



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

METRO SOLID WASTE FACILITY LICENSE

No. L-043-19

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

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

ISSUED BY METRO:


 Roy W. Brower
 Interim Property and Environmental Services Director

2/26/19
 Date

TABLE OF CONTENTS

SECTION	TITLE	PAGE
1.0	Issuance	3
2.0	Conditions and Disclaimers	3
3.0	Authorizations	5
4.0	Limitations and Prohibitions	6
5.0	Operating Conditions	7
6.0	Performance requirements	11
7.0	Operating Plan	13
8.0	Fees and Rates	17
9.0	Record Keeping and Reporting	17
10.0	Insurance Requirements	18
11.0	Enforcement	19
12.0	Amendment, Suspension, and Revocation	20
13.0	General Obligations	20
14.0	Summary of due dates	22

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.

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 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

		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.
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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.

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>

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>

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	
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.
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.
5.3	Adequate vehicle accommodation	<p>The licensee must:</p> <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.
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:

		<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.

		<ul style="list-style-type: none"> 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. 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. e) Maintain on-site facility access roads to control dust and to minimize the tracking of mud, gravel or other debris off-site. 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. 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.
5.7	Odor	The licensee must: <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)	The licensee must: <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	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.
5.10	Storm water and leachate	The licensee must: <ol style="list-style-type: none"> 1. Operate the facility consistent with an approved DEQ stormwater management plan (or equivalent).

		<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.

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	
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"> 1. By April 30, 2019, material stockpiles must not exceed 25-feet in height, 150-feet in width and 250-feet in length. 2. 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"> 1. The licensee must apply and maintain cover material on all stockpiles subject to ASP composting. 2. 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"> 1. The licensee must not disturb materials for a minimum of 15 days upon placement in an ASP composting pile. 2. The licensee may only disturb ASP composting piles to maintain or achieve optimal composting parameters as specified in its operating plan. 3. 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"> 1. The licensee must operate and maintain an aeration system that provides a minimum aeration of ten percent oxygen content to all of the ASP composting piles. 2. The continuous aeration system, including applicable air cycles, must be described in the operating plan. 3. 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"> 1. The licensee must capture odors at the equipment used for grinding, screening, and conveyance of materials.

	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	<p>The licensee must:</p> <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 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) Fecal coliform and salmonella g) Carbon to Nitrogen ratio 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.
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	<p>The licensee must:</p> <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.

7.0	OPERATING PLAN	
7.1	Plan compliance	<p>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.</p>
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 plan showing the location of all material stockpiles at the facility and a description of the underlying substrate underneath the piles.

		<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	<p>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.</p>
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;