



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Memo

Date: June 15, 2022
To: Pam Peck, Policy and Compliance Program Director
From: Will Ennis, Senior Solid Waste Planner
Subject: Renewed Solid Waste Facility License No. L-064-22 for Allwood Recyclers, Inc.

Attached for your signature is renewed Solid Waste Facility License No. L-064-22 for Allwood Recyclers, Inc. (Allwood), a yard debris composting facility located at 22800 NE Marine Drive and 23001 NE Marine Drive in Fairview (Council District 1). This memo provides background information on the applicant's request, a description of proposed changes to the license, and staff's recommendation to renew Metro's authorization for Allwood.

Under Metro Code Section 5.01.080, the proposed license is to be approved or denied by the Chief Operating Officer (COO). On March 16, 2020, the COO delegated to the Policy and Compliance Director (the Director) authority to carry out the COO's responsibilities under Metro Code Chapter 5.01 for approving or denying a solid waste facility license. As such, the Director is authorized to approve this proposed license.

OVERVIEW

Allwood is a Metro-licensed facility that accepts and processes yard debris for composting. Self-haul customers drop off yard debris at the facility's public yard located at 22800 NE Marine Drive. Allwood reloads the material to its nearby composting facility located at 23001 NE Marine Drive. Commercial customers deliver yard debris directly to the composting facility. The facility is also authorized to accept wood waste and land clearing debris for the production of boiler fuel. The facility also operates a retail outlet for landscaping products.



Allwood Recyclers Inc.

Allwood is a family-owned business that has operated as a Metro-licensed facility since 1998. The facility holds Metro Solid Waste Facility License No. L-064-17A which expires on June 30, 2022. The facility holds a Solid Waste Disposal Site Permit (No. 1444) issued by the Department of Environmental Quality (DEQ) which was administratively extended upon its expiration on April 30, 2022. Allwood also holds a Stormwater Discharge General Permit No. 1200-Z issued by DEQ.

On Feb. 2, 2022, Allwood submitted an application to Metro requesting the renewal of its license. The applicant did not propose any changes to its operation or request any new authorizations. The application was deemed complete on March 9, 2022.

As part of Metro's ongoing efforts to improve clarity and establish more uniform requirements, staff is proposing various updates and additions to the Allwood license that will better align it with other Metro authorizations where appropriate. All of the proposed new and updated standard requirements will be included in all new and renewing licenses. In addition to the updates outlined below, the proposed license includes various non-substantive housekeeping changes for clarity and consistency.

Updates and additions to standard license requirements

Certain license requirements are standard across all licenses and franchises. This proposed license updates language in some existing standard conditions and also adds new standard conditions that will be included in all new and renewing licenses as follows:

- **Acceptance of painted and treated wood** (formerly Section 3.6): Remove section authorizing the acceptance of painted and treated wood as there are currently no viable markets for this material. This change is standard for all compost and yard debris reload facilities.
- **Prohibition on mixing** (Section 4.4): Add section prohibiting the facility from mixing source-separated recyclable material with any other waste unless approved by Metro. This section is included in other facility licenses and is proposed here to increase uniformity across licenses.
- **General Performance Standards** (Section 5.1): Add section requiring the facility to operate in a manner that avoids undue nuisance conditions, threats to the environment, or conditions that degrade public health and safety. This section is included in other facility licenses and is proposed here to increase uniformity across licenses.
- **Employment Standard** (Section 5.16): Add a new section requiring that the licensee be in compliance with Oregon's "ban the box" law (ORS 659A.360). Oregon's "ban the box" law makes it illegal for an employer to inquire about criminal convictions before the interview stage of hiring. This advances progress on the 2030 Regional Waste Plan and the Waste Prevention and Environmental Services Diversity, Racial Equity and Inclusion Work Plan goals. This requirement was added to the franchises in 2020 and will be added to all licenses as they are renewed.
- **Closure protocol** (Section 6.11): Update closure protocol to require a licensee to notify Metro within one business day of a short-term or long-term closure. This standardizes the closure protocol across licenses and formalizes the expectation that Metro is notified of any short-term or long-term closure.
- **Reporting requirements** (Subsection 8.2.2): Add a new subsection stating that Metro may require reporting on a weekly or daily basis in the event of a significant disruption to the solid waste system. This was created in response to the COVID-19 pandemic and Metro's need for more real-time data. This subsection will be added to all relevant authorizations.

- **Changes in ownership** (Section 8.6): Update language to require notification to Metro of any change in ownership. This change will be standard across new and renewing licenses and aligns with Metro Code Chapter 5.01.
- **Certificate of insurance** (Section 9.5): Add a new section to formalize the expectation and the long-standing practice that licensees submit a certificate of insurance (CERT) to Metro. Licensees must name Metro as an additional insured on the CERT, and also include the *additional insured endorsement* from the general liability policy as recommended by Metro’s risk manager.
- **Right of inspection and audit** (Section 12.3): Update language to require access to the facility by Metro authorized personnel to perform research. This update was made to the franchises in 2020 and will be made to all licenses as they are renewed.
- **Confidential Information** (Section 12.4): Update language to reflect current state public records law which has more restrictive timelines for responding to a requestor. This update was made to the franchises in 2020 and will be made to all licenses as they are renewed.

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

On April 15, 2022, Metro issued public notice of the proposed license renewal and provided an opportunity for the public to submit comments. A description of the proposed facility and the license application was available on Metro’s website. Interested parties could submit comments via an online form or leave a voicemail on a multi-language phone line. Postcards with information in six languages about the proposed license and comment period were mailed to 25 businesses, residents and owners of properties located within approximately one-quarter mile of the facility. Notice was also emailed to community based organizations and neighborhood associations located within one mile of the facility, and emailed to stakeholders with general interest in solid waste issues. The public comment period ended on May 16, 2022. Metro received two comments and both were in support of the license renewal.

METRO CODE LICENSE RENEWAL CRITERIA

Metro Code Section 5.01.110 states:

The Chief Operating Officer must approve a solid waste facility license renewal unless the Chief Operating Officer determines that the proposed license renewal is not in the public interest. The Chief Operating Officer may attach conditions to any renewed license.

Allwood filed a renewal application on Feb. 2, 2022 accompanied by payment of the \$300 application fee. The application was deemed complete on March 9, 2022. The license renewal application included a description of its operation and the solid waste it accepts. The proposed license does not include any new authorizations and, if approved, will replace the current license that expires on June 30, 2022

COMPLIANCE HISTORY OF THE APPLICANT

Allwood is currently in compliance with its Metro-issued license and it has not had any significant compliance issues with regard to Metro regulations within the last six years. Metro staff conducted eight inspections of Allwood during the term of its current license, and Metro did not take any enforcement actions at the facility. DEQ staff reported that Allwood is currently in compliance with DEQ’s requirements and there have been no enforcement actions taken at the facility by DEQ in the past six years. In addition, Metro has not received any complaints or been notified of any concerns regarding the facility during the last five years. DEQ and city of Fairview have also reported to staff that they have not received any complaints about the facility during that time.

Staff finds that Allwood plays an important role in the region’s solid waste recovery efforts and it is in the public interest to renew the facility’s license.

STAFF RECOMMENDATION

Staff recommends approving Solid Waste Facility License No. L-064-22 to renew Allwood's authority to accept and process yard debris for the production of compost. If approved, the proposed license would take effect on July 1, 2022 and expire on June 30, 2027. A copy of the proposed license is attached for your signature.

Attachment



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

METRO SOLID WASTE FACILITY LICENSE

No. L-064-22

LICENSEE:	FACILITY NAME AND LOCATION:
Allwood Recyclers, Inc. PO Box 115 Fairview, OR 97024 Phone: 503-667-5497	Allwood Recyclers Compost Facility 23001 NE Marine Drive Fairview, OR 97024 Allwood Recyclers Public Yard 22800 NE Marine Drive Fairview, OR 97024
OPERATOR:	PROPERTY OWNER:
Allwood Recyclers, Inc. PO Box 115 Fairview, OR 97024	MRW Properties, LLC PO Box 115 Fairview, OR 97024

ISSUED BY METRO:

Pamela C. Peck, Policy and Compliance Program Director

Date

TABLE OF CONTENTS

SECTION	TITLE	PAGE
1.0	Issuance	3
2.0	Conditions and Disclaimers	3
3.0	Authorizations	4
4.0	Limitations and Prohibitions	5
5.0	Operating Conditions	6
6.0	Operating Plan	10
7.0	Fees and Rates	12
8.0	Record Keeping and Reporting	12
9.0	Insurance Requirements	13
10.0	Enforcement	14
11.0	Amendment, Suspension, Revocation and Termination	15
12.0	General Obligations	15

1.0	ISSUANCE	
1.1	Contact	Mark Wubben Phone: 360-921-4528 Email: markwubben.awr@gmail.com
1.2	Term	July 1, 2022 to June 30, 2027, unless amended, suspended, revoked or terminated as provided in this license.
1.3	Renewal	The licensee may apply for a license renewal as provided in Metro Code Chapter 5.01.
1.4	Facility name and mailing address	Allwood Recyclers, Inc. PO Box 115 Fairview, OR 97024
1.5	Facility premises description	Tax Lot Identification No. 1N3D22C-00101 and N3E22C-00109, City of Fairview, Multnomah County, State of Oregon.
1.6	Permission to operate	The licensee is the property owner; Allwood Recyclers, Inc. is a subsidiary of MRW Properties, LLC.

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 limit Metro from granting other solid waste licenses within Metro's jurisdictional boundary.
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 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 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	Waivers	To be effective, a waiver of any terms or conditions of this license must conform with Section 11.0 and be in writing and signed by Metro.
2.7	Effect of waiver	Waiver of a term or condition of this license does not waive nor prejudice Metro's right to require subsequent performance of the same term or condition or any other term or condition.
2.8	Enforceability	If a court of competent jurisdiction determines that any provision of this license is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this license will not be affected.
2.9	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.
2.10	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.
2.11	Definitions	Unless otherwise specified, all 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 of yard debris	<ol style="list-style-type: none"> 1. 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, the production of mulch, use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by Metro. 2. The licensee is authorized to accept self-haul yard debris at its public yard located at 22800 NE Marine Drive in Fairview for reload to its compost facility located at 23001 NE Marine Drive in Fairview. 3. The licensee is authorized to accept yard debris from commercial haulers at its compost facility located at 23001 NE Marine Drive in Fairview.

3.4	Acceptance of land clearing debris	The licensee is authorized to accept source-separated land-clearing debris (e.g., brush and stumps) for grinding, composting 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.
3.5	Acceptance of untreated wood	The licensee is authorized to accept source-separated, untreated and unpainted wood waste (e.g. untreated lumber and wood pallets). The licensee may accept untreated wood waste for grinding, composting, for use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by Metro.
3.6	Production of hogged fuel	<ol style="list-style-type: none"> 1. The licensee is authorized to accept and process only yard debris, land clearing debris, and untreated 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 wastes described above in this section for the production of hogged fuel.
3.7	Acceptance of clean fill	The licensee is authorized to accept inert materials such as clean concrete, asphalt, rock and dirt for processing and reuse.

4.0	LIMITATIONS AND PROHIBITIONS	
4.1	Pile size limitation	In accordance with Oregon Fire Code, no material stockpile, including active compost piles, may exceed 25-feet in height, 150-feet in width and 250-feet in length.
4.2	Storage limitation	All yard debris received at the licensee's public yard located at 22800 NE Marine Drive in Fairview must be reloaded to its composting facility located at 23001 NE Marine Drive in Fairview within 24 hours of receipt.
4.3	Prohibited waste	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 material 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; explosives; or any waste prohibited by the Oregon Department of Environmental Quality (DEQ).
4.4	Prohibition on mixing	The licensee must not mix source-separated recyclable material with any other waste unless such mixing is described in an operating plan and approved in writing by Metro.

4.5	Source-separated yard debris mixed with residential food waste	The licensee must not knowingly accept or retain source-separated yard debris mixed with residential food waste from municipal curbside collection programs.
4.6	No disposal of recyclable materials	The licensee must not transport source-separated recyclable materials to a disposal site, including landfills and incineration facilities, without written permission from Metro and DEQ.
4.7	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.

5.0	OPERATING CONDITIONS	
5.1	General performance standards	<p>The licensee must operate in a manner that meets the following general performance standards:</p> <ol style="list-style-type: none"> 1. Environment. The licensee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes. 2. Health and safety. The licensee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris. 3. Nuisances. The licensee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors and noise.
5.2	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 that is 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 unknowingly received.
5.3	Fire prevention	The licensee must provide fire prevention, protection and control measures including, but not limited to:

		<ol style="list-style-type: none"> 1. Adequate water supply for fire suppression; and 2. The isolation of potential heat sources and/or flammables from the processing and storage areas.
5.4	Adequate vehicle accommodation	<p>The licensee must:</p> <ol style="list-style-type: none"> 1. Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. 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 solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances; and 3. Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site covering and uncovering of loads.
5.5	Managing prohibited wastes	<p>The licensee must:</p> <ol style="list-style-type: none"> 1. Reject prohibited waste that is discovered upon receipt. 2. Implement a load-check program to prevent the acceptance of prohibited waste. This program must include at a minimum: <ol style="list-style-type: none"> (a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of any waste that is prohibited by the license. (b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received. Containment areas must be covered and enclosed to prevent leaking and contamination. (c) Record maintenance. The licensee must maintain records of the training of personnel in the recognition, proper handling and disposition of prohibited waste and make those records available for review by Metro. 3. Remove all prohibited waste upon discovery when unknowingly received and manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the licensee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by DEQ or a local government.
5.6	Storage and exterior stockpiles	<p>The licensee must:</p> <ol style="list-style-type: none"> 1. Manage, contain and remove, at sufficient frequency, stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards;

		<ol style="list-style-type: none"> 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; and 4. Not stockpile recovered or source-separated materials for longer than 180 days (6 months) unless such material is composting feedstock that is received and managed in accordance with this license and facility operating plan.
5.7	Dust, airborne debris and litter	<p>The licensee must:</p> <ol style="list-style-type: none"> 1. Operate the facility in a manner that controls and minimizes the generation and migration of dust, airborne debris and litter beyond property boundaries; 2. Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit; 3. Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit; 4. Maintain and operate all access roads and receiving, processing, storage and reload areas in such a manner as to control and minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site; 5. 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; 6. Maintain on-site facility access roads to control and minimize dust and the tracking of mud, gravel or other debris off-site; and 7. Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste is being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste on a public road right-of-way in violation of Metro Code Chapter 5.09.
5.8	Odor	<p>The licensee must:</p> <ol style="list-style-type: none"> 1. Operate the facility in a manner that controls and minimizes the generation of odors that are detectable off-site; and 2. Establish and follow procedures in the operating plan for minimizing odor at the facility.

5.9	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 harboring rodents, birds, insects or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another; and 2. Implement vector control measures if vectors are present or detected at the facility.
5.10	Noise	<p>The licensee must operate the facility in a manner that:</p> <ol style="list-style-type: none"> 1. Controls and minimizes any noise sufficient to cause adverse off-site impacts; and 2. Meets applicable regulatory standards and land-use regulations.
5.11	Water contaminated by solid waste and solid waste 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; and 2. Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state and federal laws and regulations.
5.12	Access control	<p>The licensee must:</p> <ol style="list-style-type: none"> 1. Control access to the facility as necessary to prevent unauthorized entry and dumping; and 2. 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.
5.13	Signage	<p>The licensee must post signs at all public entrances to the facility. The signs must comply 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"> 1. Name of the facility; 2. Address of the facility; 3. Emergency telephone number for the facility; 4. Operating hours during which the facility is open for the receipt of authorized waste; 5. Fees and charges; 6. Metro's name and telephone number (503) 234-3000; 7. A list of authorized and prohibited wastes; 8. Vehicle / traffic flow information or diagram; 9. Covered load requirements; and

		10. Directions not to queue on public roadways.
5.14	Complaints	The licensee must respond to all complaints as described in the operating plan.
5.15	Access to license document	The licensee must maintain a copy of this license on the facility's premises in a location where facility personnel and Metro representatives have ready access to it.
5.16	Employment standard	<p>The licensee must:</p> <ol style="list-style-type: none"> 1. Comply with Oregon's "ban the box" law (ORS 659A.360) which makes it unlawful for an employer to inquire about criminal convictions before the interview stage of hiring; and 2. Maintain a copy of the facility's employment application on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.

6.0	OPERATING PLAN	
6.1	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, subject to written approval by Metro.
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 revisions of the operating plan to Metro for written approval prior to implementation.
6.3	Access to operating plan	The licensee must maintain a copy of the operating plan on the facility premises in a location where facility personnel and Metro representatives have ready access to it.
6.4	Procedures for inspecting loads	<p>The operating plan must include:</p> <ol style="list-style-type: none"> 1. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; and 2. A set of objective criteria for accepting and rejecting loads.
6.5	Procedures for processing and storage of loads	<p>The operating plan must include procedures for:</p> <ol style="list-style-type: none"> 1. Processing authorized solid wastes; 2. Reloading and transporting authorized solid wastes; 3. Managing stockpiles to ensure that they remain within the authorized limits; 4. Storing authorized solid wastes; and

		5. Minimizing storage times and avoiding delay in processing of authorized solid wastes.
6.6	Procedures for managing prohibited wastes	<p>The operating plan must include procedures for:</p> <ol style="list-style-type: none"> 1. Managing, reloading and transporting to appropriate facilities or disposal sites any prohibited or unauthorized wastes if they are discovered at the facility; and 2. Notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
6.7	Procedures for odor prevention	<p>The operating plan must include procedures for:</p> <ol style="list-style-type: none"> 1. Controlling and minimizing odors generated at the facility from being detected off the premises of the facility; 2. Monitoring and managing odors of any derivation including odorous loads delivered to the facility; 3. Receiving and recording odor complaints; 4. Investigating all odor complaints to determine the cause of odor emissions; and 5. Remedying promptly all odor problems at the facility.
6.8	Procedures for dust prevention	<p>The operating plan must include procedures for:</p> <ol style="list-style-type: none"> 1. Controlling and minimizing dust from blowing off the premises of the facility; 2. Monitoring and managing dust of any derivation generated on site; 3. Receiving and recording dust complaints; 4. Investigating all dust complaints to determine the cause of dust emissions; and 5. Resolving all dust problems at the facility.
6.9	Procedures for emergencies	The operating plan must include procedures that the licensee will follow in case of fire or other emergency.
6.10	Procedures for complaints	<p>The operating plan must include procedures for managing complaints. If the facility receives a complaint, the licensee must:</p> <ol style="list-style-type: none"> 1. Respond within one business day or sooner as circumstances may require. 2. The licensee must record the following information for every complaint it receives: <ol style="list-style-type: none"> (a) Type of complaint (for example odor, dust, noise, litter, etc.); (b) Date the complaint was received; (c) Name, address and telephone number of the complainant; and

		<p>(d) Description of the actions that the licensee took in response to the complaint, whether successful or unsuccessful.</p> <p>3. The licensee must make the records required by this section available to Metro upon request. The licensee must retain each complaint record for a period of not less than one year.</p>
6.11	Closure protocol	<p>1. The licensee must establish protocol for closure and restoration of the site in the event of a cession of operations as provided in Metro Code Chapter 5.01.</p> <p>2. The plan must include protocol for:</p> <p>(a) Short-term closure (duration of time that is more than seven consecutive days but less than 30 consecutive days in length); and</p> <p>(b) Long-term closure (duration of time that is 30 consecutive days or more in length).</p> <p>3. The licensee must notify Metro within one business day of a short-term or long-term closure of the facility.</p>

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	Metro does not regulate the rates charged at the facility.
7.3	Regional system fee and excise tax	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 transported to a disposal site.

8.0	RECORD KEEPING AND REPORTING	
8.1	Record keeping requirements	<p>For all solid waste the licensee is authorized to accept under Section 3.0, the licensee must keep and maintain accurate records of:</p> <p>1. The amount of those materials that the licensee accepts, recovers, recycles, reloads and disposes; and</p> <p>2. The destination of outbound materials.</p>
8.2	Reporting requirements	<p>1. The licensee must report to Metro the records required under Section 8.1 no later than fifteen days following the end of each month in the form and format prescribed by Metro. An authorized representative of the licensee must certify that the report is accurate.</p>

		2. Notwithstanding Subsection 1, Metro may require the licensee to report the records required by Section 8.0 on a weekly or daily basis in the event of a significant disruption to the solid waste system.
8.3	DEQ submittals	The licensee must provide Metro with copies of all correspondence, exhibits or documents submitted to DEQ relating to the terms or conditions of DEQ permits or this license within five business days of providing such information to DEQ.
8.4	Copies of enforcement actions provided to Metro	The licensee must provide Metro a copy of any notice of violation or non-compliance, citation or any other similar enforcement action issued to the licensee by any federal, state or local government (other than Metro) related to the operation of the facility within five business days of receipt.
8.5	Unusual occurrences	<p>The licensee must:</p> <ol style="list-style-type: none"> 1. 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. Notify Metro within 24 hours of any breakdown of the licensee's equipment if the breakdown will substantially impact the facility's ability to comply with this license, with Metro Code, or which will create off-site impacts; 3. Notify Metro within 12 hours of any fires, accidents, emergencies and other significant incidents that occur at the facility; and 4. Notify Metro of any long-term or short-term closures as provided in section 6.11.
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 license to another person, whether whole or in part, in accordance with Metro Code Chapter 5.01.

9.0	INSURANCE REQUIREMENTS	
9.1	General liability	The licensee must carry the most recently approved Insurance Services Office (ISO) 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. The licensee's coverage will be primary as respects Metro.
9.2	Automobile	The licensee must carry automobile insurance with coverage for bodily injury and property damage, with limits not less than a minimum of \$1,000,000 per accident or combined single limit.

9.3	Additional insureds	Metro, its elected officials, departments, employees, volunteers and agents must be named as ADDITIONAL INSURED on the Commercial General Liability policy. The licensee must include the additional insured endorsement along with the certificate of insurance.
9.4	Worker's compensation insurance	<ol style="list-style-type: none"> 1. 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. 2. 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 insurance.
9.5	Certificate of insurance	<ol style="list-style-type: none"> 1. The licensee must provide Metro with a certificate of insurance complying with Section 9.0. 2. The licensee must list Metro as the certificate holder. 3. Upon insurance renewal, the licensee must submit an updated certificate of insurance and the additional insured endorsement to Metro.
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	The power and right to regulate, in the public interest, the exercise of the privileges granted by this license is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all requirements against the licensee.
10.2	No Enforcement Limitations	This license may not be construed to and 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 Metro jurisdictional boundary, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the licensee's operation of the facility.
10.3	Penalties	Each violation of a license condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day that a violation continues is a separate violation.

11.0	AMENDMENT, SUSPENSION, REVOCATION AND TERMINATION	
11.1	Amendment, suspension or revocation by Metro	<p>Metro may, at any time before the expiration date, amend, suspend or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:</p> <ol style="list-style-type: none"> 1. Violation of the terms or conditions of this license, Metro Code or any applicable statute, rule or standard; 2. Changes in local, regional, state or federal laws or regulations that should be specifically incorporated into this license, such as Metro actions to implement new requirements from the 2030 Regional Waste Plan; 3. Failure to disclose fully all relevant facts; 4. A significant release into the environment from the facility; 5. A significant change in the character of solid waste received or in the operation of the facility; 6. Any change in ownership or control; 7. A request from the local government stemming from impacts resulting from facility operations; 8. A change of authorization request received from the licensee; and 9. Compliance history of the licensee.
11.2	Termination	<p>Metro may, at any time before the expiration date, terminate this license upon request of the licensee or in the event of a long term closure of the facility as described in Section 6.11.</p>

12.0	GENERAL OBLIGATIONS	
12.1	Compliance with law	<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 whether or not those provisions have been specifically mentioned or cited in this license. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this license as if specifically set forth in this license. These conditions and permits include those cited within or attached as exhibits to the license document, any existing at the time the license is issued but not cited or attached, and any issued or amended during the term of the license.</p>
12.2	Transport waste to appropriate destinations	<p>The licensee must ensure that solid waste transported from the facility goes to the appropriate destinations under Metro Code Chapters 5.01</p>

		<p>and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.</p>
12.3	Right of inspection and audit	<ol style="list-style-type: none"> 1. The licensee must allow Metro’s authorized representatives to access the facility and premises at any time during business hours, with or without advanced notice. For non-business hours, the licensee must allow access to Metro’s authorized representatives upon receiving advanced notice of not less than 24 hours. 2. Authorized representatives of Metro may take photographs, collect samples of materials and perform any inspection or audit as Metro deems appropriate. 3. 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 the licensee that are directly related to the facility’s operation and its rates. 4. The licensee must permit access to the facility premises to authorized representatives of Metro, including personnel on contract to Metro, to perform research at all times during business hours, with or without notice. The licensee must provide access to: <ol style="list-style-type: none"> (a) All areas where it generates, manages, stores and reloads waste, including without limitation to transfer vehicles; (b) Facility personnel and equipment to collect, sort, store and weigh waste; and (c) A safe, covered location away from working areas and vehicle traffic on site where authorized representatives of Metro analyze waste and record data.
12.4	Confidential information	<ol style="list-style-type: none"> 1. 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 operation of the facility 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. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose the information unless Metro's refusal to disclose the information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. 2. If Metro receives a public records request seeking disclosure of information identified as confidential by the licensee, Metro will provide the licensee with a courtesy notice of that request within five days of receipt of the request.

		<p>3. 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.</p> <p>4. 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 the information as confidential and make good faith efforts not to disclose the information.</p>
12.5	Compliance by agents	<p>The licensee is responsible for ensuring that its agents and contractors comply with this license.</p>

WE