

BEFORE THE METRO COUNCIL

|                                      |   |                            |
|--------------------------------------|---|----------------------------|
| FOR THE PURPOSE OF REPLACING A SOLID | ) | RESOLUTION NO. 00-2924     |
| WASTE FRANCHISE ISSUED TO WASTE      | ) |                            |
| RECOVERY WITH A SOLID WASTE FACILITY | ) | Introduced by Mike Burton, |
| LICENSE TO BE ISSUED TO RB RECYCLING | ) | Executive Officer          |

WHEREAS, a Solid Waste Franchise was issued to the Waste Recovery, Inc. waste tire processing facility in March of 1996 under the provisions of the "old" chapter 5.01 of the Metro Code; and

WHEREAS, the Waste Recovery facility was acquired by RB Recycling, Inc. in February of 1999; and

WHEREAS, under the "new" Code, such a facility is licensed rather than franchised; and

WHEREAS, RB Recycling, Inc. applied for a Solid Waste Facility License under the provisions of the "new" Code chapter 5.01 as amended in 1998; and

WHEREAS, RB Recycling, Inc.'s application is in conformance with the requirements of chapter 5.01 of the Code; and

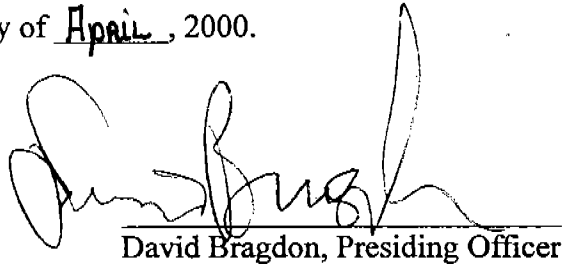
WHEREAS, Metro staff has analyzed the application and recommended approval of the applicant's request for a Solid Waste Facility License; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

The existing Solid Waste Franchise originally issued to Waste Recovery shall be terminated and replaced with a Solid Waste Facility License issued to RB Recycling. The new Solid Waste Facility License shall be substantially similar to the license attached as Exhibit A.

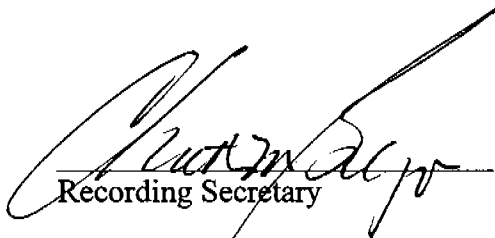
ADOPTED by the Metro Council this 13<sup>th</sup> day of April, 2000.



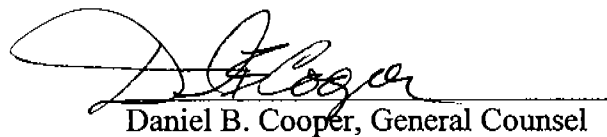
David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:



Recording Secretary



Daniel B. Cooper, General Counsel

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**EXECUTIVE SUMMARY  
RESOLUTION 00-2924  
GRANTING A SOLID WASTE FACILITY LICENSE TO  
RB RECYCLING**

**PROPOSED ACTION**

- Grants a new solid waste facility license to one of the region's two waste tire processors.
- RB Recycling is to be authorized solely as a recovery facility.

**WHY NECESSARY**

- Metro Code Section 5.01.045 requires a Metro license for any person to own and operate a facility that processes non-putrescible waste and produces a processing residual in excess of ten percent. The Metro Council approves all solid waste facility licenses [Metro Code 5.01.067(a)].
- RB Recycling plays an important role in boosting the region's recovery rate and minimizing accumulations of tire piles and illegal dumping of tires.

**DESCRIPTION**

- RB Recycling specializes in the processing of truck tires into crumb rubber which, in turn, is utilized as a raw material in its parent company's rubber mat manufacturing business. This is a stable market that enables RB Recycling to recycle approximately 80 percent of incoming material. The remaining residual consists largely of the steel belts with bits of rubber clinging to it.

**ISSUES/CONCERNS**

- The RB Recycling facility was formerly operated by Waste Recovery, Inc. The proposed license, will replace a franchise that was issued to the previous operator under the "old" Code.
- Because it will be authorized to perform materials recovery and recycling only, RB Recycling will be exempt from system fees under section 5.01.150(b) of the Code.

**BUDGET/FINANCIAL IMPACTS**

- In the past, Metro has not collected system fees on processed tires.
- Metro budget/financial analysis does not include system fees on disposed tire waste, thus there should not be any discernable impact.

## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 00-2924, FOR THE PURPOSE OF REPLACING A SOLID WASTE FRANCHISE ISSUED TO WASTE RECOVERY WITH A SOLID WASTE FACILITY LICENSE TO BE ISSUED TO RB RECYCLING

April 13, 2000

Presented by: Terry Petersen,  
Leann Linson

### **BRIEF DESCRIPTION OF RESOLUTION**

Approval of Resolution No. 00-2924 will authorize the Executive Officer to issue a new Solid Waste License to RB Recycling for the operation of its waste tire processing facility located at 8501 N. Borthwick St. in Portland, Oregon. The facility was formerly operated by Waste Recovery and was originally franchised by Metro under provisions of the "old" Code chapter 5.01. The proposed license authorizes the applicant to perform only recovery and recycling of tires and rims. The license will replace a Metro franchise issued to the previous operator of the facility and bring the facility under the regulatory authority of the "new" Code chapter 5.01.

### **EXISTING LAW**

Metro Code Section 5.01.045 requires a Metro license for any person to own and operate a facility that processes non-putrescible waste and produces a processing residual in excess of ten percent. The Metro Council approves all solid waste facility licenses [Metro Code 5.01.067(a)].

### **BACKGROUND**

#### **A. History of the Facility**

Prior to January 1999, the applicant's facility was owned and operated by Waste Recovery, Inc. At that time, Waste Recovery was the region's only waste tire processing facility. The facility recovered and marketed crumb rubber and chips processed from waste automobile and truck tires via a multi-stage mechanical process that included coarse shredding, fine shredding, and wire removal via magnetic separation. Though some product was marketed for manufacturing purposes and engineered fill, the primary market was for tire derived fuel (TDF).

Waste Recovery was granted a Metro franchise in March of 1996. At that time it was the region's only waste tire processing facility. The Waste Recovery franchise differed from other franchises issued under the "old" Code chapter 5.01 in that it granted some relief from the imposition of user fees on tire waste disposed by the company. At that time the waste consisted primarily of the wire component of the tires with rubber clinging to it. Instead of paying the full user fee on every ton of such waste, Waste Recovery was required to pay a flat \$4,000 annual fee unless the recovery rate were to fall below 40

percent, in which case the user fee would be based upon a table contained within the franchise agreement. The lower the recovery rate, the greater the fee. Further, the company was to install new equipment designed to remove more of the rubber from the wire so that the wire could also be recycled.

Within a year of the issuance of Waste Recovery's franchise, the market for tire derived fuel declined sharply. This was a result of factors that included the substitution of natural gas for TDF; greater restrictions on the burning of TDF due to air quality concerns; and conversion to systems that burned whole tires instead of chips. At the same time, prices for scrap steel declined to the point that there were no longer markets for wire recovered from the tires. As a result, Waste Recovery began landfilling its tire chips in order to avoid accumulating more tires than it could store at its site. In December of 1996, Waste Recovery requested an exemption from user fees altogether. The request was based on the fact that the company's recovery rate had plummeted due to forces outside of its control and that its business operated on too thin a margin to support such fees. Metro staff substantiated Waste Recovery's need for such relief and, because of the facility's important role as the region's only waste tire processor, the REM Department used its enforcement discretion not to enforce the user fee provision of the franchise.

#### **B. The Applicant and the Applicant's Request**

In February 1999 the Waste Recovery facility was purchased by RB Recycling, which has continued to operate the facility under the existing franchise. RB Recycling is a subsidiary of RB Rubber Products, Inc., a company that manufactures floor coverings from recycled crumb rubber. RB Rubber's products include athletic floor surfaces and non-slip mats for horse trailers. Because automobile tires often have whitewalls that produce undesirable flecks in the finished product, RB Recycling specializes in the processing of truck tires and, unlike Waste Recovery, does not operate waste tire collection routes. The facility's present recovery rate is approximately 80 percent. Planned improvements in its wire cleaning technology are anticipated to increase its recovery rate further. RB Recycling also plans to purchase baling equipment that would improve the recyclability of the steel component of processed tires.

#### **C. Metro Code Provisions Related to the Applicant's Request**

Code Section 5.01.045(b) specifies that:

*(b) A Metro Solid Waste License shall be required of the Person owning or controlling a facility at which any of the following Activities are performed:*

*(1) Processing of Non-Putrescible Waste that results in Processing Residual of more than ten percent*

RB Recycling processes only tires, a non-putrescible waste, and produces a processing residual of approximately 20 percent. Thus, it is required to operate under the authority

of a Metro Solid Waste Facility License. Sections 5.01.055 and 5.01.060 of the Metro Code govern applications for Solid Waste Facility Licenses:

5.01.055 Pre-Application Conference

*(a) All prospective applicants for a Franchise or License shall participate in a pre-application conference with the Executive Officer. The purpose of such conference shall be to provide the prospective applicant with information regarding the applicable requirements for the proposed facility and to obtain from the prospective applicant a description of the location, site conditions and operations of the proposed facility.*

Staff held a pre-application conference with the applicant on November 24, 1999.

*(b) If a prospective applicant for a License or Franchise does not file an application for a License or Franchise within one year from the date of the pre-application conference, such applicant shall participate in a subsequent pre-application conference prior to filing any License or Franchise application.*

The applicant submitted an application within one month of the pre-application conference.

5.01.060 Applications for Certificates, Licenses or Franchises

*(a) Applications for a Certificate, Franchise or License or for renewal of an existing Certificate, Franchise or License shall be filed on forms or in the format provided by the Executive Officer.*

The application was filed on forms and in the format provided by the Executive Officer.

*(b) In addition to any information required on the forms or in the format provided by the Executive Officer, all applications shall include a description of the Activities proposed to be conducted and a description of Wastes sought to be accepted.*

The application contains a description of the activities proposed to be conducted and a description of Wastes sought to be accepted. The proposed activities consist of shredding tires to produce tire chips and crumb rubber. The wastes accepted consist solely of truck, automobile, and large equipment tires, both on and off the rims.

*(c) In addition to the information required on the forms or in the format provided by the Executive Officer, applications for a License or Franchise shall include the following information to the Executive Officer:*

- (1) Proof that the applicant can obtain the types of insurance specified by the Executive Officer during the term of the Franchise or License;*

A certificate of insurance was provided with the application.

- (2) *A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ;*

Copies of the following DEQ permits and information were included with RB Recycling's application:

- Combined Waste Tire and Storage/Carrier Permit
- Stormwater Discharge Permit sampling information
- Waste Tire Carrier Bond in the amount of \$5,000

- (3) *A duplicate copy of any closure plan required to be submitted to DEQ, or if DEQ does not require a closure plan, a closure document describing closure protocol for the Solid Waste Facility at any point in its active life;*

DEQ has not required a closure plan. However, at Metro's request, a closure protocol was developed. The protocol calls for the tires to be removed to the Tire Disposal and Recycling, Inc. facility located at 9625 SE Clackamas Rd., Clackamas Rd., Oregon for shredding and subsequent landfilling.

- (4) *A duplicate copy of any documents required to be submitted to DEQ demonstrating financial assurance for the costs of closure, or if DEQ does not require such documents, proof of financial assurance for the costs of closure of the facility;*

Included in the application was a copy of a Waste Tire Storage Site Bond in the amount of \$50,000.

- (5) *Signed consent by the owner(s) of the property to the proposed use of the property. The consent shall disclose the property interest held by the Licensee or Franchisee, the duration of that interest and shall include a statement that the property owner(s) have read and agree to be bound by the provisions of section 5.01.180(e) of this chapter if the License or Franchise is revoked or any License or Franchise renewal is refused;*

Copies of the required consent forms signed by the property owners were included with the application.

- (6) *Proof that the applicant has received proper land use approval; or, if land use approval has not been obtained, a written recommendation of the planning director of the local governmental unit having land use jurisdiction regarding new or existing disposal sites, or alterations, expansions, improvements or changes in the method or type of disposal at new or existing disposal sites. Such recommendation may include, but is not limited to a statement of*

*compatibility of the site, the Solid Waste Disposal Facility located thereon and the proposed operation with the acknowledged local comprehensive plan and zoning requirements or with the Statewide Planning Goals of the Land Conservation and Development Commission; and*

The facility is located in a heavy industrial zone where the applicant's tire processing activity is an outright permitted use.

- (7) *Identify any other known or anticipated permits required from any other governmental agency. If application for such other permits has been previously made, a copy of such permit application, and any permit that has been granted shall be provided.*

Included with the application were a City of Portland Business License and a Notice of Compliance from the Oregon Dept. of Consumer & Business Services, Workers' Compensation Division. There are no other required permits known or anticipated by Metro staff.

#### 5.01.062 Application Fees

(a) *Upon the filing of an application, every applicant for a Certificate, License or Franchise shall submit an application fee as provided in this section.*

(b) *Application fees shall be as follows:*

(2) *For a Solid Waste Facility License, three hundred dollars (\$300).*

The applicant has submitted the required \$300 application fee.

#### 5.01.150 User Fees

(b) *User fees shall not apply to:*

(1) *Non-putrescible Wastes accepted at a Franchised or Licensed Solid Waste Facility that is authorized to perform only Materials Recovery or Recycling Activities;*

The proposed license authorizes RB Recycling to perform materials recovery and recycling activities only. The facility will therefore be exempt from user fees under the existing Code.



## **BUDGET IMPACT**

Resolution No. 00-2924 continues an existing authorization to process waste tires. The facility has not been required to remit user fees in the past and will be exempt from such fees under a new license. Thus, it is anticipated that approval of Resolution No. 00-2924 will have an insignificant fiscal impact on Metro.

## **OUTSTANDING QUESTIONS**

None

## **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 00-2924, granting a Solid Waste License to RB Recycling, Inc. subject to the terms and conditions incorporated into the license document attached as "Exhibit A" to Resolution No. 00-2924.

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**SOLID WASTE FACILITY LICENSE****Number L-017-00****Issued by****Metro****600 NE Grand Avenue****Portland, OR 97232****Telephone: (503) 797-1650****Issued in accordance with the provisions of Metro Code Chapter 5.01**

|                                                                                                                                               |                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LICENSEE:</b><br><br>RB Recycling<br>8501 N. Borthwick<br>Portland, Oregon 97217<br>(503) 283-2261                      FAX (503) 283-2498 | <b>FACILITY NAME AND LOCATION:</b><br><br>RB Recycling<br>8501 N. Borthwick<br>Portland, Oregon 97217<br>(503) 283-2261                      FAX (503) 283-2498 |
| <b>OPERATOR:</b><br><br>RB Recycling<br>8501 N. Borthwick<br>Portland, Oregon 97217<br>(503) 283-2261                      FAX (503) 283-2498 | <b>PROPERTY OWNER:</b><br><br>RB Recycling<br>8501 N. Borthwick<br>Portland, Oregon 97217<br>(503) 283-2261                      FAX (503) 283-2498             |

This license is granted to the license holder named above and is not transferable. Subject to the conditions stated in this license document, the licensee is authorized to operate and maintain a waste tire processing facility, and to accept the materials and perform the activities authorized herein.

Signed:

Acceptance &amp; Acknowledgement of Receipt:

\_\_\_\_\_  
Signature\_\_\_\_\_  
Signature of Licensee\_\_\_\_\_  
Mike Burton, Metro Executive Officer\_\_\_\_\_  
Print name and title\_\_\_\_\_  
Print name and title\_\_\_\_\_  
Date\_\_\_\_\_  
Date



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**1.0 ISSUANCE**

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- |            |                                          |                                                                                                                                                                 |
|------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.1</b> | <b>Licensee</b>                          | RB Recycling<br>8501 N. Borthwick<br>Portland, Oregon 97217<br>(503) 283-2261      FAX (503) 283-2498                                                           |
| <b>1.2</b> | <b>Contact</b>                           | Pete Daly                                                                                                                                                       |
| <b>1.3</b> | <b>License Number</b>                    | When referring to this license, please cite:<br>Metro Solid Waste Facility License Number L-017-00                                                              |
| <b>1.4</b> | <b>Term of License</b>                   | This license is issued for a term of five (5) years as authorized by Metro Code Chapter 5.01. The term commences from the date this license is signed by Metro. |
| <b>1.5</b> | <b>Facility name and mailing address</b> | RB Recycling<br>8501 N. Borthwick<br>Portland, Oregon 97217<br>(503) 283-2261      FAX (503) 283-2498                                                           |
| <b>1.6</b> | <b>Operator</b>                          | RB Recycling<br>8501 N. Borthwick<br>Portland, Oregon 97217<br>(503) 283-2261      FAX (503) 283-2498                                                           |
| <b>1.7</b> | <b>Facility legal description</b>        | Swinton Addition, Block 5, Lots 1-36, in the City of Portland, Oregon                                                                                           |
| <b>1.8</b> | <b>Facility owner</b>                    | RB Recycling<br>8501 N. Borthwick<br>Portland, Oregon 97217<br>(503) 283-2261      FAX (503) 283-2498                                                           |
| <b>1.9</b> | <b>Permission to operate</b>             | <b>Licensee</b> warrants that it has obtained the property owner's consent to operate the facility as specified in this license.                                |



## **2.0 CONDITIONS AND DISCLAIMERS**

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- |            |                             |                                                                                                                                                                                                                                                                                                                                        |
|------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2.1</b> | <b>Guarantees</b>           | The granting of this license shall not vest any right or privilege in the licensee to receive specific quantities of material at the direction of Metro during the term of the license.                                                                                                                                                |
| <b>2.2</b> | <b>Property rights</b>      | The granting of this license does not convey any property rights in either real or personal property, nor does it authorize any injury to private property or invasion of property rights.                                                                                                                                             |
| <b>2.3</b> | <b>No recourse</b>          | The licensee shall have no recourse whatsoever against the District 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 the license or any part thereof is determined to be invalid. |
| <b>2.4</b> | <b>Release of liability</b> | Metro, its elected officials, employees, or agents do not sustain any liability on account of the granting of this license or on account of the construction, maintenance, or operation of the facility pursuant to this license.                                                                                                      |
| <b>2.5</b> | <b>Binding nature</b>       | The conditions of this license are binding on the licensee. The licensee is liable for all acts and omissions of the licensee's contractors and agents.                                                                                                                                                                                |
| <b>2.6</b> | <b>Waivers</b>              | To be effective, a waiver of any terms or conditions of this license must be in writing and signed by the Metro Executive Officer.                                                                                                                                                                                                     |
| <b>2.7</b> | <b>Effect of waiver</b>     | Waiver of a term or condition of this license shall not waive nor prejudice Metro's right otherwise to require performance of the same term or condition or any other term or condition.                                                                                                                                               |
| <b>2.8</b> | <b>Choice of law</b>        | The license shall be construed, applied and enforced in accordance with the laws of the State of Oregon.                                                                                                                                                                                                                               |
| <b>2.9</b> | <b>Enforceability</b>       | If any provision of this license is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this license shall not be affected.                                                                                                  |



- 2.10 License not a waiver** Nothing in this license shall be construed as relieving any owner, operator, or licensee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
- 2.11 License not limiting** Nothing in this license is intended to limit the power of a federal, state, or local agency to enforce any provision of law relating to the solid waste facility that it is authorized or required to enforce or administer.
- 2.12 Definitions** Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.01.

### **3.0 AUTHORIZATIONS**

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- 3.1 Purpose** This section of the license describes the materials that the licensee is authorized to accept at the facility, and the activities the licensee is authorized to perform at the facility.
- 3.2 General conditions on acceptable materials** The licensee is authorized to accept at the facility only the materials described in this section. The licensee is prohibited from knowingly receiving any materials not authorized in this section.
- 3.3 General conditions on activities** The licensee is authorized to perform at the facility only those activities that are described in this section.
- 3.4 Tires** The licensee is authorized to accept automobile, truck, heavy equipment, and other vehicle tires.
- 3.5 Materials recovery** The licensee is authorized to process tires for recovery of crumb rubber for manufacturing and tire chips for fuel and engineering uses. Steel derived from the processing of tires shall be recovered to the extent that it is technically and economically feasible.
- 3.6 Deliveries not limited** This license does not limit the quantity of authorized materials that may be accepted at the facility.



## **4.0 LIMITATIONS AND PROHIBITIONS**

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|------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4.1</b> | <b>Purpose</b>              | This section of the license describes limitations and prohibitions on the materials handled at the facility and activities performed at the facility.                                                                                                                                                                                                                                                    |
| <b>4.2</b> | <b>Prohibited waste</b>     | The licensee shall not knowingly accept or retain any material amounts of the following types of wastes: putrescible wastes; materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by the licensee's DEQ Disposal Site Permit. |
| <b>4.3</b> | <b>Limits not exclusive</b> | Nothing in this section of the license shall be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this license document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.                                                                                                  |

## **5.0 OPERATING CONDITIONS**

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- |            |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>5.1</b> | <b>Purpose</b>                    | This section of the license describes criteria and standards for the operation of the facility.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>5.2</b> | <b>Qualified Operator</b>         | The licensee shall provide an operating staff qualified to carry out the functions required by this license and to otherwise ensure compliance with Metro Code Chapter 5.01.                                                                                                                                                                                                                                                                                                                                                                         |
| <b>5.3</b> | <b>Managing prohibited wastes</b> | <p>The licensee shall establish and follow procedures for</p> <ul style="list-style-type: none"><li>b. Methods of inspecting incoming loads for the presence of prohibited or unauthorized waste;</li><li>c. Methods for managing and transporting for disposal at an authorized disposal site each of the prohibited or unauthorized wastes if they are discovered at the facility.</li></ul> <p>Upon discovery, all prohibited or unauthorized wastes shall be removed or managed in accordance with procedures established in the procedures.</p> |



- 5.4 Managing authorized wastes** All authorized materials received at the facility must be managed in accordance with the licensee's DEQ Waste Tire Storage permit.
- 5.5 Storage** Stored materials shall be suitably contained and removed at sufficient frequency to avoid creating nuisance conditions or safety hazards. Storage areas must be maintained in an orderly manner and kept free of litter.
- 5.6 Litter and airborne debris** The licensee shall operate the facility in a manner that is not conducive to the generation of litter and airborne debris. The licensee shall:
- a. Take reasonable steps to notify and remind persons delivering tires to the facility that all loads must be suitably secured to prevent any tires from falling off the load during transit.
  - b. Construct, maintain, and operate all vehicles and devices transferring or transporting tires from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.
  - c. Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris.
- 5.7 Vectors** The licensee shall operate the facility in a manner that is not conducive to infestation of rodents, insects, or other animals capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.
- 5.8 Noise** The licensee shall operate the facility in a manner that controls the creation of excessive noise to the extent necessary to meet applicable regulatory standards and land-use regulations.
- 5.9 Water quality** The licensee shall:
- a. Operate and maintain the facility to prevent submersion of tires in water.
  - b. Dispose of contaminated water and sanitary sewage generated onsite in a manner complying with local, state, and federal laws and regulations.
- 5.10 Public Access** Public access to the facility shall be controlled as necessary to prevent unauthorized entry and dumping.





- 5.11 Signage** The licensee shall post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, legible, and shall contain at least the following information:
- a. Name of the facility
  - b. Address of the facility;
  - c. Telephone number(s) of persons who can provide information about the facility in case of an emergency;
  - d. Operating hours during which the facility is open for the receipt of authorized waste;
  - e. Metro's name and telephone number 797-1650.
- 5.12 Complaints** The licensee shall respond to all written complaints on nuisances (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors). If licensee receives a complaint, licensee shall:
- a. Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of unsuccessful attempts; and
  - b. Log all such complaints by name, date, time and nature of complaint. Each log entry shall be retained for one year and shall be available for inspection by Metro.
- 5.13 Access to license document** The licensee shall maintain a copy of this Metro Solid Waste Facility License on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.

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## **6.0 FEES AND RATE SETTING**

- 6.1 Purpose** This section of the license specifies fees payable by the licensee, and describes rate regulation by Metro.
- 6.2 Fines** Each violation of a license condition shall be punishable by fines as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation. Metro reserves the right to change fines at any time by action of the Metro Council.



- |     |                                           |                                                                                                                                        |
|-----|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| 6.3 | <b>Rates not regulated</b>                | The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro.                                     |
| 6.4 | <b>Excise tax not imposed on disposal</b> | The licensee shall be exempt from payment of excise tax on disposal of residual material in accordance with Metro Code 7.01.050(a)(9). |
| 6.5 | <b>Credit</b>                             | The licensee shall not be eligible for system fee credits on disposed tire waste.                                                      |

## **7.0 INSURANCE REQUIREMENTS**

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- |     |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.1 | <b>Purpose</b>                         | The section describes the types of insurance that the licensee shall purchase and maintain at the licensee's expense, covering the licensee, its employees, and agents.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 7.2 | <b>General liability</b>               | The licensee shall carry broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy shall be endorsed with contractual liability coverage.                                                                                                                                                                                                                                                                                                                                    |
| 7.3 | <b>Automobile</b>                      | The licensee shall carry automobile bodily injury and property damage liability insurance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 7.4 | <b>Coverage</b>                        | Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 7.5 | <b>Additional insureds</b>             | Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 7.6 | <b>Worker's Compensation Insurance</b> | The licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If licensee has no employees and will perform the work without the assistance of others, a license to that effect may be attached in lieu of the license showing current Workers' Compensation. |



- 7.7 Notification** The licensee shall give at least 30 days written notice to the Executive Officer of any lapse or proposed cancellation of insurance coverage.

## **8.0 ENFORCEMENT**

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- 8.1 Generally** Enforcement of this license shall be as specified in Metro Code.
- 8.2 Authority vested in Metro** The power and right to regulate, in the public interest, the exercise of the privileges granted by this license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against licensee.
- 8.3 Inspections** The Executive Officer may make such inspection or audit as the Executive Officer deems appropriate, and shall be permitted access to the premises of the facility at all reasonable times during business hours with or without notice or at such other times with 24 hours notice to assure compliance with this license, Metro Code, and administrative procedures adopted pursuant to Metro Code Chapter 5.01.
- 8.4 No Enforcement Limitations** Nothing in this license shall be construed to limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor shall this license be construed or interpreted so as to limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the licensee's operation of the facility.



## 9.0 MODIFICATIONS

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- 9.1 Modification** At any time during the term of the license, either the Executive Officer or the licensee may propose amendments or modifications to this license.
- 9.2 Modification, suspension or revocation by Metro** The Executive Officer may, at any time before the expiration date, modify, suspend, or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:
- a. Violation of the terms or conditions of this license, Metro Code, or any applicable statute, rule, or standard;
  - b. Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license;
  - c. Failure to disclose fully all relevant facts;
  - d. A significant release into the environment from the facility;
  - e. Significant change in the character of the material received or in the operation of the facility;
  - f. Any change in ownership or control, excluding transfers among subsidiaries of the licensee or licensee's parent corporation;
  - g. A request from the local government stemming from impacts resulting from facility operations.
  - h. Compliance history of the licensee.

## 10.0 GENERAL OBLIGATIONS

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- 10.1 Compliance with law** Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility shall be deemed part of this license as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the license document, as well as any existing at the