

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTERS 5.01 AND	)	
5.05 TO ENSURE THAT MIXED NON-	)	
PUTRESCIBLE WASTE MATERIAL RECOVERY	)	ORDINANCE NO. 07-1138
FACILITIES AND RELOAD FACILITIES ARE	)	
OPERATED IN ACCORDANCE WITH METRO	)	Introduced by Michael Jordan,
ADMINISTRATIVE PROCEDURES AND	)	Chief Operating Officer, with the
PERFORMANCE STANDARDS ISSUED BY THE	)	concurrence of David Bragdon,
CHIEF OPERATING OFFICER, AND TO MAKE	)	Council President
RELATED CHANGES.	)	

WHEREAS, on February 2, 2006, the Metro Council imposed a temporary moratorium until December 31, 2007, on all new mixed non-putrescible waste material recovery facilities and new mixed non-putrescible waste reloads in the region; and

WHEREAS, the moratorium was imposed by Council in order to: 1) provide time to conclude the Disposal System Planning project, 2) establish an enhanced dry waste recovery program, and 3) allow for the publication of non-putrescible waste facility standards; and

WHEREAS, the Metro Council directed staff to publish facility standards and application requirements that assure mixed dry waste facilities (non-putrescible material recovery facilities and reload facilities) consistently handle, reload or recover material without creating nuisance impacts or harm to people or the environment; and

WHEREAS, section 5.01.132 of the Metro Code directs the Chief Operating Officer to issue administrative procedures and performance standards governing the obligations of licensees and franchisees; and

WHEREAS, publication of the standards will provide a clear and level playing field for facilities and clarify the requirements prospective applicants must meet in advance of filing an application with Metro; and

WHEREAS, issues of persistent concern for both non-putrescible waste material recovery facilities and reload facilities are now addressed in the proposed standards including: 1) dust and blowing debris generated from on-site traffic and the tipping and processing of dry waste, 2) insufficient on-site capacity for reloading or processing, 3) contamination or degradation of unprocessed waste by other solid waste or wind and precipitation, and 4) inadequate load checking for prohibited or hazardous wastes; and now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

**SECTION 1.** Metro Code section 5.01.067 shall be amended as follows:

**5.01.067 Issuance and Contents of Licenses**

(a) Applications for Licenses filed in accordance with Section 5.01.060 shall be subject to approval or denial by the Chief Operating Officer, with such conditions as the Chief Operating Officer may deem appropriate.

(b) The Chief Operating Officer shall make such investigation concerning the application as the Chief Operating Officer deems appropriate, including the right of entry onto the applicant's proposed site.

(c) Prior to determining whether to approve or deny each License application, the Chief Operating Officer shall provide public notice and the opportunity for the public to comment on the License application.

(d) On the basis of the application submitted, the Chief Operating Officer's investigation concerning the application, and public comments, the Chief Operating Officer shall determine whether the proposed License meets the requirements of Section 5.01.060 and whether to approve or deny the application.

(e) Notwithstanding the authority to approve or deny any application for a solid waste license set forth in subsection (d), if the Chief Operating Officer (i) decides to approve an application for a new license for any facility whose operations will have a substantial effect on any adjacent residential neighborhood, or (ii) decides to approve an amendment to an existing solid waste license to allow for a substantial change in the configuration used at a site for processing solid waste or to allow for a substantial change in the type or quantity of solid waste processed at the facility, the Chief Operating Officer shall inform the Council President in writing no fewer than ten (10) days before the Chief Operating Officer approves any such solid waste license application. The Council President shall immediately cause copies of the notice to be furnished to all members of the Council. Thereafter, the majority of the Council may determine whether to review and consider the license application within ten (10) days of receipt of the notice from the Chief Operating Officer. If the Council determines to review and consider the application for the license, execution by the Chief Operating Officer shall be subject to the Council's authorization. If the Council determines not to review and consider the application, the Chief Operating Officer may execute the license. For the purpose of this subsection (e), a "substantial effect" shall include any occurrence that arises from the solid waste operation conditions that are regulated under the license and affects the residents' quiet enjoyment of the property on which they reside.

(f) If the Chief Operating Officer does not act to grant or deny a License application within 120 days after the filing of a complete application, the License shall be deemed granted for the Solid Waste Facility or Activity requested in the application, and the Chief Operating Officer shall issue a License containing the standard terms and conditions included in other comparable licenses issued by Metro.

(g) If the applicant substantially modifies the application during the course of the review, the review period for the decision shall be restarted. The review period can be extended by mutual agreement of the applicant and the Chief Operating Officer. An applicant may withdraw its application at any time prior to the Chief Operating Officer's decision and may submit a new application at any time thereafter.

(h) If a request for a License is denied, no new application for this same or substantially similar License shall be filed by the applicant for at least six months from the date of denial.

(i) Licenses shall specify the Activities authorized to be performed, the types and amounts of Wastes authorized to be accepted at the Solid Waste Facility, and any other limitations or conditions attached by the Chief Operating Officer. **In addition to all other**

requirements of this Section, a license approving acceptance of mixed non-putrescible waste for the purpose of conducting material recovery or reloading shall be subject to the performance standards, design requirements, and operating requirements adopted as administrative procedures pursuant to Section 5.01.132, and shall require that the facility operate in a manner that meets the following general performance goals:

- (1) Environment. Facilities shall be designed and operated to preclude the creation of 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. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.
  - (3) Nuisances. Facilities shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors, and noise.
  - (4) Material recovery. Facilities conducting material recovery on non-putrescible waste shall be designed and operated to assure materials are recovered in a timely manner, to meet standards in Section 5.01.125, and to protect the quality of non-putrescible waste that has not yet undergone material recovery.
  - (5) Reloading. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.
  - (6) Record keeping. Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.
- (j) The term of a new or renewed License shall be not more than five years.

(k) Notwithstanding any other provision in this Section, no authority to accept mixed non-putrescible solid waste originating, generated, or collected within the Metro region for the purpose of conducting material recovery or reloading shall be granted during the period commencing February 2, 2006, and continuing until December 31, 2007; provided, however, that the Chief Operating Officer shall process and determine whether to approve or deny all license applications that were submitted, and that the Chief Operating Officer determined were complete, prior to January 12, 2006. Metro Council may lift the temporary moratorium at an earlier date if sufficient progress has been made in setting system policy direction on disposal and material recovery and toward development of more detailed material recovery facility standards.

**SECTION 2.** Metro Code section 5.05.075 shall be amended as follows:

5.01.075 Contents of Franchise

(a) The Franchise shall constitute a grant of authority from the Council to accept the Waste(s) and perform the Activity(s) described therein, the conditions under which these Activities may take place and the conditions under which the authority may be revoked.

(b) Franchises approved by the Council shall be in writing and shall include the following:

- (1) The term of the Franchise;
- (2) The specific Activities authorized to be performed and the types and amounts of Wastes authorized to be accepted at the Solid Waste Facility;
- (3) Such other conditions as the Council deems necessary to insure that the intent and purpose of this chapter will in all respects be observed; and
- (4) Indemnification of Metro in a form acceptable to the Metro Attorney.

(c) In addition to all other requirements of this Section, a franchise approving acceptance of mixed non-putrescible waste for the purpose of conducting material recovery or reloading shall be subject to the performance standards, design requirements, and operating requirements adopted as administrative procedures pursuant to Section 5.01.132, and shall require that the facility operate in a manner that meets the following general performance goals:

- (1) **Environment.** Facilities shall be designed and operated to preclude the creation of 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.** Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.
- (3) **Nuisances.** Facilities shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors and noise.
- (4) **Material recovery.** Facilities conducting material recovery on non-putrescible waste shall be designed and operated to assure materials are recovered in a timely manner, to meet standards in Section 5.01.125, and to protect the quality of non-putrescible waste that has not yet undergone material recovery.

- (5) **Reloading.** Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.
- (6) **Record keeping.** Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.

**SECTION 3.** Metro Code section 5.01.132 shall be amended as follows:

5.01.132 Adoption & Amendment of Administrative Procedures and Performance Standards

(a) The Chief Operating Officer ~~shall~~**may** issue administrative procedures and performance standards governing the obligations of Licensees and Franchisees under this chapter, including but not limited to procedures and performance standards for nuisance control, public notification of facility operations, management of unacceptable wastes, facility record keeping and reporting, yard debris composting operations, **non-putrescible waste material recovery, non-putrescible waste reloading**, transportation of Putrescible Waste, and designation and review of Service Areas and demand pursuant to Section 5.01.131 of this chapter.

(b) The Chief Operating Officer may issue administrative procedures and performance standards to implement all provisions of this chapter.

(c) The Chief Operating Officer shall substantially amend the administrative procedures and performance standards issued under subsections (a) or (b) of this section only after providing public notice and the opportunity to comment ~~and a public hearing~~ on the proposed amendment.

(d) **The Chief Operating Officer may hold a public hearing on any proposed new administrative procedure and performance standard or on any proposed amendment to any administrative procedure and performance standard, if the Chief Operating Officer determines that there is sufficient public interest in any such proposal.**

**SECTION 4.** Metro Code Section 5.05.030 shall be amended as follows:

5.05.030 Designated Facilities of the System

(a) Designated Facilities. The following described facilities constitute the designated facilities of the system, the Metro Council having found that said facilities meet the criteria set forth in Metro Code Section 5.05.030(b):

- (1) Metro South Station. The Metro South Station located at 2001 Washington, Oregon City, Oregon 97045.
- (2) Metro Central Station. The Metro Central Station located at 6161 N.W. 61<sup>st</sup> Avenue, Portland, Oregon 97210.

- (3) Facilities Subject to Metro Regulatory Authority. All disposal sites and solid waste facilities within Metro which are subject to Metro regulatory authority under Chapter 5.01 of the Metro Code.
- (4) Lakeside Reclamation (limited purpose landfill). The Lakeside Reclamation limited purpose landfill, Route 1, Box 849, Beaverton, Oregon 97005, subject to the terms of an agreement between Metro and the owner of Lakeside Reclamation authorizing receipt of solid waste generated within Metro.
- (5) Hillsboro Landfill (limited purpose landfill). The Hillsboro Landfill, 3205 S.E. Minter Bridge Road, Hillsboro, Oregon 97123, subject to the terms of an agreement between Metro and the owner of Hillsboro Landfill authorizing receipt of solid waste generated within Metro.
- (6) Columbia Ridge Landfill. The Columbia Ridge Landfill owned and operated by Oregon Waste Systems, Inc. subject to the terms of the agreements in existence on November 14, 1989, between Metro and Oregon Waste Systems and between Metro and Jack Gray Transport, Inc. In addition, Columbia Ridge Landfill may accept special waste generated within Metro:
  - (A) As specified in an agreement entered into between Metro and Oregon Waste Systems authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.
- (7) Roosevelt Regional Landfill. The Roosevelt Regional Landfill, located in Klickitat County, Washington. Roosevelt Regional Landfill may accept special waste generated within Metro only as follows:
  - (A) As specified in an agreement entered into between Metro and Regional Disposal Company authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.
- (8) Finley Buttes Regional Landfill. The Finley Buttes Regional Landfill, located in Morrow County, Oregon. Finley Buttes Regional Landfill may accept special waste generated within Metro only as follows:
  - (A) As specified in an agreement entered into between Metro and Finley Buttes Landfill Company authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.

- (9) Coffin Butte Landfill. The Coffin Butte Landfill, located in Benton County, Oregon, which may accept solid waste generated within the District only as follows:
- A) As specified in an agreement entered into between Metro and the owner of the Coffin Butte Landfill authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to the facility special wastes not specified in the agreement.
- (10) Wasco County Landfill. The Wasco County Landfill, located in The Dalles, Oregon, which may accept solid waste generated within the District only as follows:
- (A) As specified in an agreement entered into between Metro and the owner of the Wasco County Landfill authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to the facility solid wastes not specified in the agreement.
- (11) Cedar Grove Composting, Inc. The Cedar Grove Composting, Inc., facilities located in Maple Valley, Washington, and Everett, Washington. Cedar Grove Composting, Inc., may accept solid waste generated within the District only as follows:
- (A) As specified in an agreement entered into between Metro and Cedar Grove composting, Inc., authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to Cedar Grove Composting, Inc., solid wastes not specified in the agreement.
- (12) Weyerhaeuser Regional Landfill. The Weyerhaeuser Regional Landfill, located in Castle Rock, Washington, and the Weyerhaeuser Material Recovery Facility, located in Longview, Washington. The Weyerhaeuser Material Recovery Facility is hereby designated only for the purpose of accepting solid waste for transfer to the Weyerhaeuser Regional Landfill. The Weyerhaeuser Regional Landfill and the Weyerhaeuser Material Recovery Facility may accept solid waste generated within the District only as follows:
- (A) As specified in an agreement entered into between Metro and Weyerhaeuser, Inc., authorizing receipt of such waste; or
  - (B) Subject to a non-system license issued to a person transporting to the Weyerhaeuser Regional Landfill or the Weyerhaeuser Material Recovery Facility solid wastes not specified in the agreement.

(b) Changes to Designated Facilities to be Made by Council. From time to time, the Council, acting pursuant to a duly enacted ordinance, may remove from the list of designated facilities any one or more of the facilities described in Metro Code Section 5.05.030(a). In addition, from time to time, the Council, acting pursuant to a duly enacted ordinance, may add to or delete a facility from the list of designated facilities. In deciding whether to designate an additional facility, or amend or delete an existing designation, the Council shall consider:

- (1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations;
- (3) The adequacy of operational practices and management controls at the facility;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The consistency of the designation with Metro's existing contractual arrangements;
- (6) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement; and
- (7) Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation.

(c) The Chief Operating Officer is authorized to execute an agreement, or an amendment to an agreement, between Metro and a designated facility for Non-putrescible waste. An agreement, or amendment to an agreement between Metro and a designated facility for Putrescible waste shall be subject to approval by the Metro Council prior to execution by the Chief Operating Officer.

(d) An agreement between Metro and a designated facility shall specify the types of wastes from within Metro boundaries that may be delivered to, or accepted at, the facility.

(e) **An agreement between Metro and a designated facility that authorizes the facility to accept non-putrescible waste that has not yet undergone material recovery, is not processing residual, and originated or was generated within Metro boundaries shall demonstrate substantial compliance with facility performance standards, design requirements and operating requirements adopted pursuant to Metro Code Chapter 5.01.132 for non-putrescible waste material recovery facilities.**

**SECTION 5.** Metro Code Section 5.05.035 shall be amended as follows:



#### 5.05.035 License to Use Non-System Facility

A waste hauler or other person may transport solid waste generated within Metro to, or to utilize or cause to be utilized for the disposal or other processing of any solid waste generated within Metro, any non-system facility only by obtaining a non-system license in the manner provided for in this Section 5.05.035. Applications for non-system licenses for Non-putrescible waste, Special waste and Cleanup Material Contaminated By Hazardous Substances shall be subject to approval or denial by the Chief Operating Officer. Applications for non-system licenses for Putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council.

(a) Application for License. Any waste hauler or other person desiring to obtain a non-system license shall make application to the Chief Operating Officer, which application shall be filed on forms or in the format provided by the Chief Operating Officer. Applicants may apply for a limited-duration non-system license which has a term of not more than 120 days and is not renewable. An application for any non-system license shall set forth the following information:

- (1) The name and address of the waste hauler or person making such application;
- (2) The location of the site or sites at which the solid waste proposed to be covered by the non-system license is to be generated;
- (3) The nature of the solid waste proposed to be covered by the non-system license;
- (4) The expected tonnage of the solid waste proposed to be covered by the non-system license:
  - (A) The total tonnage if the application is for a limited duration non-system license; or
  - (B) The annual tonnage if the application is for any other non-system license;
- (5) A statement of the facts and circumstances which, in the opinion of the applicant, warrant the issuance of the proposed non-system license;
- (6) The non-system facility at which the solid waste proposed to be covered by the non-system license is proposed to be transported, disposed of or otherwise processed; and
- (7) The date the non-system license is to commence; and, for limited duration non-system licenses, the period of time the license is to remain valid not to exceed 120 days.

In addition, the Chief Operating Officer may require the applicant to provide, in writing, such additional information concerning the proposed non-system license as the Chief Operating Officer deems necessary or appropriate in order to determine whether or not to issue the proposed non-system license.

An applicant for a non-system license that authorizes the licensee to transport non-putrescible waste that has not yet undergone material recovery, is not processing residual, and originated or was generated within Metro boundaries shall provide documentation that the non-system facility is in substantial compliance with the facility performance standards, design requirements and operating requirements adopted pursuant to Metro Code Chapter 5.01.132 for non-putrescible waste material recovery facilities.

(b) Every application shall be accompanied by payment of an application fee, part of which may be refunded to the applicant in the event that the application is denied, as provided in this section. The following application fees shall apply:

- (1) For an application for a limited duration non-system license, the application fee shall be two hundred fifty dollars (\$250), no part of which shall be refunded to the applicant in the event that the application is denied.
- (2) For an application for a non-system license seeking authority to deliver no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be five hundred dollars (\$500), two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250); provided, however, that if the result of granting the application would be to give the applicant the authority to deliver more than 500 tons of solid waste per year to a non-system facility, the application fee shall be \$500, two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. An application for renewal of a non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility shall be one hundred dollars (\$100).
- (3) For all applications for a non-system license seeking authority to deliver more than 500 tons of solid waste per year to a non-system facility, whether they be new applications or applications for the renewal of existing licenses, the application fee shall be one thousand dollars (\$1,000), five hundred dollars (\$500) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250).
- (4) For an application for a non-system license seeking to deliver solid waste that is exempt from paying the Metro fees described in Section 5.01.150, the application fee shall be one hundred dollars (\$100) as well as a fifty dollar (\$50) fee to either renew or amend such licenses.

(c) Factors to Consider To Determine Whether to Issue Non-System License. The Chief Operating Officer or Metro Council, as applicable, shall consider the following factors to the extent relevant to determine whether or not to issue a non-system license:

- (1) The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;
  - (2) The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;
  - (3) The adequacy of operational practices and management controls at the non-system facility;
  - (4) The expected impact on the region's recycling and waste reduction efforts;
  - (5) The consistency of the designation with Metro's existing contractual arrangements;
  - (6) The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations; and
  - (7) Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.
- (d) Timetables To Determine Whether to Issue a Non-System License.
- (1) Non-system licenses for Non-putrescible waste, Special waste, Cleanup Material Contaminated By Hazardous Substances, or any other solid waste other than Putrescible waste.
    - (A) New licenses. The Chief Operating Officer shall determine whether or not to issue the non-system license and shall inform the applicant in writing of such determination within 60 days after receipt of a new completed application, including receipt of any additional information required by the Chief Operating Officer in connection therewith.
    - (B) License renewals. An application for renewal of an existing non-system license shall be substantially similar to the existing non-system license with regard to waste type, quantity and destination. A holder of a non-system license shall submit a completed application to renew the license at least 60 days prior to the expiration of the existing non-system license, including receipt of any additional information required by the Chief Operating Officer in connection therewith. The Chief Operating Officer shall determine whether or not to renew the non-system license and shall inform the applicant in writing of such determination prior to the expiration of the existing non-system license. The Chief Operating Officer is not obligated to make a

determination earlier than the expiration date of the existing license even if the renewal request is filed more than 60 days before the existing license expires.

- (2) Non-system licenses for Putrescible waste. The Chief Operating Officer shall formulate and provide to the Council recommendations regarding whether or not to issue or renew a non-system license for Putrescible waste. If the Chief Operating Officer recommends that the non-system license be issued or renewed, the Chief Operating Officer shall recommend to the council specific conditions of the non-system license.
  - (A) New licenses. The Council shall determine whether or not to issue the non-system license and shall direct the Chief Operating Officer to inform the applicant in writing of such determination within 120 days after receipt of a completed application for a non-system license for Putrescible waste, including receipt of any additional information required by the Chief Operating Officer in connection therewith.
  - (B) License renewals. An application for renewal of an existing non-system license shall be substantially similar to the existing non-system license with regard to waste type, quantity and destination. A holder of a non-system license shall submit a completed application to renew the license at least 120 days prior to the expiration of the existing non-system license, including receipt of any additional information required by the Chief Operating Officer in connection therewith. The Council shall determine whether or not to renew the non-system license and shall inform the applicant in writing of such determination prior to the expiration of the existing non-system license. The Council is not obligated to make a determination earlier than the expiration date of the existing license even if the renewal request is filed more than 120 days before the existing license expires.
- (3) At the discretion of the Chief Operating Officer or the Council, the Chief Operating Officer or Council may impose such conditions on the issuance of a new or renewed non-system license as deemed necessary or appropriate under the circumstances.

(e) Issuance of Non-System License; Contents. Each non-system license shall be in writing and shall set forth the following:

- (1) The name and address of the waste hauler or other person to whom such non-system license is issued;
- (2) The nature of the solid waste to be covered by the non-system license;
- (3) The maximum total, weekly, monthly or annual quantity of solid waste to be covered by the non-system license;

- (4) The non-system facility or facilities at which or to which the solid waste covered by the non-system license is to be transported or otherwise processed;
- (5) The expiration date of the non-system license, which date shall be not more than:
  - (A) 120 days from the date of issuance for a limited-duration non-system license;
  - (B) Three years from the date of issuance for a new full-term license; and
  - (C) Two years from the date of issuance of a renewed full-term non-system license.
- (6) Any conditions imposed by the Chief Operating Officer as provided above which must be complied with by the licensee during the term of such non-system license, including but not limited to conditions that address the factors in Section 5.05.035(c).

(f) Requirements to be met by License Holder. Each waste hauler or other person to whom a non-system license is issued shall be required to:

- (1) Maintain complete and accurate records regarding all solid waste transported, disposed of or otherwise processed pursuant to the non-system license, and make such records available to Metro or its duly designated agents for inspection, auditing and copying upon not less than three days written notice from Metro;
- (2) Report in writing to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, the number of tons of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month; and
- (3) Pay to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, a fee equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month.
- (4) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated outside the Metro boundary, the load in its entirety shall be reported to Metro by the non-system licensee as having been generated within the Metro boundary

and the Regional System Fee and Excise Tax shall be paid on the entire load unless the licensee provides Metro with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary, or unless Metro has agreed in writing to another method of reporting.

(g) Failure to Comply with Non-System License. In the event that any waste hauler or other person to whom a non-system license is issued fails to fully and promptly comply with the requirements set forth in Section 5.05.035(e) above or any conditions of such non-system license imposed pursuant to Section 5.05.035(c), then, upon discovery of such non-compliance, the Chief Operating Officer shall issue to such licensee a written notice of non-compliance briefly describing such failure. If, within 20 days following the date of such notice of non-compliance or such longer period as the Chief Operating Officer may determine to grant as provided below, the licensee fails to:

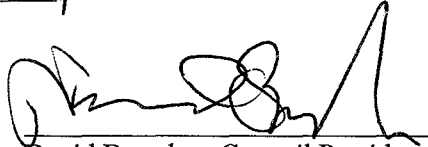
- (1) Demonstrate to the satisfaction of the Chief Operating Officer either that the licensee has at all times fully and promptly complied with the foregoing requirements and the conditions of such non-system license or that the licensee has fully corrected such non-compliance; and
- (2) Paid in full, or made arrangements satisfactory to the Chief Operating Officer for the payment in full of, all fines owing as a result of such non-compliance;

Then, and in such event such non-system license shall automatically terminate, effective as of 5:00 p.m. (local time) on such 20th day or on the last day of such longer period as the Chief Operating Officer may determine to grant as provided below. If, in the judgment of the Chief Operating Officer, such non-compliance cannot be corrected within such 20-day period but the licensee is capable of correcting it and within such 20-day period diligently commences such appropriate corrective action as shall be approved by the Chief Operating Officer, then and in such event such 20-day period shall be extended for such additional number of days as shall be specified by the Chief Operating Officer in writing, but in no event shall such the local period as so extended be more than 60 days from the date of the notice of non-compliance.

- (h) Notwithstanding any other provision in this Section, and unless contrary to any other applicable law, the Chief Operating Officer shall not accept any application for, and neither the Chief Operating Officer nor the Metro Council shall issue a non-system license for mixed putrescible solid waste or mixed non-putrescible solid waste that has not first been delivered to a Metro licensed or franchised

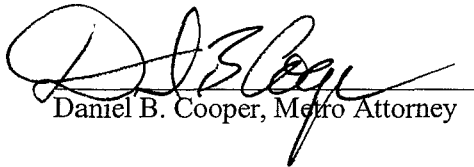
Processing facility for material recovery during the period commencing February 2, 2006, and continuing until December 31, 2007; provided, however, that a licensee may request, and the Chief Operating Officer or Metro Council may issue, a replacement license with an effective date beginning the day after an existing license expires if the replacement license is to authorize the licensee to deliver the same type and quantity of solid waste to the same non-system facility as the existing license. Metro Council may lift the temporary moratorium at an earlier date if sufficient progress has been made in setting system policy direction on disposal and material recovery and toward development of more detailed material recovery facility standards.

ADOPTED by the Metro Council this 22nd day of February, 2007.



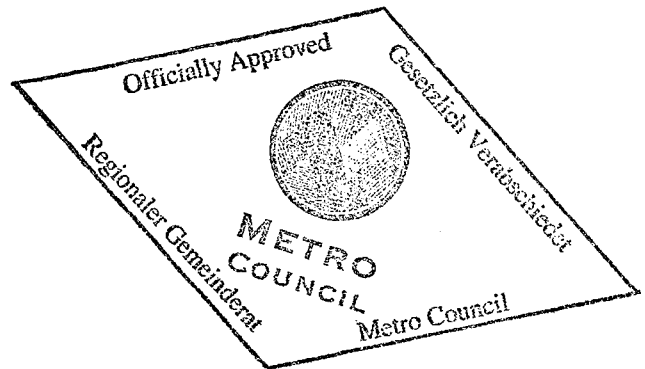
David Bragdon, Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney

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## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO.07-1138, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTERS 5.01 AND 5.05 TO ENSURE THAT NON-PUTRESCIBLE MIXED WASTE MATERIAL RECOVERY FACILITIES AND RELOAD FACILITIES ARE OPERATED IN ACCORDANCE WITH ADMINISTRATIVE PROCEDURES AND PERFORMANCE STANDARDS ISSUED BY THE CHIEF OPERATING OFFICER AND TO MAKE RELATED CHANGES

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Date: January 18, 2007

Prepared by: Bill Metzler

### INTRODUCTION

The purpose of Ordinance No.07-1138 is to amend Chapters 5.01 and 5.05 of the Metro Code to ensure that material recovery facilities (MRFs) and reload facilities (reloads) accepting mixed non-putrescible waste generated in the Metro region are operated in accordance with the facility standards and operating requirements to be issued by Metro's Chief Operating Officer (COO) as provided in Metro Code Section 5.01.132.

The COO will issue the facility standards within 90 days of adoption of this ordinance by the Metro Council (the effective date of the ordinance). An overview of the facility standards is attached to this staff report (see Attachment 1).

In addition, Chapter 5.01 of the Metro Code will be amended to articulate six general performance goals for MRFs and reloads that describe the broad expectations for these facilities. They are:

- (1) *Environment*. Facilities shall be designed and operated to preclude the creation of undue threats to the environment (such as stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste and asbestos).
- (2) *Health and safety*. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety (such as fires, vectors, and airborne debris).
- (3) *Nuisances*. Facilities shall be designed and operated to preclude the creation of nuisance conditions (such as litter, dust, odors, and noise).
- (4) *Material recovery*. Facilities conducting material recovery on non-putrescible waste shall be designed and operated to assure materials are recovered from solid waste in a timely manner, to meet the standards in Section 5.01.125, and to protect the quality of non-putrescible waste that has not yet undergone material recovery.
- (5) *Reloading*. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.
- (6) *Record keeping*. Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.



### Development and issuance of the facility standards

The facility standards issued by the COO will be more detailed than the six general performance goals listed above, and include: 1) issue specific performance goals, 2) performance standards and operating conditions, 3) standard operating condition templates (license agreement), and 4) standard application form templates.

Issuance of the facility standards will help assure that MRFs and reloads consistently handle, reload or recover material without creating nuisance impacts or harm to people or the environment. They will also provide a clear and level playing field for facilities and clarify the requirements prospective applicants must meet in advance of filing an application with Metro. Region-wide standards ensure a minimum level of consistency, however, individual jurisdictions may still impose more strict regulations.

The facility standards were developed with input from a workgroup consisting of representatives from the solid waste industry and local governments. The workgroup included: Vince Gilbert (East County Recycling), Howard Grabhorn (Lakeside Landfill), Allen Kackman (Elder Demolition), Dean Kampfer (Waste Management), Scott Keller (City of Beaverton), Wendie Kellington (Lakeside Landfill), Theresa Kopang (Washington County), Michael Leichner (Pride Recycling), Mark McGregor (Clean-It-Up-Mark), Audrey O'Brien (DEQ), Ray Phelps (Willamette Resources, Inc.), and David White (ORRA).

In general, the standards are supported by members of the workgroup, and the standards have been reviewed and passed unanimously by the Metro Solid Waste Advisory Committee. In addition, Metro has also received letters of support from the DEQ and local government partners.

The standards are largely based on provisions found in existing Metro licenses and franchises for material recovery facilities and reload facilities. However, with input from the workgroup, the standards include some new provisions that are needed based on Metro's regulatory experience with non-putrescible waste handling facilities. Seven of the ten existing private material recovery and reload facilities already meet the standards.<sup>1</sup> All new non-putrescible mixed waste handling facilities will be required to meet the standards in order to operate.

### Major new requirements

- ❑ The major new operating standard will require dry waste facilities to conduct operations inside a building and on an impervious pad (asphalt or concrete). The building and pad requirements are intended to address common material recovery facility and reload facility problems related to off-site noise, dust, odor, nuisance, environmental and unprocessed material contamination.
- ❑ Existing facilities like East County Recycling, are provided a two-year time frame for compliance with the building and pad requirements.
- ❑ The ordinance provides that an applicant for a Metro non-system license to transport non-putrescible waste generated inside the region; or a designated facility outside the region accepting non-putrescible waste that has not yet undergone material recovery, is not processing residual and originated or was generated in the Metro boundary must provide documentation that the facility is in substantial compliance with the standards issued by the COO.

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<sup>1</sup> There are nine existing private facilities that conduct material recovery from non-putrescible mixed waste: Aloha Garbage, Columbia Environmental (not yet operational), East County Recycling, KB Recycling, PLC III (not yet operational), Pride Recycling, Troutdale Transfer Station, Wastech and Willamette Resources, Inc. There is one existing non-putrescible mixed waste reload :Greenway Recycling, LLC. Of these ten facilities, all but three meet the standard requiring a building and pad: Aloha Garbage, East County Recycling, and Greenway Recycling, LLC.

In addition, Metro Code section 5.01.132 – Adoption of Administrative Procedures and Performance Standards by the Chief Operating Officer will be amended so that provisions for the public hearing requirement related to amending administrative procedures and new administrative procedures will be more consistent, and based on sufficient public interest. The existing code provisions in 5.01.132 (b) and (c) requires that only substantially amended procedures and standards require a public hearing - while new procedures and standards do not.

## **BACKGROUND**

### Temporary moratorium imposed on certain dry waste facilities

On February 2, 2006, the Metro Council imposed a temporary moratorium, until December 31, 2007, on all new mixed dry waste MRFs and reloads in the region. The moratorium was imposed by Council in order to: 1) provide time to conclude the Disposal System Planning project, 2) establish an enhanced dry waste recovery program, and 3) allow for the publication of up-to-date facility standards.

### Issues with dry waste handling facilities

Experience has shown that one of the most persistent problems from uncovered facilities is dust and airborne debris, generated on-site, that inevitably drifts off-site and settles on adjacent properties. Uncovered facilities have proven to have a more difficult time employing adequate control measures that contain dust and its resulting nuisance and health impacts.

Attention to preventing these problems has been intensified with several recent license applications to Metro to operate dry waste facilities. These applications were submitted with very little consideration to facility design and the impacts that can be associated with dry waste dumping and handling. If approved by Metro, these types of facilities could significantly increase the risks of public nuisances and adverse health or environmental impacts on people in surrounding businesses and neighborhoods. Metro's existing standards do not explicitly address the design requirements needed for a facility to avoid having such adverse impacts (e.g., impervious pad, roof, cover or building, and stormwater collection and treatment).

Issues of persistent concern for both MRFs and reloads now addressed in the proposed standards include:

- Dust and blowing debris generated from on-site traffic and the tipping and processing of dry waste.
- Insufficient on-site capacity for reloading or processing.
- Contamination or degradation of unprocessed waste by other solid waste or wind and precipitation.
- Inadequate load checking for prohibited or hazardous wastes.

In response to these issues, Metro is publishing facility standards and new application requirements for dry waste facilities. These standards will ensure that new dry waste facilities are designed and operated to a standard consistent with the best facilities in the region. Applicants will know well in advance what will be expected of a Metro licensed facility. Existing dry waste facilities not meeting these standards will be expected to achieve compliance within a reasonable time frame. Once these standards are implemented, the region will benefit from better-designed and operated facilities.

## **ANALYSIS/INFORMATION**

1. **Known Opposition.** No known opposition.
2. **Legal Antecedents.** Ordinance No. 06-1098B, Metro Code Chapters 5.01 and 5.05, the Regional Solid Waste Management Plan and the Metro Charter.
3. **Anticipated Effects.** Facilities accepting non-putrescible waste for the purpose of reloading or conducting material recovery will operate in accordance with the up-to-date performance standards, design requirements and operating requirements issued by the Metro Chief Operating Officer pursuant to Metro Code section 5.01.132.
4. **Budget Impacts.** No Metro budget impacts are anticipated.

### **RECOMMENDED ACTION**

The Chief Operating Officer recommends the adoption of Ordinance No. 07-1138.

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## ATTACHMENT 1

### Standards for Non-Putrescible Mixed Waste Material Recovery Facilities and Reload Facilities

The following table identifies a specific facility issue with an associated performance goal, design requirement (to be addressed in the license application process) and performance standard / operating requirement (an enforceable, regulatory condition that will be embedded in the facility license or franchise). There are three sections:

- **Section 1** identifies operational issues and standards that are applicable to non-putrescible mixed waste material recovery facilities and reloads.
- **Section 2** lists the general administrative and legal obligations of all Metro licensed and franchised facilities.
- **Section 3** is added as a placeholder to describe new application procedures, existing facility phase-in and renewal requirements, and variances.

#### SECTION 1 – Issues, Standards and Requirements Applicable to Mixed Dry Waste Material Recovery Facilities and Reload Facilities

These standards and requirements are applicable to a material recovery facility or a dry waste reload facility. Many are also applicable to other licensed or franchised solid waste facilities. The design requirements are applicable to new facilities and existing facilities seeking new or expanded authority (to be addressed in the application process). Shaded sections denote new or amended provisions.

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
<p><b>A. Material recovery</b></p> <p>Applicable performance goals (3, 4)</p> <p>Metro Code: 5.01.125(a)(b)</p>	<p>Facilities that perform material recovery must be designed and operated to achieve the level of material recovery from mixed non-putrescible waste as specified in Metro Code.</p> <p>Facility design and operations shall ensure that unprocessed mixed non-putrescible wastes and recyclables are protected from contamination from other solid wastes or degradation from wind and precipitation.</p>	<p>Describe how material recovery will be conducted at the facility. For example:</p> <ol style="list-style-type: none"> <li>1. waste sources (e.g. commercial, residential), expected incoming tonnage, and characteristics, and expected tons recovered, including commodities, and tons of waste to be disposed;</li> <li>2. the material recovery methods and equipment to be used on site (e.g., sorting lines, hand picking, magnets, etc.) ; and</li> <li>3. the general markets for the materials recovered at the facility (subject to confidential information provisions in Section 2 X).</li> </ol> <p>Submit a proposed facility design providing asphalt or concrete surfaces and a roofed building that is enclosed on at least three sides for the tipping floor, processing (sorting) areas,</p>	<p>The facility shall perform material recovery on mixed non-putrescible wastes. Recovery must be performed at no less than the minimum level stipulated in Metro Code Chapter 5.01 (at least 25% by weight of non-putrescible waste accepted at the facility). <i>This may change based on EDWRP implementation.</i></p> <p>Source-separated recyclable materials, including source-separated yard debris or wood wastes brought to the facility shall not be mixed with any other solid wastes</p> <p>Source-separated recyclable materials may not be disposed of by incineration or landfilling.</p> <p>All mixed non-putrescible waste tipping, storage, sorting and reloading activities must occur on an asphalt or concrete surface and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles may</p>

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
		storage and reloading areas.	<p>tip wastes outside, provided the tipped wastes are moved under cover for processing or reloading within 12 hours of receipt or by the end of the business day, whichever is earlier.</p> <p>Mixed non-putrescible solid waste shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with source-separated recyclable materials, including wood waste, yard debris and other recyclables.</p>
<p><b>B. Reloading non-putrescible waste</b></p> <p>Applicable performance goal (3, 5)</p>	<p>Non-putrescible waste reload facilities shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to a Metro authorized processing facility is conducted rapidly and efficiently.</p> <p>Facility design and operations shall ensure that unprocessed non-putrescible wastes and recyclables are protected from contamination from other solid wastes or degradation from wind and precipitation.</p>	<p>Submit a facility design that supports the rapid and efficient reloading of solid waste. Describe the equipment and methods that will be used.</p> <p>Submit a proposed design providing asphalt or concrete surfaces and a roofed structure, that is enclosed on at least three sides for the tipping floor, storage and reloading areas.</p>	<p>All mixed non-putrescible waste must be reloaded and transferred to a Metro authorized facility that conducts material recovery.</p> <p>All unprocessed mixed non-putrescible waste must be removed from the site within 48 hours after it has been received.</p> <p>All mixed non-putrescible waste tipping, storage and reloading activities must occur on an asphalt or concrete surface and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles may tip wastes outside, provided the tipped wastes are moved under cover for reloading within 12-hours of receipt or by the end of the business day, whichever is earlier.</p>
<p><b>C. Dust, airborne debris and litter</b></p> <p>Applicable performance goals (2, 3)</p>	<p>Minimize and mitigate the generation of dust, airborne debris and litter on-site and prevent its migration beyond property boundaries.</p>	<p>Submit a proposed design providing a roofed structure enclosed on at least three sides for the tipping floor, processing (sorting) areas, and reloading areas. Unusually large vehicles may tip wastes outside, provided the tipped wastes are moved under cover for processing within 12-hours of receipt or the end of the business day whichever is earlier.</p> <p>Describe control measures to prevent fugitive dust, airborne debris and litter. The design shall provide for shrouding and dust prevention for the receiving area, processing area, reload</p>	<p>The facility shall be operated in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and shall prevent its migration beyond property boundaries. The facility shall:</p> <p>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.</p> <p>Maintain and operate all vehicles and devices</p>

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
		<p>area, and all dry processing equipment and all conveyor transfer points where dust is generated.</p> <p>Provide a discussion of any additional facility design measures and procedures for the control of dust, windblown materials, airborne debris, litter and for the handling of the waste in the case of major processing facility breakdown.</p>	<p>transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.</p> <p>Maintain, and operate all roads and access areas, receiving, processing (including grinding), storage, and reload areas in such a manner as to minimize and mitigate dust and debris from being generated on-site and prevent such dust and debris from blowing or settling off-site.</p> <p>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.</p> <p>All mixed non-putrescible waste tipping, storage, sorting and reloading activities must occur on an asphalt or concrete surface and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles may tip wastes outside, provided the tipped wastes are moved under cover for processing within 12-hours of receipt.</p> <p>Mixed non-putrescible waste and processing residual may not be stored unless it is on an impervious (asphalt or concrete) surface within a covered building or alternatively, inside water tight covered or tarped containers or within covered or tarped transport trailers.</p> <p>On-site facility access roads shall be maintained to prevent or control dust and to prevent or control the tracking of mud off-site.</p>
<p><b>D. Facility capacity</b></p> <p>Applicable performance goals (1, 2, 3, 4, 5)</p>	<p>The operational capacity of the facility or site shall not be exceeded.</p>	<p>Provide engineering plans/reports and specifications to document that the size and configuration of the facility grounds, building and equipment, including the facility layout, drainage structures, building design, and major facility equipment, processing systems and storage areas are of sufficient capacity to accommodate seasonal throughput of all</p>	<p>Covered elsewhere.</p>

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
		materials that will be delivered to and generated by the facility.	
<p><b>E. Storage and exterior stockpiles</b></p> <p>Applicable performance goals (2, 3, 4)</p>	<p>Stored materials and solid wastes shall be suitably managed, contained and removed at sufficient frequency to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards.</p>	<p>The facility site plan shall identify stockpile footprints, the type of materials and the maximum height of each material stockpile.</p> <p>The facility design must include processing systems and storage areas of sufficient capacity to accommodate seasonal throughput of all materials that are delivered to and generated by the facility.</p>	<p>Exterior stockpiles shall be positioned within footprints identified on the facility site plan.</p> <p>Stored materials and solid wastes shall be suitably managed, contained and removed at sufficient frequency to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards. Storage areas must be maintained in an orderly manner and kept free of litter.</p> <p>Materials may not be stockpiled for longer than 180 days (6 months). Exceptions may be granted provided the facility has received written authority to store materials for longer periods of time based on a demonstrated need and the materials will be used productively and provided that such stockpiles will not create nuisances, health, safety or environmental problems.</p> <p>Mixed non-putrescible waste or processing residual may not be stored on-site unless it is on an impervious surface (i.e., asphalt or concrete) within a covered building or alternatively, inside water tight covered or tarped containers or within covered or tarped transport trailers.</p> <p>All non-putrescible waste processing residual shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with, other source-separated recyclable or recovered materials, including wood waste, yard debris and other recyclables.</p>

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
<b>F. Fire prevention</b> Applicable performance goals (1, 2, 3)	Provide adequate fire prevention, protection, and control measures.	Submit proof of compliance with local and state fire codes. Stockpiles shall be located, sized and configured as required by local fire authorities. Identify water sources for fire suppression and layout that allows for isolation of potential heat sources.	The operator shall provide fire prevention, protection, and control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the processing area.

Issue	Issue Specific Performance Goal	Performance Standard / Operating Requirement (license / franchise condition)	
<b>G. Qualified operator</b> Applicable performance goals (1, 2, 3, 4)	Provide a qualified operator on-site during all hours of operation to carry out the functions required by the license and operating plan.	The facility shall, during all hours of operation, provide a qualified and competent operating staff. Facility personnel, as relevant to their job duties and responsibilities, shall be familiar with the relevant provisions of the license and the relevant procedures contained within the facility's operating plan. A qualified operator must be an employee of the facility with training and authority to reject prohibited loads and properly manage prohibited waste that is inadvertently received.	

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
<b>H. Prohibited waste</b> Applicable performance goals (1, 2, 3, 4)	Prevent the acceptance of prohibited waste, including but not limited to putrescible waste, hazardous waste and asbestos. Prohibited waste shall be properly managed and disposed when inadvertently received.	Designate a load checking area on the facility site plan and a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated. Containment areas shall be covered and enclosed and constructed to prevent leaking and contamination.	The facility shall provide qualified operators on-site during all hours of operation.  The facility shall not accept prohibited waste, including but not limited to putrescible waste, hazardous waste and asbestos. Prohibited loads must be rejected upon discovery. Prohibited waste shall be properly managed and disposed



Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
			<p>when inadvertently received.</p> <p>The facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by the license. This program must include at a minimum:</p> <p>Visual inspection. Ensure when each load is tipped it is visually inspected by a qualified operator to prevent the acceptance of waste which is prohibited by the license; and</p> <p>A location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated. Containment areas shall be covered and enclosed to prevent leaking and contamination.</p> <p>Records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste shall be maintained in the operating record and be available for review by Metro.</p>
<p><b>I. Measurement of waste</b></p> <p>Applicable performance goals (6)</p>	<p>All non-putrescible waste and source-separated recyclable materials shall be accurately weighed when they are received, transferred to market or intra-facility, and transported from the facility.</p>	<p>The location of scales shall be designated on the facility site plan.</p>	<p>The facility operator shall weigh all non-putrescible waste and source-separated recyclable material when it is received, transferred to market or intra-facility, and transported from the facility.</p> <p>The scale used to weigh all solid waste shall be licensed by the state of Oregon (Weights and Measures Act)</p>

Issue	Issue Specific Performance Goal	Performance Standard / Operating Requirement (license / franchise condition)	
<p><b>J. Transaction records and reporting</b></p> <p>Applicable</p>	<p>Maintain complete and accurate transaction records on the weights and types of all solid wastes and recyclable materials received, recovered, reloaded, removed or disposed from the facility.</p>	<p><b>Record transmittals.</b> Records required shall be transmitted to Metro no later than fifteen days following the end of each month in electronic format prescribed by Metro.</p> <p><b>Hauler account number listing.</b> Within 5 business days of Metro's request, licensee shall provide Metro with a computer listing that cross references the incoming hauler account number with the hauling company's name and address.</p>	

Issue	Issue Specific Performance Goal	Performance Standard / Operating Requirement (license / franchise condition)	
<p>performance goals (6)</p> <p>Metro Code: 5.01.137(a)</p>		<p><b>Transactions to be based on scale weights.</b> Except for minimum fee transactions for small, light-weight loads, the licensee shall record each transaction electronically based on actual and accurate scale weights using the licensee’s on-site scales.</p> <p>For all solid waste the licensee is authorized to receive, including all non-putrescible waste, source-separated recyclables, inert materials, and yard debris, the licensee shall keep and maintain accurate records of the amount of such materials the licensee receives, recovers, recycles, reloads, and disposes. The licensee shall keep and maintain complete and accurate records of the following for all transactions:</p> <ol style="list-style-type: none"> <li>a. Ticket Number (should be the same as the ticket number on the weight slips);</li> <li>b. Account Number or Business Name: Incoming hauler account number on all incoming transactions and outgoing destination account number on all outgoing transactions. For incoming cash commercial customers, incoming hauler business name for all incoming commercial cash transactions;</li> <li>c. Materialcategory: Code designating the following types of material (more detail, such as differentiating yard debris, is acceptable): (1) incoming source-separated recyclable materials by type; (2) incoming mixed dry waste; (3) outgoing recyclable materials by type; (4) outgoing mixed dry waste;</li> <li>d. Origin: Code designating the following origin of material: (1) from inside Metro boundaries; (2) from within Multnomah, Clackamas and Washington Counties but outside Metro boundaries; and (3) from out-of-state; <ol style="list-style-type: none"> <li>i. Any load containing any amount of waste from within the Metro region shall be reported as if the entire load was generated from inside the Metro region.</li> <li>ii. If the Licensee elects to report all loads delivered to the facility as being generated from inside the Metro region, then the Licensee is not required to designate the origin of loads in (d)(2) and (3) above.</li> </ol> </li> <li>e. Date the load was received at, transferred within, or transmitted from the facility;</li> <li>f. Time the load was received at, transferred within, or transmitted from the facility;</li> <li>g. Indicate whether Licensee or Franchisee accepted or rejected the load;</li> <li>h. Net weight of the load;</li> <li>i. The fee charged to the generator of the load.</li> </ol>	

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
<b>K. Access control</b>	Control access and prevent unauthorized pedestrian and vehicular traffic and illegal	Control pedestrian and vehicular access to the proposed facility by means of fencing, gates	Access to the facility shall be controlled as necessary to prevent unauthorized entry and

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
<p>Applicable performance goals (1, 2, 3)</p>	<p>dumping.</p>	<p>which may be locked, natural barriers or security guards.</p>	<p>dumping. A gate or other suitable barrier shall be maintained at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.</p>
<p><b>L. Adequate vehicle accommodation</b> Applicable performance goals (2, 3)</p>	<p>Provide and maintain access roads to allow the orderly egress and ingress of vehicular traffic.</p>	<p>Access roads shall be provided from the public highways or roads, to and within the facility site and shall be designed and maintained to prevent traffic congestion and traffic hazards. Adequate on-site area at the facility's entrance, scales, loading and unloading points and exit points shall be provided to allow the number and types of vehicles expected to use the facility during peak times to safely queue off the public roads and right-of-way.</p>	<p>Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. Access roads shall be maintained to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather. Vehicles delivering solid waste to the facility shall not park or queue on public streets or roads in a manner that impedes normal traffic flow, except under emergency conditions. Signs shall be posted to inform customers not to queue on public roadways. Adequate off-street parking and queuing for vehicles shall be provided, including adequate space for on-site tarping and untarping of loads.</p>
<p><b>M. Water contaminated by solid waste and solid waste leachate</b> Applicable performance goals: (1, 2)</p>	<p>Provide pollution control measures to protect surface and ground waters from contamination from solid waste.</p>	<p>Submit a DEQ (or equivalent) approved plan with pollution control measures to protect surface and ground waters, including runoff collection and discharge and equipment cleaning and washdown water.</p>	<p>The Licensee shall operate the facility consistent with an approved DEQ (or equivalent) plan, and shall: Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and Dispose of or treat water contaminated by solid waste generated onsite in a manner complying with local, state, and federal laws and regulations. All mixed non-putrescible waste tipping, storing, sorting and reloading activities must occur on an asphalt or concrete surface and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles may tip wastes outside, provided the tipped wastes</p>

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
			are moved under cover for processing within 12-hours of receipt or by the end of the business day whichever is earlier.
<p><b>N. Vectors (e.g.: birds, rodents, insects)</b> Applicable performance goals (2, 3)</p>	Prevent the attraction or harborage of rodents, birds, insects and other vectors.	Describe facility design features that will prevent vectors.	The Licensee shall 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. If vectors are present or detected at the facility, vector control measures shall be implemented.
<p><b>O. Nuisance complaints</b> Applicable performance goals (3)</p>	Respond to all nuisance complaints in a timely manner, and keep a record of such complaints, and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.	Not applicable	<p>The facility operator shall respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and shall keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.</p> <p>If the facility receives a complaint, the operator shall:</p> <p>Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and log all such complaints as provided by the recordkeeping and reporting standards. Each log entry shall be retained for one year and shall be available for inspection by Metro.</p>
<p><b>P. Noise</b> Applicable performance goals (2, 3)</p>	Prevent excessive noise that creates adverse off-site impacts.	Identify noise abatement design features on the facility site plan, if proposed.	The facility shall be operated in a manner that prevents the creation of excessive noise that creates adverse off-site impacts.
<p><b>Q. Odor</b> Applicable performance goals</p>	Prevent odors that create off-site impacts.	Identify odor abatement design features on the facility site plan, if proposed.	The facility shall be operated in a manner that prevents the generation of odors that create off-site impacts. Odors from the facility shall not be

Issue	Issue Specific Performance Goal	Design Requirement (to be addressed in application)	Performance Standard / Operating Requirement (license / franchise condition)
(2, 3)			<p>detectable off-site.</p> <p>The Licensee shall establish and follow procedures in the operating plan for minimizing odor at the facility.</p>
<p><b>R. Signage</b></p> <p>Applicable performance goals (1, 2, 3)</p>	<p>Have signage that identifies the facility, shows the required information, and is posted in locations as required.</p>	<p>Identify where the sign(s) will be located on the facility site plan.</p>	<p>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, and legible from off-site during all hours and shall contain at least the following information:</p> <ol style="list-style-type: none"> <li>1. General facility information <ul style="list-style-type: none"> <li>Name of the facility</li> <li>Address of the facility;</li> <li>Emergency telephone number for the facility;</li> <li>Operating hours during which the facility is open for the receipt of authorized waste;</li> <li>Fees and charges;</li> <li>Metro’s name and telephone number (503) 234-3000; and</li> <li>A list of authorized and prohibited wastes.</li> </ul> </li> <li>2. Vehicle / traffic flow information or diagram.</li> <li>3. Covered load requirements.</li> </ol>

Issue	Issue Specific Performance Goal	Performance Standard / Operating Requirement (license / franchise condition)
<p><b>S. Operating plan</b></p> <p>Applicable performance goals (1, 2, 3, 4, 5)</p>	<p>Develop, keep and abide by a Metro approved operating plan.</p>	<p><b>Plan compliance</b> The Licensee must operate the facility in accordance with an operating plan approved by the Manager of the Metro Solid Waste Regulatory Affairs Division. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this license. The operating plan may be amended from time to time, subject to approval by the Manager of the Metro Solid Waste Regulatory Affairs Division.</p> <p><b>Plan maintenance</b> 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 the Manager of the Metro Solid Waste Regulatory Affairs Division for written approval prior to implementation.</p> <p><b>Access to operating plan</b> The Licensee shall maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.</p> <p>The operating plan shall establish:</p>

Issue	Issue Specific Performance Goal	Performance Standard / Operating Requirement (license / franchise condition)
		<p><b>Procedures for inspecting loads</b></p> <ol style="list-style-type: none"> <li>a. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes;</li> <li>b. A set of objective criteria for accepting and rejecting loads; and</li> <li>c. An asbestos testing protocol for all material that appears as if it may contain asbestos.</li> </ol> <p><b>Procedures for processing and storage of loads</b></p> <ol style="list-style-type: none"> <li>a. Processing authorized solid wastes,</li> <li>b. Reloading and transfer of authorized solid wastes,</li> <li>c. Managing stockpiles.</li> <li>d. Storing authorized solid wastes; and</li> <li>e. Minimizing storage times and avoiding delay in processing of authorized solid wastes.</li> </ol> <p><b>Procedures for managing prohibited wastes</b></p> <p>The operating plan shall establish procedures for managing, reloading, and transporting to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan shall establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.</p> <p><b>Procedures for odor prevention</b></p> <p>The operating plan shall establish procedures for preventing all objectionable odors from being detected off the premises of the facility. The plan must include:</p> <ol style="list-style-type: none"> <li>a. A management plan that will be used to monitor and manage all odors of any derivation including malodorous loads delivered to the facility; and</li> <li>b. Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.</li> </ol> <p><b>Procedures for dust prevention</b></p> <p>The operating plan shall establish procedures for preventing the production of dust from blowing or falling off the premises of the facility. The plan must include:</p> <ol style="list-style-type: none"> <li>a. A management plan that will be used to monitor and manage dust of any derivation; and</li> <li>b. Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.</li> </ol> <p><b>Procedures for emergencies</b></p> <p>The operating plan shall establish procedures to be followed in case of fire or other emergency.</p> <p><b>Procedures for nuisance complaints</b></p> <p>For every nuisance complaint (e.g. odor, dust, vibrations, litter) received, the Licensee shall record:</p> <ol style="list-style-type: none"> <li>a. The nature of the complaint;</li> <li>b. The date the complaint was received;</li> <li>c. The name, address and telephone number of the person or persons making the complaint; and</li> <li>d. Any actions taken by the operator in response to the complaint (whether successful or unsuccessful).</li> <li>e. Records of such information shall be made available to Metro upon request. The Licensee shall retain</li> </ol>

Issue	Issue Specific Performance Goal	Performance Standard / Operating Requirement (license / franchise condition)
<p><b>T. Pre-Operating conditions</b> <i>(for new construction or new authorizations)</i></p> <p>Applicable performance goals (1, 2, 3, 4, 5)</p>	<p>The facility shall not be permitted to accept solid waste until it has demonstrated that construction is complete and the facility will likely be able to comply with all license conditions.</p>	<p>each complaint record for a period of not less than two years.</p> <p>The facility may not accept any solid waste until the Director of the Solid Waste and Recycling Department has approved in writing that:</p> <ol style="list-style-type: none"> <li>The facility construction is complete according to plans submitted by the facility and approved by Metro. Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.</li> <li>The storm water management system must be constructed and in proper working order in accordance with the plans submitted to Metro and approved by the DEQ. Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.</li> <li>An adequate operating plan has been submitted and approved by the Director of the Solid Waste and Recycling Department.</li> </ol> <p>Such written approval shall be based upon the Licensee’s compliance with license provisions, including the Director’s inspection of the facility and the documents submitted to the Director by the Licensee.</p> <p>Prior to the required construction inspection, the Licensee shall submit to the Director of the Solid Waste and Recycling Department “as constructed” facility plans which note any changes from the original plans submitted to Metro.</p> <p>When construction is complete or nearly complete, the Licensee shall notify the Director of the Solid Waste and Recycling Department so that an inspection can be made before acceptance of any solid waste.</p>
<p><b>U. General Recordkeeping and Reporting</b></p> <p>Applicable performance goal (6)</p> <p>Metro Code 5.01.137(a)</p>	<p>Maintain complete and accurate records and report such information to Metro.</p>	<p><b>DEQ submittals.</b> Licensee shall provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this license within two business days of providing such information.</p> <p><b>Copies of enforcement actions provided to Metro.</b> Licensee shall send to Metro, upon receipt, copies of any notice of violation or non-compliance, citation, or any other similar enforcement actions issued to licensee by any federal, state, or local government other than Metro, and related to the operation of the facility.</p> <p><b>Unusual occurrences.</b> Licensee shall 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. If a breakdown of the operator’s equipment occurs that will substantially impact the ability of the facility to remain in compliance, or create off-site impacts, the operator shall notify Metro within 24-hours. The licensee shall report any facility fires, accidents, emergencies, and other significant incidents to Metro at (503) 234-3000 within 12 hours of the discovery of their occurrence.</p> <p><b>Nuisance complaints.</b> For every nuisance complaint (e.g. odor, noise, dust, vibrations, litter) received, the licensee shall record: a) the nature of the complaint, b) the date the complaint was received, c) the name, address and telephone number of the person or persons making the complaint; and d) any actions taken by the operator in response to the complaint (whether</p>

Issue	Issue Specific Performance Goal	Performance Standard / Operating Requirement (license / franchise condition)
		<p>successful or unsuccessful). Records of such information shall be maintained on-site and made available to Metro upon request. The licensee shall retain each complaint record for a period not less than one year.</p> <p><b>Changes in ownership.</b> The licensee must, in accordance with Metro Code Section 5.01.090, submit a new license application to Metro if the licensee proposes to transfer ownership or control of (1) the license, (2) the facility property, or (3) the name and address of the operator.</p>



## SECTION 2 – General Administrative and Legal Obligations for Operating

This section identifies standard administrative and legal obligations, required by the Metro Code, for all solid waste facility licenses and franchises. These requirements are not unique to a material recovery facility or to a non-putrescible waste reload facility. Shaded sections denote new or amended provisions.

Issue	Performance Standard / Operating Requirement (license / franchise provision)
<p><b>V. Compliance by agents.</b></p> <p>Metro Code: 5.01.410(c)(e)(g)(h)</p>	<p><b>Compliance by agents.</b> The Licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this license.</p>
<p><b>W. Compliance with law</b></p> <p>Metro Code: 5.01.410(c)(e)(g)(h)</p>	<p><b>Compliance with law.</b> The 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 time of the issuance of the license but not cited or attached, and permits or conditions issued or modified during the term of the license.</p>
<p><b>X. Confidential information.</b></p> <p>Metro Code: 5.01.137(f)</p>	<p><b>Confidential information.</b> 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. Licensee shall prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro shall treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five (5) days of Metro's receipt of a request for disclosure of information identified by Licensee as confidential, Metro shall provide Licensee written notice of the request. Licensee shall have three (3) days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. Licensee shall pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. Nothing in this Section 13.0 shall limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, such representatives agree to continue to treat such information as confidential and make good faith efforts not to disclose such information</p>
<p><b>Y. Deliver waste to appropriate destinations</b></p> <p>Metro Code: 5.01.120(b)</p>	<p><b>Deliver waste to appropriate destinations.</b> The Licensee shall ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits;</p>

(Section 2 continued)

Issue	Performance Standard / Operating Requirement (license / franchise provision)
<p><b>Z. Enforcement</b></p> <p>Metro Code: 5.01.410(c)</p>	<p><b>Generally.</b> Enforcement of the license shall be as specified in Metro Code.</p> <p><b>Authority vested in Metro.</b> 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.</p> <p><b>No Enforcement Limitations.</b> 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.</p>
<p><b>AA. Indemnification.</b></p> <p>Metro Code: 5.01.120(d)</p>	<p><b>Indemnification.</b> The Licensee shall indemnify and hold Metro, its employees, agents and elected officials harmless from any and all claims, damages, actions, losses and expenses including attorney’s fees, or liability related to or arising out of or in any way connected with the Licensee’s performance or failure to perform under this license, including patent infringement and any claims or disputes involving subcontractors.</p>
<p><b>BB. Modifications</b></p> <p>Metro Code: 5.01.180 5.01.410(d)</p>	<p><b>Modification.</b> At any time during the term of the license, either the Chief Operating Officer or the Licensee may propose amendments or modifications to this license. The Chief Operating Officer has the authority to approve or deny any such amendments or modifications provided that the activities authorized in the amended or modified license do not require a Metro Solid Waste Facility Franchise under Metro Code Chapter 5.01. No amendment or modification pursuant to this section shall be effective unless in writing and executed by the Chief Operating Officer.</p> <p><b>Modification, suspension or revocation by Metro.</b> The Chief Operating 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:</p> <ol style="list-style-type: none"> <li>a. Violation of the terms or conditions of this license, Metro Code, or any applicable statute, rule, or standard;</li> <li>b. Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license;</li> <li>c. Failure to disclose fully all relevant facts;</li> <li>d. A significant release into the environment from the facility;</li> <li>e. Significant change in the character of solid waste received or in the operation of the facility;</li> <li>f. Any change in ownership or control, excluding transfers among subsidiaries of the Licensee or Licensee’s parent corporation;</li> <li>g. A request from the local government stemming from impacts resulting from facility operations.</li> <li>h. Compliance history of the Licensee.</li> </ol>

(Section 2 continued)

Issue	Performance Standard / Operating Requirement (license / franchise provision)
<p><b>CC. Right of inspection and audit.</b></p> <p>Metro Code: 5.01.120(a) 5.01.135 (a)(b)(c)</p>	<p><b>Right of inspection and audit.</b> Authorized representatives of Metro may take photographs, collect samples of materials, and perform such inspection or audit as the Chief Operating 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 upon giving reasonable advance notice (not less than 24 hours). Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the confidentiality provisions in Section 13.5 of this license, Metro’s right to inspect shall include the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of Licensee that are directly related to the operation of the Facility.</p>
<p><b>DD. Insurance</b></p> <p>Metro Code: 5.01.060(c)(1) 5.01.120(c)</p>	<p><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.</p> <p><b>Automobile.</b> The Licensee shall carry automobile bodily injury and property damage liability insurance.</p> <p><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.</p> <p><b>Additional insureds.</b> Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS.</p> <p><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 certificate to that effect may be attached in lieu of the certificate showing current Workers’ Compensation.</p> <p><b>Notification.</b> The Licensee shall give at least 30 days written notice to the Chief Operating Officer of any lapse or proposed cancellation of insurance coverage.</p>
<p><b>EE. Financial assurance</b></p> <p>Metro Code: 5.01.060(c)(4)</p>	<p><b>Financial assurance</b> The Licensee shall maintain financial assurance in an amount adequate for the cost of the facility’s closure and in a form approved by Metro for the term of the license, as provided in Metro Code section 5.01.060(c)(4).</p>

**Section 3** –New application requirements, existing facility phase-in and renewal requirements, and variances

<b>Issue</b>	<b>In addition to Metro’s current procedures and requirements for new applications and renewals, the following will also apply:</b>
<p><b>FF. New application requirements</b> (including applications from existing facilities seeking expanded authority)</p>	<p>New facilities and existing facilities seeking new or expanded authority to conduct reloading or material recovery will have to demonstrate compliance with all of the design requirements in the application process. Application submittals such as facility design, building plans, site plans and specifications that address the standards, must be prepared, as appropriate, by persons licensed in engineering, architecture, landscape design, traffic engineering, air quality control, and design of structures.</p>
<p><b>GG. Existing facility phase-in and renewal requirements</b></p>	<p>Upon adoption of the standards, existing facilities will have two years to demonstrate compliance with the requirement that all mixed non-putrescible waste tipping, storage, sorting and reloading activities must occur on an asphalt or concrete surface and inside a roofed building that is enclosed on at least three sides. Other than that requirement, no additional design requirements will be required for existing facilities. New or revised operating requirements will become part of a facility replacement license or franchise upon renewal for all facilities.</p>
<p><b>HH. Variances</b></p>	<p>This section is a placeholder and will provide that the Chief Operating Officer may grant specific variances from particular requirements of the standards adopted as administrative procedures to applicants for licenses or franchises.</p>

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