

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF GRANTING A)	RESOLUTION NO. 91-1288
FRANCHISE TO K.B. RECYCLING, INC.)	
FOR THE PURPOSE OF OPERATING A)	Introduced by Rena Cusma,
SOLID WASTE PROCESSING FACILITY)	Executive Officer

WHEREAS, Section 5.01.030 of the Metropolitan Service District Code requires a Metro Franchise for any person to establish, operate, maintain or expand a disposal site, processing facility, transfer station or resource recovery facility within the District; and

WHEREAS, K.B. Recycling, Inc. (K.B.) has applied for a non-exclusive franchise (Exhibit A) to operate a processing center at 8277 S. Deer Creek Lane, Milwaukie, Oregon; and

WHEREAS, K.B. has submitted evidence of compliance with Metro Code Section 5.01.060 requirements for franchise applications and operational plans; and

WHEREAS, K.B. has applied for variances from Metro Code Sections 5.01.070(g) - flow control authority of solid waste, 5.01.120(b) - prior notice to discontinue service, 5.01.180 - determination of rates, 5.01.190(e) - divestiture of rights of franchisee, 5.01.200 - right to purchase; and

WHEREAS, K.B. has met the purpose and intent of Metro Code Section 5.01.180 and has met variance criterion (3) under Metro Code Section 5.01.110 as set out in its application for a variance from rate regulation; and

WHEREAS, The franchise request has been reviewed in accordance with Code Section 5.01.070 including consistency with the District's Regional Solid Waste management Plan, specifically with respect to policy 8.4 of the Regional Solid Waste Management Plan, and

WHEREAS, A draft franchise agreement has been prepared for consideration by the Executive Officer (Exhibit B); and

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

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District authorizes the District to enter into the attached Franchise Agreement with K.B. Recycling, Inc. within ten (10) days of the adoption of this Resolution.

2. That the Metropolitan Service District acknowledges a maximum facility capacity of 111 tons per week, 417 tons per month and 5,000 tons per year and agrees not to direct flows to this facility in excess of these maximums, as might otherwise be permitted under Section 5.01.070(g).

3. That the requested variance from Metro Code Section 5.01.120(b) to exempt the franchisee from the requirement to provide Metro with notice prior to discontinuing service is denied because it is counter to safeguarding the public interest.

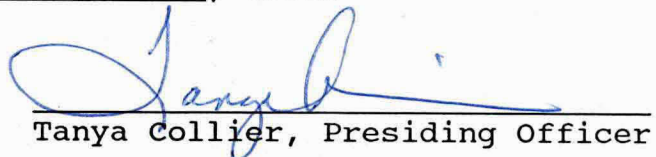
4. That the variance from Metro Code Section 5.01.180 to exempt the facility from having the Metro Council establish disposal rates is granted subject to the condition that the franchisee not establish disposal rates that are higher than those charged by Metro at the Metro South Station without specific prior approval of the Metro Council and that Metro retain the right to impose its rate-setting authority at any time. Further, the variance shall be reviewed by the Executive Officer within one (1) year from the date of issuance of the Franchise. If, in the opinion of the Executive Officer, this variance warrants additional review it shall be reconsidered by the Council.

5. That the variance from the Metro Code Section 5.01.190(e) allowing Metro to require that the franchisee divest his/her ownership in the event of non-renewal or revocation of franchise is granted based on the finding that the facility is small and suspension of activity would not adversely affect the rest of the solid waste system and that revocation or non-renewal adequately safeguard the public interest.

6. That the variance from Metro Code Section 5.01.200 that grants Metro the right to condemn or purchase any real or personal property or any interest therein of the franchisee is granted based on a finding that the facility is small and suspension of activity would not adversely affect the rest of the solid waste system, that revocation or non-renewal adequately safeguard the public interest, and that the facility was constructed using entirely private funding.

7. That, subject to the issuance by Metro of a non-system license, the franchisee be allowed to dispose of any residual materials outside the District boundary at the franchisee's proposed transfer facility in Canby or the Riverbend Landfill provided, however, that the Metro User Fee and any other appropriate charges are collected on these residuals and forwarded to Metro.

Adopted by the Council of the Metropolitan Service District
this 14th day of March, 1991.


Tanya Collier, Presiding Officer

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 91-1288, FOR THE PURPOSE OF GRANTING A FRANCHISE TO K.B. RECYCLING, INC. FOR THE PURPOSE OF OPERATING A SOLID WASTE PROCESSING FACILITY

Date: March 6, 1991

Presented by: Councilor Wyers

COMMITTEE RECOMMENDATION: At the March 5, 1991 meeting, the Committee voted 4-0 to recommend Council approval of Resolution No. 91-1288. Voting in favor were Councilors Gardner, McFarland, McLain, and Wyers. Councilor DeJardin was excused.

COMMITTEE DISCUSSION/ISSUES: Steve Kraten, Senior Solid Waste Planner, explained that the franchise is requested because K.B. Recycling, which is now a buy back center, would like to add a pick line for loads which are 70% recyclable. This franchise would satisfy provisions of the EQC order. Phil North, Senior Solid Waste Planner, said that K.B. Recycling has requested several variances, and that staff recommended granting them with the exception of the request to waive the 90-day notice requirement prior to facility closure.

Councilor Gardner asked about the anticipated impact on revenue at Metro South Station, which now receives some of this waste. Mr. Kraten indicated that the revenue attributable to this waste is not substantial.

Councilor Gardner asked how the plans for disposal of this waste relate to the contract with Oregon Waste System which requires Metro to send to the Columbia Ridge Landfill 90% of the waste destined for a general purpose landfill. Mr. North said that waste out of the system requires a non-system license order under the flow control ordinance, and that it is the Department's position that plans for disposal of this waste are not impacted by the contract.

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SOLID WASTE PROCESSING FACILITY) Executive Officer

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WHEREAS, K.B. has submitted evidence of compliance with Metro Code Section 5.01.060 requirements for franchise applications and operational plans; and

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3. That the requested variance from Metro Code Section 5.01.120(b) to exempt the franchisee from the requirement to provide Metro with notice prior to discontinuing service is denied because it is counter to safeguarding the public interest.

4. That the variance from Metro Code Section 5.01.180 to exempt the facility from having the Metro Council establish disposal rates is granted subject to the condition that the franchisee not establish disposal rates that are higher than those charged by Metro at the Metro South Station without specific prior approval of the Metro Council and that Metro retain the right to impose its rate-setting authority at any time. Further, the variance shall be reviewed by the Executive Officer within one (1) year from the date of issuance of the Franchise. If, in the opinion of the Executive Officer, this variance warrants additional review it shall be reconsidered by the Council.

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6. That the variance from Metro Code Section 5.01.200 that grants Metro the right to condemn or purchase any real or personal property or any interest therein of the franchisee is granted based on a finding that the facility is small and suspension of activity would not adversely affect the rest of the solid waste system, that revocation or non-renewal adequately safeguard the public interest, and that the facility was constructed using entirely private funding.

7. That, subject to the issuance by Metro of a non-system license, the franchisee be allowed to dispose of any residual materials outside the District boundary at the franchisee's proposed transfer facility in Canby or the Riverbend Landfill provided, however, that the Metro User Fee and any other appropriate charges are collected on these residuals and forwarded to Metro.

Adopted by the Council of the Metropolitan Service District
this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

EXHIBIT A

MAIL THIS APPLICATION TO:

DATE RECEIVED BY METRO

METROPOLITAN SERVICE DISTRICT
Solid Waste Department
2000 S.W. 1st Avenue
Portland, Oregon 97201-5398

August 14, 1990

SOLID WASTE FRANCHISE APPLICATION

Check all that apply:

Transfer Station _____
Processing Center x
Resource Recovery Facility _____
Other (Specify) _____

DATE OF APPLICATION: AUG. 1, 1990

1. NAME OF FACILITY K.B. RECYCLING, INC.
FACILITY ADDRESS 8277 S.E. DEER CREEK LANE

2. PROSPECTIVE FRANCHISEE

PUBLIC AGENCY _____ PRIVATE x
NAME OF FRANCHISEE: K.B. RECYCLING, INC.
MAILING ADDRESS: P.O. BOX 550
 CANBY, OREGON 97013
PHONE NUMBER: 659-7004

3. OWNER(S) OF PROPERTY

NAME FRED A. & JERALD A. KAHUT
MAILING ADDRESS: P.O. BOX 550
 CANBY, OREGON 97013
PHONE NUMBER: 659-7004

4. SUBCONTRACTOR(S)

Name, address and function of prospective franchisee's
facility operation subcontractors, if any:

5. SITE LEGAL DESCRIPTION

(Include tax lot(s) descriptions, Section, Township and Range):

T2 5, R2E SECTION 5 DA TAX LOTS 1700 & 1790 WM
SECTION _____ TOWNSHIP _____ RANGE _____

6. ZONING

Present Land Use Zone: I-3
Restrictions: NONE

7. IS A CONDITIONAL USE PERMIT NECESSARY FOR THE PROPOSED FACILITY? YES _____ NO X

IF REQUIRED, HAS THE PERMIT BEEN OBTAINED?
YES _____ NO _____

8. PUBLIC HEARING(S)

Date(s) and nature of Public Hearing(s) held or to be held, if any: _____

9. PERMITS ISSUED OR APPLIED FOR

List name and number of all permits (i.e., DEQ Solid Waste Disposal Permit, Conditional Use Permit, National Pollution Discharge Elimination System Permit, Etc.), plus name, address and contact person at the agency responsible for issuing the permit(s).

Permit(s) Applied For: DEQ - SOLID WASTE

Permit(s) Received:

10. CITY OR COUNTY LICENSE OR FRANCHISE

Is the solid waste facility licensed or franchised by a city or county?

Yes _____ No Identify _____

11. POPULATION DATA

Estimated population to be served by the facility:

12. ESTIMATED QUANTITY OF SOLID WASTE TO BE ACCEPTED

Annually:	_____	Cubic Yards	Daily:	_____	Cubic Yards
Annually:	<u>18,460</u>	Tons	Daily:	<u>60.80</u>	Tons

13. ESTIMATED ANNUAL TYPE AND QUANTITY OF MATERIAL TO BE RECEIVED, RECOVERED AND DISPOSED FROM SOLID WASTE RECEIVED

	Tons Received	Tons Recovered	Tons Residual	% of Total
Commercial				
Industrial				
Residential				
TOTAL				
Putrescible Food Waste				
Glass				
Newspaper				
Corrugated / Kraft Paper	1365	887	342	35
Office Paper				
Ledger Paper				
Mixed Waste Paper	136			10
Aluminum				
Steel/Ferrous				
Other Metals				
Motor Oil				
Yard Debris				
Constr./Demo Debris				
Special Waste				
Hazardous Waste				
Tires				
Plastic				
Other (_____)				
TOTAL				

14. CHECK ITEMS THAT ARE TO BE EXCLUDED FROM THE FACILITY.

None	
Bulky Combustible materials (wood waste, etc.)	
Waste Oil	
Junk Automobiles	X
Construction/Demolition Debris	X
Hazardous Materials	X
Putrescible Waste	X
Dead Animal Carcasses	X
Sewage or Industrial Sludges	X
Large Appliances	
Tires	
Other Materials - (Please Specify)	
Other Materials - (Please Specify)	
Other Materials - (Please Specify)	
Other Materials - (Please Specify)	

16. PUBLIC/COMMERCIAL OPERATIONS

Will the facility be open to the public? Yes No

Will the facility be open to commercial solid waste collectors? Yes No

17. OPERATING HOURS AND TRAFFIC VOLUME

OPERATING HOURS	PUBLIC	COMMERCIAL
Hours Per Day		14
Days Per Week		5
Estimated Vehicles Per Day		5-10

18. Does the owner/operator of this facility own, operate, maintain, have a proprietary interest in, or is the owner financially associated with or subcontracting the operation of the facility to any individual, partnership or corporation involved in the business of collecting residential, commercial, industrial or demolition refuse within the boundary of the Metropolitan Service District?

Yes _____ No X _____

19. Will the facility be open to any solid waste collection companies not wholly owned by the franchisee that collect refuse within the boundary of the Metropolitan Service District?

Yes X _____ No _____

20. Will the facility be open to solid waste collection companies who collect outside the boundary of the Metropolitan Service District other than the franchisee?

Yes X _____ No _____

NOTES:

ATTACHMENTS

1. Attachment "A" - The proposal for processing solid waste (i.e., composting, shredding, milling, pulverizing, hand sorting, other) or recovering energy from solid waste (i.e., incineration).
2. Attachment "B" - a statement indicating the need for your proposed facility, including:
 - How the proposed facility will benefit the current solid waste system, and
 - How the proposed facility will further recycling or materials recovery processing within the boundary of the Metropolitan Service District, and
 - What the impact (positive, no effect, negative) the proposed facility will have on other solid waste disposal facilities within the boundary of the Metropolitan Service District, including transfer stations, processing centers, energy recovery facilities and landfills.
3. Attachment "C" - a letter demonstrating that the applicant can obtain public liability insurance, including automotive coverage, in the amounts of not less than Three Hundred Thousand Dollars (\$300,000) for any number of claims arising out of a single accident or occurrence, Fifty Thousand Dollars (\$50,000) to any claimant for any number of claims for damage to or destruction of property, and One Hundred Thousand Dollars (\$100,000) to any claimant for all other claims arising out of a single accident or occurrence or such other amounts as may be required by State Law for public contracts.
4. Attachment "D" - If the applicant is not an individual, submit a list of stockholders holding more than five percent (5%) of a corporation or similar entity, or of the partners of a partnership.
5. Attachment "E" - If rates will be charged, attach a schedule of proposed rates and fill out the attached financial information forms.
6. Attachment "F" - Include a map showing the approximate geographical service area of the proposed facility.

7. Attachment "G" - List major equipment to be used, including:

Make and Model Number	Purchase Price	Purchase Date (If Known)	Scheduled Date to Replace	Description of Equipment
Baler HRB	375,000.	1988		HRB 10AS
POWEL SCALE	20,000.			
BOB CAT	50,000	1990		LOADER (2)
HYSTER	25,000	1986		FORKLIFT
HYSTER	25,000.	1988		FORKLIFT
HYSTER	25,000	1987		FORKLIFT
KRAUSE	55,000	1988		CONVEYOR
DURAQUIP	15,000	1988		CONVEYOR

8. Attachment "H" - A facility layout plan including site boundaries and all access roads.
9. Attachment "I" - One copy each of any required federal, state, county, city or other permits or licenses and one copy each of all correspondence pertaining to all such permits or licenses.
10. Attachment "J" - Letters of support (as appropriate).
11. Attachment "K" - Other pertinent materials.



CLACKAMAS COUNTY

Department of Transportation & Development

WINSTON KURTH
EXECUTIVE DIRECTOR

RICHARD DOPP
DIRECTOR
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN
DIRECTOR
PLANNING & DEVELOPMENT

December 9, 1986

Metro
200 S.W. First
Portland, OR 97201

SUBJ: K.B. Recycling's High Grade Sorting

The new K.B. Recycling operation at 8277 S.E. Deer Creek Lane is located in an I-3 zone and is subject to the Clackamas County Zoning and Development Ordinance. The Ordinance allows the operation of a facility that would recover paper from select commercial loads of a mixed waste.

Section 603.03 of the Zoning Ordinance permits outright "primary uses, recycling collection depots and transfer stations and processing or treatment of paper, glass, metal or rags". So, the proposed use is permitted.

There are some constraints, however. The site and its building is not very large, so a tight control over the number of trucks using the site is a must. At least during the initial phase, the operation should be limited to Clackamas County haulers until the County, Metro and K.B. Recycling can see how it will work and smooth out any glitch in the system before the operation is expanded to include out of County waste.

The County is looking forward to having the facility operational to be able to begin producing high grade loads to further reduce our waste stream.

David G. Phillips

DAVID G. PHILLIPS - Administrator
Community Environment Section

/mb



CLACKAMAS COUNTY

Department of Transportation & Development

WINSTON KURTH
EXECUTIVE DIRECTOR

RICHARD DOPP
DIRECTOR
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN
DIRECTOR
PLANNING & DEVELOPMENT

September 8, 1987

Metro
2000 S.W. First
Portland, OR 97201

Att: Steve Rapp

SUBJ: KB Recycling Franchise Application

Clackamas County when granting its approval for past collection sorting operation of K. B. Recycling expressed a desire to confine the flow to that originating in Clackamas County. The reason for this was that the County has concerns that the capacity of the building is not sufficient to have an open ended volume arriving there.

The County will withdraw that stipulation as long as a maximum volume limit is placed on the volume and the amount of that maximum should be worked out with Fred Kahut.

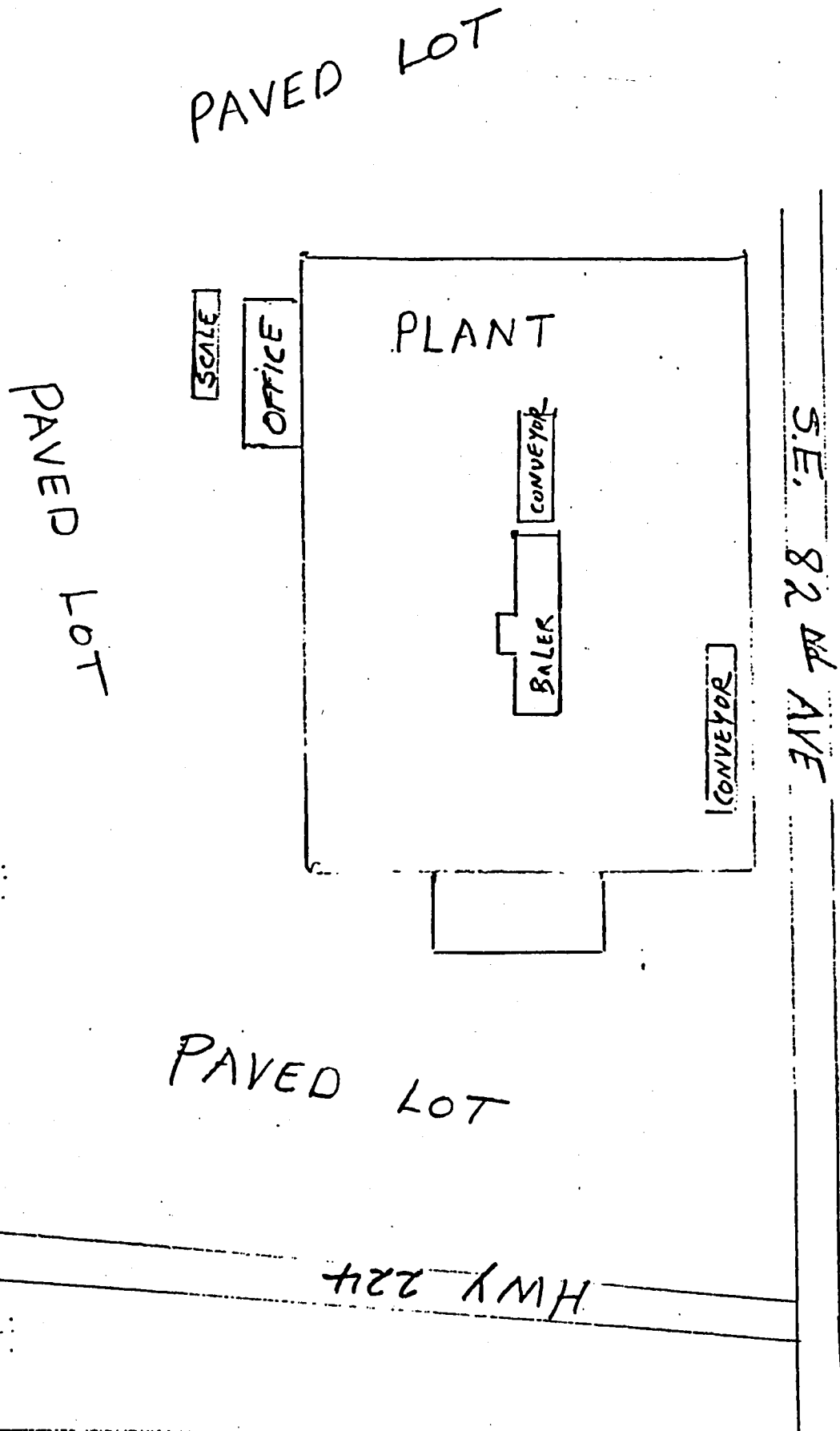
DAVID G. PHILLIPS - Administrator
Community Environment Section

/mb

K.B. Recycling, Inc.
8277 S.E. Deer Creek Lane
Milwaukie, Or 97222

NOT TO SCALE

Total Acres = 2.3
Usable Acres = 2.3





RECEIVED AUG 24 1987
Department of Environmental Quality

811 S.W. SIXTH AVENUE, PORTLAND, OREGON 97204 PHONE: (503) 229-5696

August 21, 1987

Mr. Fred Kahut
K-B Recycling Center
P.O. Box 550
Canby, OR 97013

Re: K-B Recycling Center
Clackamas County
SW Permit No. 389

Dear Mr. Kahut:

On July 31, 1987, the Department issued Solid Waste Permit No. 389 for operation of the K-B Recycling Processing Center.

The permit was issued to defer any delay in your operation once a Metro franchise was granted. Since you are within Metro boundaries and will be receiving waste from the Metro area, you must have permission from Metro before you begin operation.

If you have questions regarding the above, please contact me at 229-6237.

Sincerely,

Robert L. Brown
Environmental Analyst
Hazardous and Solid Waste Division

RLB:f

cc: Metro

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Solid Waste Department
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PUBLIC AGENCY _____ PRIVATE x
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4. SUBCONTRACTOR(S)

Name, address and function of prospective franchisee's
facility operation subcontractors, if any:

5. SITE LEGAL DESCRIPTION

(Include tax lot(s) descriptions, Section, Township and Range):

T2 5, R2E SECTION 5 DA TAX LOTS 1700 & 1790 WM

SECTION _____ TOWNSHIP _____ RANGE _____

6. ZONING

Present Land Use Zone: I-3

Restrictions: NONE

7. IS A CONDITIONAL USE PERMIT NECESSARY FOR THE PROPOSED FACILITY? YES _____ NO X

IF REQUIRED, HAS THE PERMIT BEEN OBTAINED? YES _____ NO _____

8. PUBLIC HEARING(S)

Date(s) and nature of Public Hearing(s) held or to be held, if any: _____

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DEQ - SOLID WASTE

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5. Attachment "E" - If rates will be charged, attach a schedule of proposed rates and fill out the attached financial information forms.
6. Attachment "F" - Include a map showing the approximate geographical service area of the proposed facility.

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8. Attachment "H" - A facility layout plan including site boundaries and all access roads.
9. Attachment "I" - One copy each of any required federal, state, county, city or other permits or licenses and one copy each of all correspondence pertaining to all such permits or licenses.
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Section 603.03 of the Zoning Ordinance permits outright "primary uses, recycling collection depots and transfer stations and processing or treatment of paper, glass, metal or rags". So, the proposed use is permitted.

There are some constraints, however. The site and its building is not very large, so a tight control over the number of trucks using the site is a must. At least during the initial phase, the operation should be limited to Clackamas County haulers until the County, Metro and K.B. Recycling can see how it will work and smooth out any glitch in the system before the operation is expanded to include out of County waste.

The County is looking forward to having the facility operational to be able to begin producing high grade loads to further reduce our waste stream.

David G. Phillips

DAVID G. PHILLIPS - Administrator
Community Environment Section

/mb



CLACKAMAS COUNTY

Department of Transportation & Development

WINSTON KURTH
EXECUTIVE DIRECTOR

RICHARD DOPP
DIRECTOR
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN
DIRECTOR
PLANNING & DEVELOPMENT

September 8, 1987

Metro
2000 S.W. First
Portland, OR 97201

Att: Steve Rapp

SUBJ: KB Recycling Franchise Application

Clackamas County when granting its approval for past collection sorting operation of K. B. Recycling expressed a desire to confine the flow to that originating in Clackamas County. The reason for this was that the County has concerns that the capacity of the building is not sufficient to have an open ended volume arriving there.

The County will withdraw that stipulation as long as a maximum volume limit is placed on the volume and the amount of that maximum should be worked out with Fred Kahut.

DAVID G. PHILLIPS - Administrator
Community Environment Section

/mb

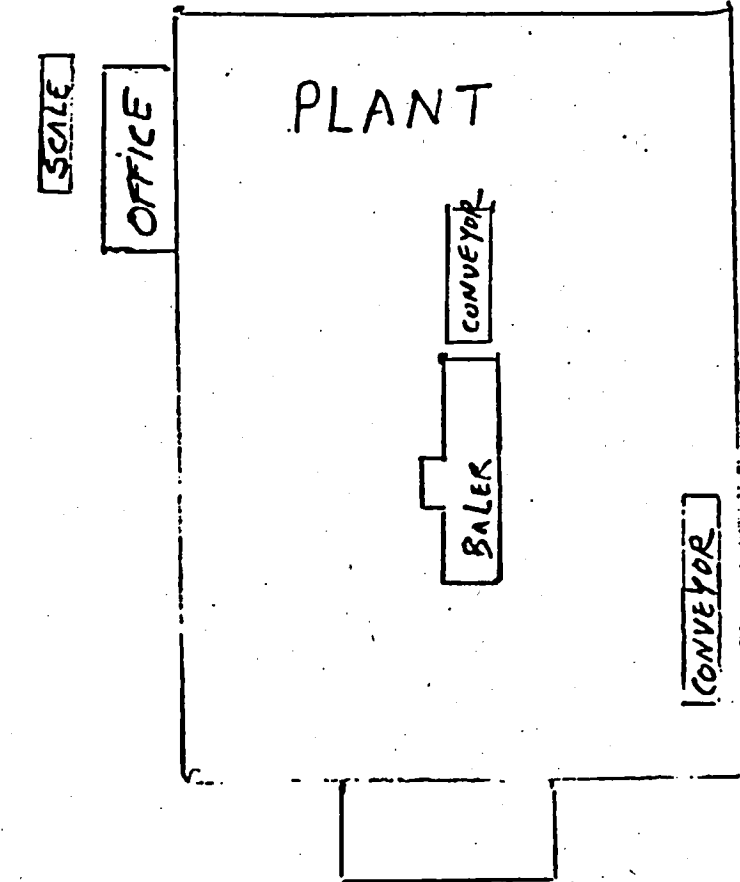
K.B. Recycling, Inc.
8277 S.E. Deer Creek Lane
Milwaukie, Or 97222

NOT TO SCALE

Total Acres = 2.3
Usable Acres = 2.3

PAVED LOT

PAVED LOT



SE. 82ND AVE

PAVED LOT

HWY 224



RECEIVED AUG 24 1987
Department of Environmental Quality

811 S.W. SIXTH AVENUE, PORTLAND, OREGON 97204 PHONE: (503) 229-5696

August 21, 1987

Mr. Fred Kahut
K-B Recycling Center
P.O. Box 550
Canby, OR 97013

Re: K-B Recycling Center
Clackamas County
SW Permit No. 389

Dear Mr. Kahut:

On July 31, 1987, the Department issued Solid Waste Permit No. 389 for operation of the K-B Recycling Processing Center.

The permit was issued to defer any delay in your operation once a Metro franchise was granted. Since you are within Metro boundaries and will be receiving waste from the Metro area, you must have permission from Metro before you begin operation.

If you have questions regarding the above, please contact me at 229-6237.

Sincerely,

Robert L. Brown
Environmental Analyst
Hazardous and Solid Waste Division

RLB:f

cc: Metro

ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)
 05/31/90

PRODUCER
 KBI INSURANCE, INC
 18650 SW BOONES FERRY RD.
 P.O. BOX 888
 TUALATIN, OREGON 97062
 SUB-CODE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

RECEIVED
 AUG 16 1990

COMPANIES AFFORDING COVERAGE

- COMPANY LETTER **A** CALIFORNIA INSURANCE CO.
- COMPANY LETTER **B**
- COMPANY LETTER **C**
- COMPANY LETTER **D**
- COMPANY LETTER **E**

INSURED
 Canby Disposal Company
 K.B. Recycling, Inc. etal
 PO Box 550
 Canby, Oregon 97013

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR. OWNER'S & CONTRACTOR'S PROT.	OR879-6443	05/15/90	05/15/91	GENERAL AGGREGATE	\$ 2,000,
	PRODUCTS-COMP/OPS AGGREGATE				\$ 2,000,	
					PERSONAL & ADVERTISING INJURY	\$ 1,000,
					EACH OCCURRENCE	\$ 1,000,
					FIRE DAMAGE (Any one fire)	\$ 50,
					MEDICAL EXPENSE (Any one person)	\$ 5,
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> GARAGE LIABILITY	OR879-6443	05/15/90	05/15/91	COMBINED SINGLE LIMIT	\$ 1,000,
	BODILY INJURY (Per person)				\$	
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE	\$
	EXCESS LIABILITY <input type="checkbox"/> OTHER THAN UMBRELLA FORM				EACH OCCURRENCE	\$
					AGGREGATE	\$
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY	(EACH ACCIDENT)
						(DISEASES-POLICY LIMIT)
						(DISEASES-EACH EMPLOYEE)
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

copy to Keith Thompson @ metro 8/15/90

CERTIFICATE HOLDER
 Metropolitan Service Dist
 2000 S. First
 Portland, Or 97201
 Attn: Steve Rapp *Keith Thompson*

CANCELLATION
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
C H Kilhefer

EXHIBIT B

**SOLID WASTE FRANCHISE
issued by the
METROPOLITAN SERVICE DISTRICT
2000 S.W. 1st
Portland, Oregon 97201-5398
503-221-1646**

FRANCHISE NUMBER: _____
DATE ISSUED: _____
AMENDMENT DATE: _____
EXPIRATION DATE: 5 years from date of issuance shown above.
ISSUED TO: K.B. Recycling, Inc.
NAME OF FACILITY: K.B. Recycling, Inc.
ADDRESS: 8277 S.E. Deer Creek Lane
LEGAL DESCRIPTION: T25, R2E, Section 5 DA, Tax Lots 1700 and 1790
WM.
CITY, STATE, ZIP: Milwaukie, Oregon 97222
NAME OF OPERATOR: Fred and Jerald Kahut
PERSON IN CHARGE: Fred Kahut
ADDRESS: 8277 S.E. Deer Creek Lane
CITY, STATE, ZIP: Milwaukie, Oregon 97222
TELEPHONE NUMBER: (503) 659-7004

This Franchise will automatically terminate on the expiration date shown above, or upon modification or revocation, whichever occurs first. Until termination, K.B. Recycling, Inc. is authorized to operate and maintain a solid waste processing facility at the above location in accordance with the Metro Code and the attached Franchise Schedules A, B, C, D, and E and in accordance with the provisions specified in the Solid Waste Disposal Site Permit No. 389, issued by the State of Oregon, Department of Environmental Quality.

This Franchise may be revoked at any time for any violation of the conditions of this Franchise or the Metro Code. This Franchise does not relieve the Franchise Holder from responsibility for compliance with ORS Chapter 459 or other applicable federal, state or local statutes, rules, regulations, codes, ordinances or standards.

Facility Owner or Owner's
Representative

Rena Cusma
Executive Officer
Metropolitan Service District

**FRANCHISE CONDITIONS
SCHEDULE A**

Franchise Number:

Expiration Date:

AUTHORIZED AND PROHIBITED SOLID WASTES

- SA-1 The Franchise Holder is authorized to accept loads of dry mixed solid waste containing at least 70 percent recyclable materials by weight for processing. No other wastes shall be accepted unless specifically authorized in writing by Metro supplementary to this Franchise. The Franchise Holder shall operate and maintain the facility in accordance with all applicable federal, state and local laws, rules, regulations, codes or ordinances.
- SA-2 The following types of materials are specifically prohibited from the processing facility:
- A. Bulky combustible material, car bodies, dead animals, tires, sewage sludges, septic tank pumpings and hospital wastes.
 - B. All chemicals, liquids, explosives, infectious materials and other materials that may be hazardous or difficult to manage, unless specifically authorized by Metro.
- SA-3 Dumping by commercial solid waste haulers is allowed. No commercial hauler will be excluded from this site except when the load contains a recoverable percentage recyclable content of less than 70%. Public dumping of mixed waste is not allowed.
- SA-4 Salvaging and hand or mechanical sorting of dry mixed waste on the tipping floor to recover materials is authorized. Piles of dry mixed waste on the tipping floor shall be maintained at a reasonable size and shall be controlled so as to not create unsightly conditions or rodent or vector harborage. No waste shall be allowed to remain on the tipping floor for longer than a 24-hour period.
- SA-5 Non-recoverable material shall be removed from the processing tipping floor and shall be transported to a franchised or authorized disposal site on a weekly basis or more often if necessary. Storage and transportation shall be carried out to avoid rodent or vector production and bird attraction.

- SA-6 Materials separated and recovered for recycling (such as newsprint, waste paper, cardboard, glass, metals, yard debris, tires, appliances, and wood) shall be neatly stored in containers or areas provided for this purpose and shall be transported off-site to materials markets as often as necessary.
- SA-7 The Franchise Holder shall perform litter patrols to keep the facility free of blowing paper and other material on at least a daily basis or more often if necessary.
- SA-8 The Franchise Holder shall operate the processing facility in accordance with the Application and Operation Plan dated August 14, 1990.
- SA-9 The Franchise Holder shall not, by act or omission, discriminate against, treat unequally or prefer any user of the processing facility through application of fees or the operation of the facility.
- SA-10 All solid waste transferring vehicles and devices using public roads shall be constructed, maintained, and operated so as to prevent leaking, sifting, spilling, or blowing of solid waste while in transit and shall be operated and maintained in accordance with all applicable federal, state and local laws, rules, regulations, codes or ordinances.
- SA-11 The Franchise Holder may dispose of residual wastes at the operator's proposed transfer facility in Canby or the Riverbend Landfill provided that the holder first obtains a non-system license from Metro and provided that the Metro User Fee, Regional Transfer Charge, or other fees required by the non-system license are collected and forwarded to Metro.
- SA-12 The Franchise Holder may accept no more than 18,000 tons of mixed waste per year without amendment to this Franchise Agreement.
- SA-13 The entire perimeter of the site shall be screened by an eight (8)-foot high sight-obscuring fence approved by this department.
- SA-14 All landscaped planter strips and islands shall be weeded, cleaned of litter, and mulched with compost, barkdust, or planted to a ground cover plant.
- SA-15 Additional plantings of evergreen trees and/or shrubs (subject to County review) shall be installed along the 82nd Avenue frontage outside the fence as a buffering element.

- SA-16 Additional shrubs and ground cover shall be installed in the planter adjacent to the south entrance off Deer Creek Lane.
- SA-17 No required parking or loading spaces shall be used to store materials whether contained or loose.
- SA-18 Materials may be stored outside of an enclosed structure south of the building (the area formerly zoned C-3); however, no materials may be stored above the fence line.
- SA-19 No dropboxes, freight trailers, or other containers may be stored on the right-of-way of Deer Creed Lane.
- SA-20 Litter blowing off the site or off trucks traveling Deer Creek Lane to the site shall be picked up daily.
- SA-21 The franchise holder shall comply with all applicable Clackamas County zoning and planning requirements.
- SA-22 All of the conditions noted above must be satisfied prior to accepting any high-grade loads under the franchise.

**FRANCHISE CONDITIONS
SCHEDULE B**

Franchise Number:

Expiration Date:

MINIMUM MONITORING AND REPORTING REQUIREMENTS

SB-1 The Franchise Holder or designated Representative shall effectively monitor the processing facility operation and maintain records of the following required data to be submitted to Metro per the schedule indicated below:

	DATA TYPE	FREQUENCY
A.	Name and Address	Each Report
B.	Date	Each Report
C.	Tons or Cubic Yards of Waste Delivered by Commercial Collection Vehicles	Daily
D.	Number of Commercial Collection Vehicles	Daily
E.	Unusual Occurrences Affecting the Operation of the Facility	Each Occurrence
F.	Tons or Cubic Yards of Reject Material Disposed of at Authorized Disposal Sites	Monthly
G.	Disposal Rate Charged for Incoming Material	Daily
H.	Tons or Cubic Yards of Waste Material Recovered by Material Type	Monthly
I.	Signature and Title of the Franchisee or Designated Agent	Each Report

SB-2 Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to Metro by the 10th day of the month following the end of each month.

SB-3 The Franchise Holder shall pay an annual franchise fee established in Metro Code Section 5.03.030 within 30 days of the effective date of the Franchise Agreement and each year thereafter.

SB-4 The Franchise Holder shall report to Metro any changes in excess of five (5%) of ownership of the Franchisee's corporation or similar entity, or of the partners of a partnership within ten (10) days of such changes of ownership.

- SB-5 The Franchisee may contract with another person to operate the disposal facility only upon ninety (90) days prior written notice to Metro and the written approval of the Executive Officer. If approved, the Franchisee shall remain responsible for compliance with this Franchise Agreement.
- SB-6 The Franchisee shall establish and follow procedures designed to give reasonable notice prior to refusing service to any person. Copies of notification and procedures for such action will be retained on file for three (3) years by each Franchisee for possible review by Metro.
- SB-7 The Franchisee shall maintain during the term of the Franchise public liability insurance in the amounts set forth in SC-1 and shall give thirty (30) days written notice to Metro of any lapse or proposed cancellation of insurance coverage or performance bond.
- SB-8 The Franchisee shall file an Annual Operating Report detailing the operation as outlined in this Franchise on or before the anniversary date of the Franchise of each year for the preceding year.
- SB-9 The Franchise Holder shall submit to Metro within 30 days duplicate copies of any information submitted to, or required by, the Department of Environmental Quality pertaining to the solid waste permit for this facility.
- SB-10 The Franchise Holder shall report to Metro the names of solid waste credit customers that are sixty (60) days or more past due in paying their disposal fees at the processing facility. Such report shall be submitted in writing each month on Metro approved forms. For the purposes of this section sixty (60) days past due means disposal charges due, but not paid on the first day of the second month following billing.
- SB-11 In the event a breakdown of equipment, fire or other occurrence causes a violation of any conditions of this Franchise Agreement or of the Metro Code, the Franchise Holder shall:
- a. Immediately take action to correct the unauthorized condition or operation.
 - b. Immediately notify Metro so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.

- SB-12 In the event that the processing facility is to be closed permanently or for a protracted period of time during the effective period of this Franchise, the Franchise Holder shall provide Metro with written notice, at least ninety (90) days prior to closure, of the proposed time schedule and closure procedures.
- SB-13 The Franchisee shall file a monthly report on forms approved by Metro indicating the types (wood, paper, cardboard, metal, glass, etc.) and quantities (tonnage or cubic yards) of non-source separated solid wastes accepted at the facility, as specified in this schedule.
- SB-14 Authorized representatives of Metro shall be permitted to inspect source separated recyclable quantity information during normal working hours or at other reasonable times with notice.

**FRANCHISE CONDITIONS
SCHEDULE C**

Franchise Number:

Expiration Date:

GENERAL CONDITIONS AND COMPLIANCE SCHEDULES

- SC-1 The Franchise Holder shall furnish Metro with certified copies of public liability insurance, including automotive coverage, in the amount of not less than \$500,000 for any number of claims arising out of a single accident or occurrence, \$50,000 to any claimant for any number of claims for damage to or destruction of property, and \$100,000 to any claimant for all other claims arising out of a single accident or occurrence, or such other amounts as specified in ORS 30.270. Metro shall be named as an additional insured in this insurance policy.
- SC-2 The term processing facility is used in this Franchise as defined in Section 5.01.010(n) of the Metro Code.
- SC-3 The conditions of this Franchise shall be binding upon, and the Franchise Holder shall be responsible for, all acts and omissions of all contractors and agents of the Franchise Holder.
- SC-4 The processing facility operation shall be in strict compliance with all applicable sections of the Metro Code regarding storage, collection, transportation, recycling and disposal of solid waste.
- SC-5 The Franchise Holder shall provide an adequate operating staff that is duly qualified to carry out the reporting functions required to ensure compliance with the conditions of this Franchise Agreement..
- SC-6 Metro may reasonably regulate the hours of site operation as it finds necessary to ensure compliance with this Franchise Agreement.
- SC-7 At least one sign shall be erected at the entrance to the processing facility. This sign shall be easily visible, legible, and shall contain at least the following:
- a. Name of facility;
 - b. Emergency phone number;
 - c. Operational hours during which material will be received;
 - d. Disposal rates;

- e. Metro information phone number; and
- f. Acceptable materials.

SC-8

If the Executive Officer finds that there is a serious danger to the public health or safety as a result of the actions or inactions of a Franchisee, he/she may take whatever steps necessary to abate the danger without notice to the Franchisee.

SC-9

Authorized representatives of Metro shall be permitted access to the premises of the processing facility owned or operated by the Franchise Holder at all reasonable times for the purpose of making inspections and carrying out other necessary functions related to this Franchise. Access to inspect is authorized:

- a. during all working hours;
- b. at other reasonable times with notice; and
- c. at any time without notice where, at the discretion of the Metro Solid Waste Department Director, such notice would defeat the purpose of the entry.

SC-10

This Franchise Agreement is subject to suspension, modification, revocation or non-renewal upon finding that:

- a. The Franchisee has violated the Disposal Franchise Ordinance, the Franchise Agreement, the Metro Code, ORS Chapter 459 or the rules promulgated thereunder or any other applicable law or regulation; or
- b. The Franchisee has misrepresented material facts or information in the Franchise Application, Annual Operating Report, or other information required to be submitted to Metro; or
- c. The Franchisee has refused to provide adequate service at the franchised site, facility or station, after written notification and reasonable opportunity to do so.
- d. There has been a significant change in the quantity or character of solid waste received or the method of solid waste processing.

SC-11

This Franchise Agreement, or a photocopy thereof, shall be displayed where it can be readily referred to by operating personnel.

SC-12

The granting of a Franchise shall not vest any right or privilege in the Franchise to receive specific types or quantities or solid waste during the term of the Franchise.

- a. To ensure a sufficient flow of solid waste to Metro's resource recovery facilities, the Executive Officer may, at any time during the term of the Franchise, without hearing, direct solid wastes away from the Franchisee. In such case, Metro shall make every reasonable effort to provide notice of such direction to affected haulers of solid waste.
- b. To carry out any other purpose of the Metro Disposal Franchise Ordinance, the Executive Officer may, upon sixty (60) days prior written notice, direct solid wastes away from the Franchisee or limit the type of solid wastes that the Franchisee may receive.
- c. Any Franchisee receiving said notice shall have the right to a contested case hearing pursuant to Code Chapter 2.05. A request for a hearing shall not stay action by the Executive Officer. Prior notice shall not be required if the Executive Officer finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.

SC-13

All notices required to be given to the Franchisee under this Franchise Agreement shall be given to Fred Kahut, K.B. Recycling, Inc. 8277 S.E. Deer Creek Lane, Milwaukie, Oregon 97222. All notices and correspondence required to be given to Metro under this Agreement shall be given to the Solid Waste Director, Solid Waste Department, Metropolitan Service District, 2000 S.W. First Avenue, Portland, OR 97201-5398.