training records or certificates available for to Metro for inspection upon request. |

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| 7.0 | OPERATING PLAN | |
| 7.1 | Plan compliance | The licensee must operate the facility in accordance with an operating plan approved in writing by Metro. 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. Revisions to the plan are subject to written approval by Metro. |
| 7.2 | Plan maintenance | <ol style="list-style-type: none"> 1. By March 29, 2019, the licensee must submit an updated operating plan to Metro as provided in Section 7.0. The operating plan must also include a site |

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| | | <p>plan showing the location of all material stockpiles at the facility and a description of the underlying substrate underneath the piles.</p> <p>2. The licensee must revise the operating plan as necessary to reflect current facility conditions, procedures, and requirements. The licensee must submit revisions of the operating plan to Metro for written approval before the licensee implements the revisions.</p> |
| 7.3 | Access to operating plan | The licensee must maintain a copy of the operating plan on the facility premises and in a location readily accessible to facility personnel and Metro representatives. |
| 7.4 | ASP composting system implementation timeline | <p>The operating plan must include the licensee's timeline for completing and implementing an ASP composting system as required by this license. The licensee must submit a timeline that includes, at a minimum, a description of the:</p> <ul style="list-style-type: none"> a) Construction and implementation schedule for the ASP composting system (including any construction phases and completion dates); b) Permit requirements and the expected timeframe for obtaining the permits for the project; and c) Schedule for providing routine project status updates to Metro and DEQ. |
| 7.5 | Procedures for inspecting loads | <p>The operating plan must include:</p> <ul style="list-style-type: none"> a) Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; and b) A set of objective criteria for accepting and rejecting loads. |
| 7.6 | Procedures for processing and storage of materials | <p>The operating plan must include procedures for:</p> <ul style="list-style-type: none"> a) Processing authorized materials described in Section 3.0; b) Reloading and transfer of authorized materials described in Section 3.0; c) Managing all material stockpiles within the size requirements specified in this license; d) Storing authorized materials; and e) Minimizing storage times and avoiding delay in processing of authorized materials. |
| 7.7 | Procedures for composting operations | <p>The operating plan must include procedures describing how the licensee will:</p> <ul style="list-style-type: none"> a) Incorporate feedstocks into ASP composting piles within 24 hours of receipt; b) Apply cover material on the ASP composting piles (including a description of the type and amount of cover material to be used); c) Manage the cover material appropriately, including but not limited to, ensuring the optimal moisture content range between 40 percent to 60 percent is achieved for a bio-cover; |

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| | | <p>d) Establish criteria and determine the circumstances when the licensee must disturb ASP composting piles to maintain or achieve optimal composting parameters;</p> <p>e) Control and minimize odors from incoming feedstocks (including procedures for managing or rejecting odorous feedstocks);</p> <p>f) Manage feedstocks during all weather conditions and seasonal variability of incoming feedstocks to achieve optimal compost parameters; and</p> <p><u>g)</u> Maintain and store an adequate supply of readily available bulking agents to maintain or achieve optimal composting parameters; <u>and</u></p> <p><u>g)h)</u> <u>Identify procedures for achieving ideal carbon to nitrogen ratio (such as 25:1 or 30:1) during initial pile construction and throughout active composting procedures-</u></p> |
| <p>7.8</p> | <p>Procedures for pile maintenance</p> | <p>The operating plan must include procedures and schedule for:</p> <p>a) Maintaining ASP composting piles no more than 14-feet in height, including the cover material;</p> <p>b) Applying and maintaining a cover, such as bio-cover comprised of a designed mix of porous covers and composted materials applied at a minimum depth of 12-inches and covering all sides of the piles. The licensee must use an approved bio-cover unless an alternate cover is pre-approved in writing by Metro;</p> <p>c) Maintaining ASP composting piles with adequate bulk density. Procedures must describe how to achieve bulk density within the preferred range of 800 - 1,000 pounds per cubic yard; and</p> <p>d) Maintaining a readily available supply of bulking agents</p> |
| <p>7.9</p> | <p>Procedures for oxygen monitoring</p> | <p>The operating plan must include procedures for:</p> <p>a) Maintaining optimal oxygen levels in the ASP composting piles;</p> <p>b) Measures the licensee will take to increase oxygen in the pile if oxygen levels drop below 10 percent; and</p> <p>c) Testing oxygen levels, including frequency, to ensure optimal levels, 10 percent and above, are achieved.</p> |
| <p>7.10</p> | <p>Procedures for pathogen reduction</p> | <p>The operating plan must include procedures for achieving and documenting pathogen reduction on all compost processed at the facility. The plan must include:</p> <p>a) A description of the process to reduce pathogens during ASP composting. The ASP composting piles must be maintained at a minimum temperature of 131° Fahrenheit for a minimum period of three days;</p> |

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| | | <ul style="list-style-type: none"> b) Methods the facility will use for pathogen sampling and testing of compost material; and c) Procedures the facility will use for handling material that does not meet pathogen reduction standards. |
| 7.11 | Procedures for temperature monitoring | <p>The licensee must describe in the operating plan its procedures for monitoring and tracking temperatures of composting materials. The plan must include:</p> <ul style="list-style-type: none"> a) A description of the equipment the licensee will use to monitor temperatures; b) Procedures for documenting temperatures on a daily basis for each ASP composting pile for at least 15 total days; c) Procedures for monitoring and documenting the temperature of all composting piles, including curing piles, at least weekly; and d) Procedures for managing piles in the event the temperatures are outside of the acceptable range including equipment used for corrective actions. |
| 7.12 | Procedures for managing prohibited wastes | <p>The operating plan must include procedures for managing, reloading, and transporting to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must include 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.</p> |
| 7.13 | Odor minimization plan | <p>The operating plan must include procedures for controlling and minimizing 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 <u>Procedures for</u> monitoring and managing odors of any derivation including odorous 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) Procedures for capturing air during screening and conveyance of compost; d) Procedures for maintaining the bio-filters at the facility including irrigation, and a media replacement schedule; and e) Additional odor control and minimizing measures as described in the odor minimization plan and approved in writing by Metro. |
| 7.14 | Procedures for dust control | <p>The operating plan must include procedures for controlling dust from blowing off the premises of the facility. The plan must include:</p> <ul style="list-style-type: none"> a) Procedures to monitor, control and minimize dust of any derivation from facility operations; and |

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| | | b) Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility. |
| 7.15 | Procedures for emergencies | The operating plan must include procedures to be followed in case of fire or other emergency. |
| 7.16 | Procedures for complaints | <ol style="list-style-type: none"> 1. For every complaint (e.g. odor, dust, vibrations, litter) received, the licensee must record: <ol style="list-style-type: none"> a) The nature of the complaint; b) The date the licensee received the complaint; c) The name, address and telephone number of the person or persons making the complaint (if known); and d) Any actions taken by the licensee in response to the complaint (whether successful or unsuccessful). 2. The licensee must make complaint records available to Metro upon request. The licensee must retain each complaint record for a period of not less than one year. |
| 7.17 | Closure protocol | <p>The operating plan must include protocol for closing and restoring the site in the event the licensee ceases operations. The plan must include procedures for:</p> <ol style="list-style-type: none"> a) Short-term closure (more than seven consecutive days but less than 30 consecutive days in length); and b) Long-term closure (30 consecutive days or more in length). |

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| 8.0 | FEES AND RATES | |
| 8.1 | 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 Metro Council action. |
| 8.2 | Rates not regulated | Metro does not regulate the tipping fees and other rates charged at the facility. |
| 8.3 | 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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| 9.0 | RECORD KEEPING AND REPORTING | |
| 9.1 | Record keeping requirements | For all materials the licensee is authorized to receive under Section 3.0, including yard debris, the licensee must keep and maintain complete and accurate records of |

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| | | the amount of those materials that the licensee receives, reloads, recovers for delivery for reuse or recycling markets, and disposes. |
| 9.2 | Reporting requirements | The licensee must transmit to Metro the records required under Section <u>98.1</u> no later than fifteen days following the end of each month in the form and format prescribed by Metro. |
| 9.3 | DEQ submittals | If the licensee submits to DEQ any correspondence, exhibits, or documents relating to the terms or conditions of the DEQ solid waste permit or this license, then the licensee must submit copies of that information to Metro within two business days of submitting it to DEQ. |
| 9.4 | Copies of enforcement actions provided to Metro | If the licensee receives any notice of violation or non-compliance, citation, or any other similar enforcement action related to the facility's operation from any federal, state or local government (other than Metro), then licensee must send copies of the enforcement action to Metro within two business days of receipt. |
| 9.5 | Unusual occurrences | <ol style="list-style-type: none"> 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. If a breakdown of the licensee's equipment occurs that will substantially impact the facility's ability to remain in compliance, or create off-site impacts, the licensee must notify Metro within 24 hours of the breakdown. 3. 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. |
| 9.6 | Transfer of ownership or control of facility | <ol style="list-style-type: none"> 1. The licensee must notify Metro within 10 days if the licensee leases, assigns, mortgages, sells or otherwise transfers the control of the facility to another person, whether whole or in part. 2. The term for any transferred license is for the remainder of the original term unless Metro establishes a different term. |
| 9.7 | Records of performance requirements | <ol style="list-style-type: none"> 1. The licensee must keep and maintain complete and accurate records of all sampling, testing, monitoring and training on the facility premises and in a location readily accessible to facility personnel and Metro representatives. 2. The licensee must make records of this information available to Metro upon request. The licensee must retain each record for a period of no less than one year. |
| 9.8 | Records subject to Metro inspection | The licensee must keep and maintain complete and accurate records and required logs subject to Metro inspection upon request. |

| 10.0 INSURANCE REQUIREMENTS | | |
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| 10.1 | 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. The licensee must provide Metro with current certification of all insurance coverage required in Section <u>109.0</u> . |
| 10.2 | 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. |
| 10.3 | 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. |
| 10.4 | 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. |
| 10.5 | 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. |
| 10.6 | Notification | The licensee must give at least 30 days written notice to Metro of any lapse or proposed cancellation of insurance coverage. |

| 11.0 ENFORCEMENT | | |
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| 11.1 | 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 licensee. |
| 11.2 | 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 |

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| | | 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. |
| 11.3 | Penalties | <ol style="list-style-type: none"> 1. Metro Code Chapter 5.01 states that any violation of Metro Code or any license condition is subject to the fines and penalties set forth in the chapter. Each violation is subject to a penalty of up to \$500 and each day that a violation continues constitutes a separate violation. 2. In addition to the penalties described in this section, if the licensee fails to meet the requirements of this license, including, but limited to, each pile size requirement by the due dates summarized in Section 14.0, Metro may immediately suspend the licensee's authorization to accept incoming feedstock until it complies with the requirements described in this license. |

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| 12.0 | AMENDMENT, SUSPENSION, AND REVOCATION | |
| 12.1 | Amendment | At any time during the term of the license, either Metro or the licensee may propose amendments to this license. Metro 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 Metro. |
| 12.2 | Suspension or revocation by Metro | <p>Metro 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:</p> <ol 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 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; and h) Compliance history of the licensee. |

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| 13.0 | GENERAL OBLIGATIONS | |
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| <p>13.1</p> | <p>Compliance with law</p> | <p>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.</p> <p>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.</p> |
| <p>13.2</p> | <p>Deliver waste to appropriate destinations</p> | <p>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.</p> |
| <p>13.3</p> | <p>Right of inspection and audit</p> | <ol style="list-style-type: none"> 1. Authorized representatives of Metro may take photographs, collect samples of materials, and perform any inspection or audit as Metro deems appropriate. The licensee must allow authorized representatives 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 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 the licensee that are directly related to the operation of the facility. 4. The licensee must permit access to the facility premises to personnel on contract to Metro at all reasonable times during business hours with or without notice. In addition, the licensee must provide access to all areas where it generates, manages, processes, or otherwise stores composting feedstock and retail landscaping products. |
| <p>13.4</p> | <p>Confidential information</p> | <p>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" prior to submittal to or review by Metro.</p> <p>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</p> |

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| | | <p>information unless Metro's refusal to disclose would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192.</p> <p>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.</p> <p>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.</p> |
| 13.5 | Compliance by agents | The licensee is responsible for ensuring that its agents and contractors comply with this license. |

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| 14.0 | SUMMARY OF DUE DATES | |
| 14.1 | March 29, 2019 | By March 29, 2019, the licensee must submit an updated operating plan to Metro as described in Section 7.0. |
| 14.2 | April 30, 2019 | By April 30, 2019, the licensee must reduce piles to maximum of 25 feet in height, 250 feet in length, and 150 feet in width with a minimum 20 foot separation between piles as described in Section 6.2. |
| 14.3 | May 1, 2019 | By May 1, 2019 the licensee must submit a community engagement plan as described in Section 6.12. |
| 14.4 | December 31, 2019 | By December 31, 2019, the licensee must either establish a mutually agreed upon Good Neighbor Agreement with the local community group(s) or demonstrate to Metro that it made a good faith effort to engage with the local community, as determined by Metro. |
| 14.5 | July 1, 2020 | <p>By July 1, 2020, the licensee must:</p> <ul style="list-style-type: none"> a) Reduce all materials subject to ASP composting to a maximum of 14 feet in height including any cover material as described in Section 6.2; and Employ ASP composting for all feedstock from the time it is received through the time that the material is actively composting as described in Section 6.0. |