

BEFORE THE METROPOLITAN SERVICE DISTRICT  
CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING	)	Resolution No. 91-1466
AN EXEMPTION TO THE REQUIREMENT	)	
OF COMPETITIVE BIDDING AND	)	Introduced by Rena Cusma,
AUTHORIZING ISSUANCE OF A REQUEST	)	Executive Officer
FOR PROPOSALS FROM HAZARDOUS	)	
WASTE TRANSPORTATION AND DISPOSAL	)	
CONTRACTORS TO TRANSPORT, RECYCLE,	)	
TREAT AND DISPOSE OF WASTES	)	
COLLECTED AT METRO'S PERMANENT	)	
HOUSEHOLD HAZARDOUS WASTE	)	
COLLECTION FACILITIES	)	

WHEREAS, The Metropolitan Service District is required to construct permanent facilities for the collection of household hazardous waste as per ORS 459.413, and is in the process of design and construction of two such facilities; and

WHEREAS, a hazardous waste transportation and disposal contractor will need to be selected to transport and properly dispose of the wastes collected at these facilities; and

WHEREAS, ORS 279.015 authorizes the exemption of certain contracts from the competitive bidding requirement; and

WHEREAS, Metro Code Section 2.04.010, as amended, requires an exemption for contracts obtained through a Request For Proposals (RFP) process; and

WHEREAS, Metro Code Section 2.04.041(c) authorizes, where appropriate, the use of alternative contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods which are consistent with the public policy of encouraging competition; and

WHEREAS, It is unlikely that exempting solicitation of household hazardous waste transportation and disposal services from

competitive bidding will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts because: (1) a Request for Proposals process will be utilized; (2) the invitation to submit proposals will be advertised; and (3) Requests for Proposals will be sent to a variety of hazardous waste management firms; and

WHEREAS, The exemption will result in substantial cost savings to Metro because: (1) proposers will be allowed to recommend waste categorization procedures, waste disposal options, recycling alternatives, and other aspects of their services that result in decreased costs; and (2) cost will be a primary factor in the selection process; and

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

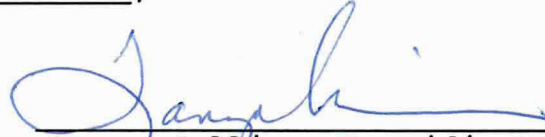
BE IT RESOLVED,

1. That the Council of the Metropolitan Service District hereby exempts the contract for hazardous waste transportation and disposal services at Metro's permanent household hazardous waste collection facilities from the competitive bid process and authorizes staff to use a Request for Proposals solicitation process.

2. That the the Council of the Metropolitan Service District approves issuance of the Request for Proposals for Transportation

and Disposal of Wastes Collected at Metro Permanent Household  
Hazardous Waste Collection Facilities, Exhibit "A".

ADOPTED by the Metropolitan Service District Contract Review  
Board this 11th day of June, 1991.



Tanya Collier, Presiding Officer

## STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1466, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING AND AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FROM HAZARDOUS WASTE TRANSPORTATION AND DISPOSAL CONTRACTORS TO TRANSPORT, RECYCLE, TREAT AND DISPOSE OF WASTES COLLECTED AT METRO'S PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

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Date: June 5, 1991

Presented by: Sam Chandler  
Jim Quinn

### PROPOSED ACTION

Approve Resolution 91-1466 to authorize the use of a request for proposals to procure household hazardous waste transportation and disposal services and to authorize issuance of the attached RFP (Exhibit A).

### BACKGROUND

Oregon law requires that Metro establish permanent depots to receive household hazardous waste (ORS 459.413). Construction has started on a facility to be located at Metro South Transfer Station, and the design process is underway for a facility to be located at Metro Central Transfer Station.

Metro personnel will receive, sort, package and store all wastes collected at these facilities. A hazardous waste transportation and disposal contractor will be required to remove and properly dispose of the drummed wastes.

### JUSTIFICATION FOR USING RFP PROCESS

Hazardous waste transportation and disposal firms often take widely differing approaches to categorization of hazardous wastes, and generally utilize differing disposal methods and facilities. Current household hazardous waste operations elsewhere require from as few as seven to as many as thirty-one different categories. Disposal options may range from in-house treatment and recycling methods available to some firms, to shipment across the country to certain specialized disposal facilities. Using the Request for Proposal process will allow candidate transportation and disposal contractors to propose categories and disposal options that result in lower costs to Metro, and which maximize waste reduction opportunities for the materials received.

Along with categorization and disposal options, other factors are likely to differ between different proposers. Some of these factors that are likely to result in lower costs include: type and capacity of trucks that the firm uses; frequency of waste pickups



and amount of notice required; types of materials accepted; the amount and complexity of work that Metro employees would be required to do in the of course sorting, packaging, and determination of unknowns; handling requirements for drums smaller than 55 gallons, which may be more economical for categories of materials received only occasionally; and amount and type of technical assistance that the firm could provide.

Other benefits also result from allowing the candidate transportation and disposal contractors to propose categories and disposal options. The request for proposal process was used for soliciting contractors for some of the household hazardous waste collection events held by Metro, and it was found that this process allowed Metro greater control over the disposition of materials received. It is desirable to exercise control over disposal because in this way Metro can select options that emphasize reclamation and recycling, and that utilize disposal facilities with good environmental records. This often has the additional benefit of reducing Metro's ultimate liability for disposed materials.

Because of the complex nature of hazardous waste transportation and disposal, and the cost savings and environmental benefits that will result, a Request for Proposals process is the most desirable approach to selecting the transportation and disposal contractor at Metro's permanent household hazardous waste facilities.

#### BUDGET IMPACT

The 1991-1992 budget has \$400,000 budgeted for hazardous waste disposal at the Metro South household hazardous waste facility, and \$400,000 budgeted for hazardous waste disposal at the Metro Central facility.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends adoption of Resolution No. 91-1466.



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

TO: Council Solid Waste Committee

FROM: Karla Forsythe, <sup>KLF</sup> Council Analyst

DATE: June 25, 1991

RE: Resolution No. 91-1466, Authorizing an Exemption to the Requirement of Competitive Bidding and Authorizing Issuance of a Request for Proposals From Hazardous Waste Transportation and Disposal Contractors to Transport, Recycle, Treat and Dispose of Wastes Collected at Metro's Permanent Household Hazardous Waste Collection Facilities

The Solid Waste Department is asking for authority to issue a request for proposals (RFP) to procure transportation and disposal services for household hazardous wastes from Metro South and Metro Central Transfer Stations.

#### Use of Request for Proposals rather than Competitive Bid Procedure

Under Metro Code Section 2.04.010 (m), a Request for Proposals process may be used only when the Contract Review Board has granted an exemption for that type of contract. The standards for granting an exemption are set out in ORS 279.015 (2) and (5), and in Metro Code Section 2.04.041(b). An exemption may be granted if the Board finds that the exemption will not encourage favoritism or substantially diminish competition for public contracts and that such exemption will result in substantial cost savings.

Findings in Resolution No. 91-1466 appear to support the exemption. The Board would be finding that the proposed process is unlikely to encourage favoritism or diminish competition, because the invitation to submit proposals will be publicly advertised. The Board would further find that the exemption will result in substantial cost savings, because proposers will be able to recommend procedures which may result in decreased costs, and cost will be primary factor in selection.

#### Authority to Issue Procurement Documents

This is a multi-year contract, designated as Type A on the FY 91-92 contracts list. Under Metro Code Section 2.04.033, the Council

RESOLUTION No. 91-1466  
June 25, 1991  
Page Two

must approve the procurement documents before they are released, and must also approve the contract.

Comments for Committee Consideration

1. In addition to the funds budgeted for hazardous waste transport and disposal at Metro Central and Metro South, the FY 91-92 budget includes \$100,000 for hazardous material disposal at the Composter. When and how will this procurement be handled?

2. Committee members may wish to review Attachment 1 to the RFP, which is the proposed operations manual for household hazardous waste collection facilities. The manual provides a good overview of the way in which these facilities will operate.

c.: Sam Chandler  
Jim Quinn

## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 91-1466, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING AND AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FROM HAZARDOUS WASTE TRANSPORTATION AND DISPOSAL CONTRACTORS TO TRANSPORT, RECYCLE, TREAT AND DISPOSE OF WASTES COLLECTED AT METRO'S PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

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Date: July 5, 1991

Presented by: Councilor Gardner

Committee Recommendation: At the July 2, 1991 meeting, the Committee voted 3-0 to recommend Council adoption of Resolution No. 91-1466. Voting in favor were Councilors DeJardin, Gardner and McFarland. Councilors McLain and Wyers were excused.

Committee Issues/Discussion: Sam Chandler, Solid Waste Facilities Manager, presented the staff report. He explained how the proposals for hazardous waste transportation and disposal will be evaluated: cost (50%), experience and qualifications (10%), recycling options (10%), ability to accept a variety of materials (10%), ability to respond quickly (10%), general compliance with the RFP (5%) and paperwork impact on Metro (5%). He said that a staff member from the waste reduction division will be part of the evaluation team because the Department hopes to find ways to reuse or recycle these materials.

In response to a question raised by Council staff, Mr. Chandler noted hazardous waste disposal at the composter will be handled as a pass through. He explained that some household hazardous waste will be coming to the composter, and it will be extracted and disposed. There will not be a drop-off depot. Metro exercises stringent oversight, and Riedel is required to discuss its disposal operations with Metro.

In response to Committee concerns about Metro's ability to obtain the lowest cost for these services at the composter, Solid Waste Director Bob Martin explained that Metro has the option of taking direct responsibility for transportation and disposal of hazardous waste and contracting separately if it appears advantageous to do so. Although this may be feasible in the future, the protocol for handling solid waste at the composter is still being developed, so the RFP covers only those facilities in which Metro can track the solid waste directly.



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

DATE: July 8, 1991

TO: Metro Council  
Interested Persons

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.1

Resolution No. 91-1466 Exhibit A, Request for Proposals for Transportation and Disposal of Wastes Collected at Metro Permanent Household Hazardous Waste Collection Facilities, was not printed in the July 11 Council agenda packet due to the size of documentation. Copies of this supplemental packet will be provided at the Council meeting as well.

**REQUEST FOR PROPOSALS**  
**for**  
**TRANSPORTATION AND DISPOSAL OF WASTES**  
**COLLECTED AT METRO PERMANENT HOUSEHOLD HAZARDOUS**  
**WASTE**  
**COLLECTION FACILITIES**  
**(RFP # 91R-30-SW)**

**JUNE 1991**



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## I. INTRODUCTION

The Metropolitan Service District (Metro) is requesting proposals for the transport, recycling, treatment, storage, and disposal of materials collected at the Metro South Household Hazardous Waste Collection Facility (hereafter referred to as "the Metro South HHW Facility") and the Metro Central Household Hazardous Waste Collection Facility (hereafter referred to as "the Metro Central HHW Facility"). The Metro South HHW Facility is expected to begin operations September 1991, and the Metro Central HHW Facility is expected to begin operations in December 1991.

Proposals are due no later than 3:00 p.m. PDT on August 12, 1991 in Metro's business offices at 2000 S.W. First Avenue, Attention Jim Quinn, Solid Waste Department. Details concerning the facilities and proposal are contained in this document.

Metro has budgeted \$800,000 for the total costs of transport and disposal of household hazardous materials for fiscal year 1991-92 (July 1, 1991 through June 30, 1992).

## II. BACKGROUND

The solid waste control chapter of the Oregon Revised Statutes (ORS 459.413) requires that Metro establish permanent depots to receive household hazardous waste. Metro has decided to site two such permanent facilities, one at each of Metro's solid waste transfer stations. The first facility to be built will be located at the Metro South Transfer Station, located at 2001 Washington Street in Oregon City, Oregon. The second will be at the Metro Central Transfer Station, at 6161 NW 61st St. in Portland, Oregon.

### Metro South HHW Facility

The design process for the Metro South HHW Facility has been completed, and construction is now underway. This facility is expected to be ready for operations in September of this year. While other permanent household hazardous waste collection facilities have been built around the country, all of them have been either retrofits of existing buildings, or consisted of prefabricated chemical storage buildings and office trailers. In contrast, the Metro South HHW Facility has been exhaustively designed from the ground up, complying with stringent building and fire code requirements, as well as specific requirements developed by DEQ especially for Metro's permanent household hazardous waste facilities.

A current version of the facility operations manual is included with this RFP as Attachment 1. Certain sections of this manual will be completed in greater detail after the selection of the transportation/disposal contractor. Detailed design drawings are available for inspection at Metro's offices at 2000 SW First Avenue in Portland. Some of the important features and operating procedures of the facility include:

- \* All receiving, sorting and packaging of wastes will be performed by Metro personnel. Materials will be packaged in DOT approved drums, and can be packaged with or without absorbent material, as necessary. In addition, the facility will have an area for the bulking of paints and other materials into 55 gallon quantities.
- \* The facility will have the physical storage capacity for 114 55-gallon drums. In addition, bulked latex paint drums will be stored in a storage area just outside of the main HHW facility building, adding to the total storage capacity. Within the facility, five segregated storage areas will be available. Each storage area will have its own physical drum storage capacity for compatible materials.
- \* Local fire department requirements limit the types and quantities of materials that the facility may accept and store. In many cases the facility will choose to accept "unacceptable" materials, in the interests of minimizing risks to the public or the environment. In these cases, or when the storage limits are exceeded without warning, a prompt pickup of materials will be required.
- \* The facility will have a 90 day limit on storage of wastes collected, except for materials being accumulated for a feasible means of recycling, which may be stored for up to one year.
- \* The facility will include a laboratory for identifying unknown materials.
- \* While there will be water supplied to the facility, all water used will be collected in drums. It will then be tested and disposed of appropriately. Routinely, this will only include water used in the laboratory, but in emergencies water from the eyewashes and safety showers, as well as from the sprinkler system would have to be collected and disposed of properly.
- \* The facility will have a computer and a modem. Once drum content listing requirements are established, Metro intends to develop a computer inventory system to track materials from the time they enter the facility until they are removed for disposal.
- \* The facility will be open to the public on Thursdays, Fridays, and Saturdays 10 a.m. to 5 p.m. Waste pickups will be on days during which the facility is not open to the public.

- \* The planned loading dock for the facility is located in an area which may restrict access to larger vehicles (see Attachment 2). The dock itself will be approximately four feet high, with an edge-mounted dock-leveler that allows a five inch variation in vertical height in either direction.

### Metro Central HHW Facility

The design process for the Metro Central HHW Facility is still in its preliminary stages. The exact configuration of the work areas and storage areas of this facility have yet to be determined. The capabilities and operation of the Metro Central HHW Facility are expected to be similar in many respects to those of the Metro South HHW Facility, although the total drum storage capacity will probably be somewhat lower, and unacceptable material limitations and category storage limitations may differ.

### Expected Participation Levels

While it is difficult to accurately predict the number of people who will bring wastes to Metro's HHW Facilities, some idea can be obtained from the experiences of other permanent collection facilities. Based on a 2% participation level among households within a 15 minute drive of the facilities, it is expected that during the first year an average of about 40 vehicles per week will use the Metro South HHW Facility, while about 80 vehicles per week are expected to use the Metro Central HHW Facility. These numbers could vary considerably, depending upon such factors as relative opening dates of the two facilities, amount of publicity, willingness of people in outlying areas to utilize the facilities, etc.

Typically, an average of about one quarter to one third of a 55-gallon drum is collected per participant. This would result in about 10-13 drums per week at the Metro South HHW Facility, and about 20-26 drums per week at the Metro Central HHW Facility.

Following are some examples of materials that are commonly collected at household hazardous waste facilities:

Oil paints

Lacquers, stains

Paint strippers, thinners, and other paint related materials

Latex paints (some high in lead or mercury)

Antifreeze

Gasoline

Various automotive fluids (separate collection areas for used automotive oil and automobile batteries are located the transfer stations, so these materials will not have to come through the facilities.)

Chemistry sets

Photo chemicals  
Art and hobby supplies

Adhesives

Epoxies, insulating foams, roofing compounds and other home improvement materials

Halogenated Solvents

Non-Halogenated Solvents

Miscellaneous acids

Miscellaneous bases

Household Batteries

Aerosol Cans

Various cleaners, polishes, disinfectants

Bleach

Mothballs

Pentachlorophenol (wood treat)

Pesticides

Pool Chemicals

Cosmetics

Medicines

PCB-containing capacitors



Following is a list of potentially problematic materials that are occasionally brought to household hazardous waste facilities:

- Explosives
- Compressed gases
- Yellow phosphorus
- Sodium metal, calcium carbide, other water reactives
- Organic peroxides
- Asbestos
- Larger containers- 5 gal. or more
- Items that will not fit in a drum, (e.g. contaminated railroad ties)
- Smoke detectors containing radioactive materials
- Coleman-type lantern mantles containing radioactive materials
- Pesticides containing biological pest control agents
- Dioxin-containing materials

### Disposition of Wastes

Metro desires to exercise control over the disposition of materials collected at the HHW facilities. In general, in the course of selecting recycling/ treatment/ disposal options, Metro will look at the cost of methods as a primary factor, but additional criteria will be used, such as the degree of beneficial reuse/recycling, the environmental impact of disposal options, and the environmental record of proposed disposal facilities. Metro may in some cases choose to make disposal arrangements directly with the disposal firm, utilizing the Contractor only for transportation purposes. In some cases Metro may take a role in developing new options, for example Metro is currently investigating the possibility of having a Portland area paint firm recycle latex paints received at the facilities into high quality color-specific resalable products.

### III. PROPOSED SCOPE OF WORK

The scope of work for the contract will include the following provisions and any provisions agreed to during the contract negotiation process. The Contractor chosen for this project shall perform the following work at the Metro South HHW facility:

- \* Load and transport all household hazardous materials that have been collected and packaged by Metro staff. Arrange for delivery to proper recycling, treatment, storage, and disposal facilities. The performance of these services shall be in full compliance with all applicable federal, state and local laws, rules, regulations and orders, including, but not limited to, the Resource Conservation and Recovery Act, and regulations, rules and orders of the United States Environmental Protection Agency, the U.S. Dept of Transportation, Oregon's Dept of Environmental Quality and the Oregon Public Utility Commission.



- \* Select the appropriate recycling, treatment, storage and disposal sites for all materials collected, or at Metro's option transport materials to a facility of Metro's choosing. In either case the site(s) shall be fully permitted, EPA and DEQ approved hazardous waste treatment, storage and disposal facilities, or approved recycling facilities. Contractor shall be responsible to provide lawful disposal of all materials collected.
- \* The contract will be for a period of one year, with an option for an additional one-year extension.

If the requirements for the Metro Central HHW facility are sufficiently similar, and Metro is satisfied with the Contractor's performance, Contractor shall perform similar work at the Metro Central HHW Facility. Metro reserves the right to secure a separate contractor for the transport and disposal of wastes from the Metro Central HHW facility.

#### IV. PROPOSAL INSTRUCTIONS

##### Submission of Proposal

Please submit 5 copies of the proposal to Metro, addressed to:

Jim Quinn  
Hazardous Waste Specialist  
Solid Waste Department  
Metropolitan Service District  
2000 SW First Avenue  
Portland, OR 97201-5398

##### Deadline

Proposals will not be considered if received at Metro's business office, 2000 SW 1st Ave, Attention Jim Quinn, Solid Waste Department, after 3:00 p.m. PDT on August 12, 1991.

##### RFP as Basis for Proposals

This RFP represents the most definitive statement Metro will make concerning information upon which proposals are to be based. Any verbal information which is not contained in this RFP, or in addenda to this RFP, will not be considered by Metro in evaluating proposals.

If any proposer has a question about this RFP or needs any clarification with regard to any portion of the RFP, inquiries must be made in writing to Jim Quinn, no later than July 30, 1991. If Metro determines that a question asked is important and merits a

response, the question and Metro's answer will be sent to all parties on the list of proposers (those parties who have received a copy of the RFP) on or before August 2, 1991. Any proposer who has submitted a proposal and who subsequently receives an addendum, may supplement their proposal as they consider appropriate, provided that the supplementary material is provided on or before the due date for proposals.

In addition to the above, Metro may issue addenda to clarify or add to the RFP. In such an event, additional time to respond to the RFP or to provide supplementary material will be provided as appropriate.

#### Subcontractors/Disadvantaged Business Program

A subcontractor is any person or firm proposed to work for the prime Contractor on this project. No subcontractor selection shall be finalized prior to contract award.

Metro has made a strong commitment to provide maximum opportunities to Disadvantaged and Women-Owned Businesses when contracting for goods or services. If subcontractors are to be used, the successful proposer agrees to reach the goal of subcontracting 7 percent of the total contract amount to Disadvantaged Business Enterprises (DBEs), and 5 percent of the total contract amount to Women-Owned Business Enterprises (WBEs) or to make good faith efforts, as defined in Metro's Disadvantaged Business Program (Section 2.04.160 of the Metro Code), to reach the goals.

DBEs and WBEs must be certified by the state of Oregon as DBEs or WBEs to be counted toward the Contract goals. The state's list of certified DBEs/WBEs may be obtained from the Office of Minority & Women & Emerging Small Business, State Executive Dept., 155 Cottage Street N.E., Salem, OR 97310, Attn: Rick Acevedo, (503)387-5651.

The proposal documents submitted must contain a fully completed Disadvantaged Business Program Compliance form included as Attachment 3. Thereafter, within 24 hours of notice by Metro, firms will be required to submit completed DBE and WBE utilization forms which are also included in Attachment 3. Metro expects to request utilization forms (which call for project costs) during the negotiation process. Detailed procedures for completing the forms and for demonstrating good faith efforts are contained in Metro's Disadvantaged Business Program attached to this RFP as Attachment 4. Proposer's special attention is directed to Section 2.04.155 (Contract Award Criteria), and Section 2.04.160 (b) (Determination of Good Faith Efforts). Proposers should note the following requirement of the latter section:

Advertisement in trade association, general circulation, minority and trade oriented, women-focus publications, if any and through a minority-oriented newspaper or minority-owned trade publication concerning the



subcontracting or material supply opportunities on the project at least ten (10) days before bids or proposals are due.

The following are minority-oriented newspapers published in the Portland Metropolitan area:

The Skanner, 2337 N. William Avenue, Portland, OR 97221 (503) 287-3562.

The Portland Observer, P.O. Box 3137, Portland, OR 97208 (503) 283-2486.

The American Contractor, P.O. Box 11233, Portland, OR 97208 (503) 280-9000.

The Hispanic News, 3302 S.E. 20th Avenue, Portland, OR 97202 (503) 777-6759

Pro-Woman, P.O. Box 6957, Portland, OR 97228 (503) 452-0121.

The requirement to advertise is but one of the actions necessary to demonstrate good faith efforts under this program. **Failure to comply with all the requirements of the Disadvantaged Business Program will result in the proposal being deemed nonresponsive.** Metro reserves the right, at all times during the period of this agreement, to monitor compliance with the terms of this paragraph and Metro's Disadvantaged Business Program. All proposers should read section 2.04.160 (b) at least 14 days prior to the proposal due date.

All questions regarding DBE/WBE requirements should be addressed to Metro's Contracts Administrator, Mr. A. M. Hazen at (503) 221-1646.

#### Proposal Security

Each proposal must be accompanied by a certified or cashier's check or proposal bond executed on the prescribed form (see attachment 5), payable to the Metropolitan Service District, in the amount of \$500.00 (five hundred dollars). Proposal bonds shall be returned to all proposers subsequent to final contract selection by Metro.

#### Performance/Labor and Material Bond

Within ten (10) days of Notice of Conditional Award, the successful Bidder shall execute and deliver to Metro a Performance and Labor and Materials Bond or a Letter of Credit conditioned upon the faithful performance of the Contract and the payment of all persons supplying labor and materials as prescribed under the terms of the contract. The Initial Bond or Letter of Credit shall be for the term of the Contract. The Performance and Labor and Materials Bond or the Letter of Credit shall be in the amount of \$800,000, and be in a form specified by Metro.

Each such Bond or Letter of Credit shall be in effect for the term of the Contract.

The Surety or Banking Institution furnishing this Bond or Letter of Credit, as provided on the attached Surety Form (Attachment 5), shall have a rating of at least A and be of the appropriate class for the relevant bond amount according to Best's Key Rating System and shall otherwise have a sound financial standing and a record of service satisfactory to Metro and shall be authorized to do business in the state of Oregon. The Attorney-in-Fact (Resident Agent) who executes this Bond or Letter of Credit on behalf of the Surety or Banking Institution must attach a notarized copy of his/her Power of Attorney as evidence of his/her authority to bind the Surety or Banking Institution on the date of execution of each Bond or Letter of Credit.

## **V. PROPOSAL CONTENTS**

1. A transmittal letter which indicates who will be the project manager, and states that the proposal will be valid for sixty (60) days after the submittal date; include the name, title, address, and telephone number of an individual or individuals with authority to contractually bind the company during the period in which Metro is considering proposals.
2. A list of categories that materials received at the facilities should be sorted into for packaging by Metro staff, and a detailed description of what materials would fall into each category.
  - a) Include a description of all packaging requirements, including liquid quantity restrictions and container type and size limitations for each category.
  - b) A description of all profiling, labelling, drum content listing, and other paperwork requirements for each category.
  - c) A description of recycling, treatment, and disposal options for each category. Include the name of the facility or facilities that would be utilized under each option, as well as the current cost per 55-gallon drum for each option. Metro recognizes that costs for hazardous waste disposal are sometimes subject to price changes beyond normal inflation fluctuations. Explain how long you expect to be able to hold to quoted prices.
3. Describe your firm's capabilities for handling drums other than 55-gallon drums, and any associated changes in price for each size, or for partially full drums.
4. Include a list of materials that your firm will not accept.

5. Include a description of requirements for satisfactorily identifying "unknown" materials that are brought to the facility for collection, including a discussion of what sort of identification equipment Metro's HHW facilities would be required to have, and a discussion of what circumstances might require additional analysis, either through your firm, or requiring the services of a third-party laboratory.
6. Include a description of technical assistance that your firm may provide to Metro, either over the phone, or by sending personnel to the facilities, including assistance with labelling, manifesting, and other paperwork, and define costs associated with these services.
7. Describe any other fees or costs that would be incurred in the course of performing all items under scope of work.
8. Describe any special conditions or prices for handling materials that do not fall under the household hazardous waste exemption that may be generated at the facilities, such as laboratory reagent wastes, contaminated water, or spill cleanup wastes.
9. Describe your firm's capabilities for pumping contaminated water from the facilities' sumps in the event of sprinkler discharge, safety shower usage, etc., as well as costs associated with this, testing requirements, and disposal options.
10. Include costs for transportation of wastes to facilities that Metro has separate contracts with, including costs if material is non-DOT regulated such as latex paint.
11. Include a description of how the prices will be affected if the contract is for one year versus two years, and if the contract is for Metro South HHW facility only, or both facilities.
12. Indicate how far in advance you would ask that waste pickups be scheduled. Explain how many drums could be picked up in a single load (being sure to note the limited access at Metro South - access at Metro Central is undetermined at this time). Explain any additional charges that would be incurred if additional vehicles were required in order to take all waste at one time.
13. Include a description of how quickly your firm would be able to respond in the event of an urgent pickup, and what additional costs would be associated with this service.
14. Include a description of emergency response capabilities of your firm.



15. Describe your firm's experience with transportation and disposal of hazardous wastes in general, and with household hazardous wastes specifically.
16. Include a list of at least two (2) present or former customers of your firm who can attest to your firm's performance in hazardous waste transportation and disposal. Include contact person and phone number.
17. List any violations of local, state or federal hazardous waste transportation or disposal statutes or regulations that your firm has been convicted of, resulting in criminal or civil penalties, during the last five years.
18. Completed Disadvantaged Business Compliance Form (see Attachment 3).
19. Proposal Security (a check or completed Proposal Bond Form).
20. Surety Form (see Attachment 5).
21. Optional exceptions and comments section. To facilitate evaluation of proposals, Metro requires that all responding firms adhere to the format outlined within this RFP. Firms wishing to take exception to, or comment on, any specified criteria within this RFP are encouraged to document their concerns in a distinct section of their proposal. Exceptions or comment should be succinct, thorough and organized.

## VI. GENERAL CONDITIONS

### Limitation and Award

This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to accept or reject any or all proposals received as the result of this request, to negotiate with all qualified sources, or to cancel all or part of this RFP.

### Insurance Requirement

Contractor must have worker's compensation insurance as required by state law, and liability insurance in effect for claims arising out of death or bodily injury and property damage from hazardous waste handling, transport, treatment, storage, and disposal, including vehicle liability and legal defense costs. General Liability Coverage shall be in the amount of \$1,000,000.00, Automobile Liability Coverage shall be in the amount of \$5,000,000.00, and shall include an MCS-90 endorsement. In addition, all disposal facilities selected by Contractor shall have Environmental Impairment Liability Insurance in the amount of \$1,000,000.00 for each occurrence, \$2,000,000.00 total. Contractor shall



provide Metro with certificates of insurance indicating the above-described coverage and Metro shall be listed as an additional named insured on all such certificates.

#### Contract Type

Metro intends to award a public contract with the selected firm for this project. A copy of the standard form contract which the successful firm will be required to execute is attached. (See Attachment 6 used by Metro.) The terms of the contract awarded will be subject to negotiation between Metro and the firm selected for this project.

#### Billing Procedures

The billing procedures of the Contractor are subject to the review and prior approval of Metro before reimbursement of services can occur.

### VII. EVALUATION

#### Evaluation Procedure

Proposals received that conform to the proposal instructions and respond to the scope of work will be evaluated. The basis for evaluation will follow the criteria identified below. The evaluation process will result in Metro developing a short list of firms who, in its opinion, are most qualified. Interviews with these firms will be requested prior to final selection of one firm.

#### Evaluation Criteria

The criteria used in evaluating each submitted proposal shall be as follows:

##### Criteria

General compliance with the RFP.

Costs for transportation and disposal of collected materials.

Emphasis on recycling and environmentally sound disposal options, and ability for Metro to select options.

Amount of labor and paperwork Metro will be required to do in sorting, packaging, and determination of unknowns.

Experience and qualifications.

Ability to accept a wide variety of materials.

**Ability to respond quickly in urgent pickup situations.**

**Proposals will be reviewed by a selection committee. Finalists will be selected from among the proposers, and will be contacted to schedule interviews with the selection committee. One candidate will be selected from the finalists, and contract negotiations will be conducted. If these negotiations proceed satisfactorily, this candidate will be given final contract award. If these negotiations are unsuccessful, the next most highly rated firm will be selected for negotiations.**

#### **VIII. ATTACHMENTS**

- 1. Metro South HHW Facility Operations Manual**
- 2. Metro South HHW Facility Building Drawing With Loading Area Specifications.**
- 3. Disadvantaged Business Program Forms**
- 4. Metro Code Sections Covering DBE/WBE Requirements**
- 5. Proposal Bond Form and Surety Form**
- 6. Metro Standard Contract**

**JQ:jc  
May 30, 1991  
transpor.rfp**

**ATTACHMENT 1**

**PROPOSED  
HOUSEHOLD  
HAZARDOUS WASTE  
COLLECTION FACILITY  
OPERATIONS MANUAL**

**Metropolitan Service District  
2000 S.W. First Avenue  
Portland, OR 97201  
May 1991**

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## INTRODUCTION

This manual describes the policies and procedures of the Household Hazardous Waste Collection Program at the Metro South Station. The purpose of the program is to provide residents of the area with a place to take old paints, unwanted pesticides, cleaning products, and other unwanted household materials, so that these items can be disposed of properly. Even though these items are familiar every day products, their disposal in the garbage might lead to environmental contamination. They are also a safety hazard for refuse collectors, workers at the transfer stations and landfill, as well as when they pile up in people's basements and garages. By providing this collection program, Metro hopes to decrease the risk of environmental contamination, and reduce accidents and exposure to hazardous materials for workers and citizens.

The collection program will serve all residents of Clackamas, Multnomah and Washington Counties. The facility will accept only materials generated from homes or similar sources and is primarily intended to accept materials defined as "household hazardous waste" by the United States Environmental Protection Agency. Waste from businesses can not be accepted. The facility will also accept certain types of nonregulated wastes, including latex paint, that can be recycled or reused in some form.



1. Operating Hours, Security, Traffic

A. Operating Hours

The facility will be open to the public on Thursdays, Fridays, and Saturdays, from 10 AM to 5 PM. In addition to staffing the facility during these hours, facility personnel will be present before opening and after closing as necessary to process materials and paperwork, including an additional day when the facility is not accepting wastes.

B. Site Security.

During facility operating hours, site personnel will ensure that only authorized persons enter the facility. When the facility is closed, all entrances to the building will be securely locked. A key for emergency purposes will be kept in a break-glass box in the transfer station scalehouse.

When the transfer station is closed, the vehicle gate at the transfer station entrance is kept locked, and a security guard patrols the grounds. Prominent warning signs will indicate that the building contains hazardous materials.

Along with keeping out unauthorized persons, these measures should also minimize the chances of wastes being abandoned at the site while the facility is closed. If any abandoned wastes are found while the facility is closed, as soon as practical the supervisor should be contacted and the materials brought into the facility. If wastes are found by facility staff upon arriving at the facility, they should be handled according to standard procedures.

C. Traffic Control.

Upon entering the transfer station main entrance, signs and roadway markings will direct customers to the household hazardous waste receiving area. There is sufficient space for many vehicles to line up around the facility, more than are expected to be using the facility at any one time. In any event no queuing traffic is to be permitted to overflow out onto Washington street.

## 2. Receiving Waste

### A. Greeting Customer and Obtaining Information.

When a customer has arrived at the receiving area, a member of the facility staff will approach the vehicle to collect initial information. Signs will inform customers that they are to remain in their vehicle, and that smoking is not permitted. Facility staff will insure that these are complied with.

A declaration form will be filled out by each customer, with name and address information, a list of materials that have been brought for disposal, and a certification that the materials are of household origin (see Appendix A). A facility staff person will require that the customer show a driver's license, both to insure that the customer lives in the Multnomah/Clackamas/Washington county area, and to confirm the name and address information supplied. Any customer living outside of the appropriate areas, or unable to show a driver's license will be turned away. Any surveys or other general information will also be collected at this time.

Using the completed declaration form, verbal questions asked of the customer, and a visual inspection of the customer's wastes, a facility staff person will determine if any of the wastes present any of the following problems:

- Non-household origin
- Unacceptable waste
- Leaking container
- Unlabelled or poorly labeled container

See the sections B-E below for information on determining whether any of these situations are present, and on proper procedures for handling these problems. A trained supervisor will be on site at all times that the facility is open to the public, to assist in making these determinations.

Provided all items are acceptable, the vehicle will be unloaded, the waste list on the declaration form will be checked for accuracy and completeness, and all wastes will be brought into the facility's receiving area. Primary containers will not be returned to customer, secondary containers may be, if requested, as long as there is no evidence of contamination. Containers will be kept closed at all times, except during identification in the laboratory or during pour-off in the bulking room.

### B. Non-household wastes.

Some conditions which might indicate that a waste is not of household origin include:

- The waste is transported in a commercial vehicle.
- Large quantities of the same item are brought in.
- One or more of the items brought in are not normally for residential use (for example, copy machine chemicals).

If it is suspected that the wastes are of commercial origin, the customer will be questioned closely. The staff person will point out that they have signed a form stating that the waste is from a household. The best judgement of the staff person, and of the supervisor if necessary will be used. If it is not certain that the waste is commercial, and the hauler is willing to sign the form, then the waste will be accepted.

If it is determined that the waste is from a commercial source, the material will not be accepted, and an unaccepted waste form will be filled out. As much identifying information as possible will be obtained. If the hauler has completed the declaration form, the information from that will be used. If the hauler has not completed the form, at a minimum the license number of the vehicle will be obtained. This information will be kept in a log, which will be added to a mailing list of businesses that should receive proper disposal information.

The hauler will be provided with information on acceptable disposal methods for commercial wastes, and waste reduction and recycling opportunities, and a red card will be placed under the windshield wiper of the vehicle to alert floor attendants in the transfer station tipping floor that the hauler has some items that should not be dumped.

#### C. Unacceptable wastes

There are four reasons that the facility might not accept a material that a customer brings:

- 1) if it is a category of material that is unacceptable under the facility's permit
- 2) if the material is an acceptable category, but the storage limits for that category are temporarily exceeded
- 3) if there is no currently available means of disposing of the material
- 4) if there is a more suitable place to dispose of the material

Following are details of each reason for rejection of unacceptable waste.

- 1) The facility is permitted to store only certain categories of hazardous materials, and only in specified quantities. (See Appendix B).



If an unacceptable item is brought to the facility, the facility supervisor must make a judgement to determine if refusing the material might create a danger, either to the customer or to the environment. If the condition of the container, or the reactive or toxic nature of the material could endanger the customer in the course of further transportation or handling, or if no viable disposal alternatives exist and there appears to be a good chance that the material will be dumped illegally, then the material may be accepted.

If the supervisor decides to accept an "unacceptable" material, the procedure required by the Oregon City Fire Department will be followed:

- the facility will close immediately
- both the State Fire Marshall's office, and the Clackamas County Emergency Communications Center (911) will be called (see emergency call list)
- the Communications Center will notify the Oregon City Fire Department
- the facility supervisor, in conjunction with the fire department will assess the danger of the situation

If it is determined that it is safe to do so, the material will be removed from the vehicle, placed in suitable secondary containment, and brought to a special temporary quarantine area. This area will be clearly indicated by signs, barrier tape, etc. In some cases the supervisor may determine that safe handling of the material is beyond the scope of the facility staff's training, and that the material must remain in the vehicle, and the vehicle must remain at the site until the appropriate authorities give further instructions.

Whether or not the item is removed from the customer's vehicle, arrangements will be made to have it taken away by a qualified party as soon as possible, as described below:

Explosives. This includes some items that might be safe to remove from the customer's vehicle, such as bullets, shotgun shells, fireworks, road flares, or signal flares, as well as items that are more dangerous, such as ether with signs of crystallization, dry picric acid, military explosives, or a variety of other materials that are classified by the D.O.T. as explosives, or forbidden in transport. The bomb squad will be called immediately for all of these items. Call the Metropolitan Bomb Disposal Unit, during business hours at 823-4195, or 823-4189, on weekends call 731-

2967. Describe the situation and follow all instructions. They should be able to respond in 1-2 hours.

Radioactive Material. If any material is known or suspected to be radioactive, the Oregon State Health Department will be contacted immediately at 229-5797. This is a 24-hour number, and they can assist in determining the degree of hazard, and disposal options. The facility will keep a portable radiation detector on the premises, to help with identifying possible radioactive materials. Household smoke detectors containing radioactive materials may be sent back to the manufacturer by the customer.

Other unacceptable. A qualified hazardous waste transporter will be contacted to remove materials such as pyrophorics or compressed gases. In case the primary transporter under contract to the facility cannot handle the material, or is unable to respond quickly, a list of qualified back-up transporters will be maintained.

The facility may be reopened for business whenever the supervisor and fire department decide that it is safe to do so.

If the supervisor decides not to accept the material, then an unaccepted waste form will be filled out (see Appendix A). Information on other disposal options will be given, as described below:

Asbestos. Asbestos will not be accepted. If the customer appears to have the material well contained, information on taking the material to the Hillsboro landfill will be given to them. If there appears to be a possibility that the material may be released in the course of further handling or transportation, facility staff may provide assistance in properly containing the material, as well as giving information on proper disposal.

Bio-medical and infectious waste. Any material that appears to be medical waste, or possibly hazardous due to its infectious nature will not be accepted. A drop box for this type of material is located in the transfer station, at no charge to the customer.

Other unacceptable. If any other unacceptable material is brought to the facility and not accepted, the customer will be referred to alternatives, such as the ChemPro household hazardous waste acceptance program in Washougal.

- 2) Another way in which a material may be at least temporarily unacceptable is in the event a customer brings a waste which puts the facility over the permitted storage limit for a particular category (see chart). If the facility has the actual



storage capacity, the material may be accepted, but the following procedure must be observed:

- the State Fire Marshall's office, and the Clackamas County Emergency Communications Center (911) must be immediately notified (see Emergency call list)
- an authorized transporter must be contacted, and the facility must return to approved storage levels within 36 hours

If the facility does not have the physical capacity to accept something in this case, or the supervisor decides not to accept it, then an unaccepted waste form will be filled out.

- 3) It may be impossible to find a disposal facility that will accept certain types of wastes. For example dioxin-containing pesticides have been very difficult to dispose of. If there is no current, legal way for the facility to dispose of an item, then the customer will have to retain possession.
- 4) Some materials are acceptable under the facility's permit, but are best disposed of elsewhere:

"Non-hazardous" wastes. Haulers will bring some items that they consider hazardous, but that do not need to be disposed of as hazardous waste. The facility staff, or supervisor if necessary, may determine that an item is not considered hazardous, and instruct the customer to dispose of it with their household garbage, or at the transfer station tipping shed. Examples of items that may not contain any hazardous ingredients include: furniture polishes, waxes, solid paints, soaps, silicone seals, hardened glues, spackle, dry wall compound, tile grout.

Waste oil. Waste automotive oil should be taken to the transfer station tipping shed and added to the waste oil collection tank for recycling.

Car batteries. Car batteries should be taken to the transfer station tipping shed, and placed in the appropriate collection area for recycling.

Freon. Cans of automotive air conditioner recharge may be brought in, and can be added to the freon recycling system in the transfer station tipping shed.

Again, these materials may be accepted if necessary without any special procedures, but it is best if they are handled in the manner described.

**D. Leaking Containers.**

If any containers appear to be leaking, or likely to leak, or the customer informs staff that one is leaking, then the material will be treated very carefully during removal from the vehicle. The material will first be identified in order to properly select personal protective equipment. If the primary container can be repaired or sealed using tape, corks, etc., this will be done. The wastes should then be placed in zip lock bags and/or in larger containers such as 1 or 5 gallon plastic pails. Overpack containers for leaking materials must be either new, thoroughly cleaned, or formerly containing only materials which are chemically compatible with the current leaking container. If material has spilled in the customer's vehicle, containment and decontamination will be done by qualified facility personnel.

**E. Unlabelled/poorly labelled items**

Some household materials received will have no identifying label, or partially removed or obscured labels, or crossed out or hand written labels, which give rise to doubts about the container's contents. Facility staff will find out everything possible about the unlabeled container from the hauler to identify its contents. If the customer knows the contents and facility staff are satisfied with the customer's identification, the container may be so labeled using an indelible marker. If the hauler does not know precisely, an unknown waste form will be started, to collect all information helpful to identification. If the customer knows something about how the substance was used, for example, this will be noted on the unknown waste form. The form will be kept with the container. If the customer has no idea, the container will still be accepted. For further handling, see "unknowns" under Chapter 3, Sorting, below.

### 3. Sorting Wastes

#### A. Categories.

Materials will be brought from the initial receiving area to the sorting area, and sorted as soon as possible. The sorting area consists of several carts and sorting tables for temporary holding of items received. In this area facility staff separate the items received into categories for further handling or packaging.

Ultimately, the number of disposal categories that waste must be separated into is dictated by the contracted hazardous waste transporter, and selected treatment, disposal, and recycling sites. At a minimum, the basic D.O.T. categories must be separated, as well as some incompatibilities and other variations within these hazard classes (see Appendix C). Further categorization will be established as relationships with transporters and disposal facilities develop. Disposal categories will probably change from time to time, as new opportunities for recycling and more environmentally sound disposal methods develop, and as other regulatory and economic factors change. Some examples of likely categories and disposal methods are shown in Appendix C.

Proper determination of the waste category will be done carefully, using a variety of resources. All information from the product label can be useful, including ingredients, hazards, uses, and storage information. It should be cautioned that label warnings are not always a good indication of the hazard class to which the material belongs. "Poison" for example, can often be a misleading label. Many substances are poisonous if swallowed or inhaled, but their hazard class for waste disposal purposes may be quite different. Drain openers, for example, may be labeled "poison" but are often corrosive.

Where ingredients are not listed, experience with the ingredients of various types of products can be helpful. Where there is some doubt as to the possible ingredients, reference books may be able to provide some clarification. Clinical Toxicology of Commercial Products in particular contains ingredients lists for a wide variety of specific brand-name products, and likely ingredients for many generic types of products that would be found in a household. The Condensed Chemical Dictionary, and the Merck Index can also be helpful.

A visual examination of products in transparent containers may supply useful information, but containers may not be opened during sorting.

In the case of a very unusual or otherwise puzzling product, it may be possible to contact the manufacturer to determine exact ingredients, or at least sufficient information for proper disposal.

**B. Unknowns.**

A qualified person will do all identification of unknowns. The HazCat system will be used, as well as modifications that may be developed, or have been developed at other household hazardous waste facilities. All information obtained will be entered on the unknown waste form. Items identified will be labeled as to the result of the testing, and will be packed with labeled items in the appropriate drum.. On the drum log, the item will be listed as specifically as possible. If only a general determination is made, the item will be listed as, for example, "waste corrosive liquid, n.o.s." or "flammable liquid, n.o.s." (n.o.s. = not otherwise specified).

Where more information is required for transportation or disposal, further in-house testing will be developed and conducted where possible. When the in-house lab is insufficient for properly identifying unknown materials, a qualified contract lab will be used. In the meantime, the hazards of the material will be classified sufficiently for the material to be stored safely in segregated areas within the lab. The unknown waste forms will be kept in ziploc bags near the containers at all times.

#### 4. Inventorying and Packaging

##### A. Inventory Procedure.

A computer inventory system will be developed for use by the facility, which will perform several functions:

- keep track of amounts and locations of all hazardous materials in the facility, to insure that permitted levels are not exceeded
- aid emergency response crews in the event of an emergency
- produce drum lists for inclusion with manifests when drums are picked up by the hazardous waste transporter.

By the end of each working day, all wastes accepted into the facility will be sorted, and placed either into the appropriate drum, in the lab for identification, or into the bulking room for later pour-off. Information from drum logs, unknown tracking forms, and a list of all containers staged in the bulking room will be entered onto the computer, to form the basis of the inventory. At a minimum, at the end of each day a listing of all materials, their amounts and locations will be tallied and printed out.

With proper planning, all wastes will be removed from the facility before there is any danger of the approved limits being exceeded. If the tally at the end of the day indicates that there is a chance that approved levels might be exceeded soon, before a waste pickup is scheduled, incoming material of that category will be closely monitored. If at any time it is noticed that approved levels have been inadvertently exceeded, then the notification procedure as described in chapter 2 section C,ii will be undertaken.

An accurate inventory of quantities and locations will be useful for a variety of emergency situations. In the event of a small leak, or other incident that can be handled by facility personnel, the exact materials involved can be easily identified. In the event of a larger incident, requiring the Oregon City Fire Department or the regional hazardous materials response team, detailed information will be available. While the regional hazardous materials response team will already have information on average or typical inventories found on the site, an actual inventory may be much more helpful.

As containers are packed into drums, or poured off into bulk drums, documentation of the contents of each drum will be necessary. For some categories, a detailed listing will be produced, including product name, ingredients, type and size of container, amount of material in the container, and EPA/DEQ waste codes. Other categories may only require a simple tally of number and size of containers. Bulk drums of some types may require a list of amounts and components of everything added, while some may require only a brief description. All this information will be entered onto a drum log as the



drum is filled, and entered onto the computer inventory at least once a day. When a drum is filled, this log will aid in the preparation of a hazardous waste manifest, and in some cases become incorporated into the manifest.

#### B. Lab Packing/Loose-packing

Lab-packing refers to the packaging of smaller containers into DOT approved drums, along with an appropriate absorbent. Each lab pack drum must contain enough absorbent to fully absorb the liquid contents of the drum. The absorbent is also used to insulate the containers so that none are touching. Absorbent must be added to fill the drum to the top. Loose-packing refers to placing containers into a drum without absorbent, for short term transportation purposes. Some loose packed drums need to contain about 6" of absorbent in the bottom to absorb small leaks or spills from broken containers.

Drums for lab-packing or loose-packing as appropriate, will be located in the sorting area, as well as in the satellite accumulation area (see map). Each drum will be clearly marked as to the category of wastes that are to be put into it, as well as all required DOT hazard class labels, hazardous waste labels, drum number, accumulation start date, etc. Drums for corrosive materials will be lined with an appropriate liner. A drum log will be kept for each drum, to record the wastes that are put into it.

Wastes that have been sorted by category will be packed into the appropriate drum, and the drum log updated. The hazardous waste transporter and disposal/recycling facilities will have specific requirements for container types and sizes, maximum amounts per drum etc. See Appendix C for examples of specific packing requirements by category.

Some categories that are received in small quantities only may be packed in drums smaller than 55 gallons in size; 5-, 10-, 15-, and 30- gallons are common sizes.

#### C. Bulking

After sorting, all wastes to be bulked will be placed on carts, and brought to the bulking room. Containers will not be opened until they are in the bulking room, and all bulking will be done under the ventilation hood designed for this purpose. Personal protective gear will be carefully selected for the material being handled. Individual containers will be opened and poured into "tight-head" type drums, using a large, chemically resistant funnel. All conductive containers of flammable materials and drums for pour-off of flammable materials will be connected to a grounding post by a grounding wire. Empty containers will either be crushed and disposed of as hazardous, or air-dried and recycled/disposed of. All spills will be immediately cleaned, and handled as in the spill section of chapter 9.

## 5. Storage

After drums in the packing and bulking areas are filled, they will be properly closed, and brought to the appropriate storage areas using a drum dolly. All drums in the storage areas will remain closed at all times.

Materials will be stored in the facility for no more than 90 days, except for materials which are being accumulated for a feasible means of recycling, which may remain for up to one year.

All drums will be segregated in the following storage areas:

- Flammable. (Capacity 65 55-gallon drums). All flammable and combustible liquids and solids, as well as any irritants, O.R.M. (other regulated materials as per D.O.T.), or non-regulated materials that are chemically compatible with flammables.
- Pesticide/Poison. (Capacity 14 55-gallon drums). All poisons, all pesticides that are not corrosive or oxidizers, as well as any irritants, O.R.M., or non-regulated materials that are chemically compatible with pesticides and poisons.
- Bases. (Capacity 11 55-gallon drums). All corrosive liquids and solids that are alkaline, as well as any irritants, O.R.M., or non-regulated materials that are chemically compatible with bases.
- Acids. (Capacity 18 55-gallon drums). All corrosive liquids and solids that are acid, as well as any irritants, O.R.M., or non-regulated materials that are chemically compatible with acids.
- Oxidizers. (Capacity 6 55-gallon drums). All oxidizers, including organic peroxides, as well as any irritants, O.R.M., or non-regulated materials that are chemically compatible with oxidizers.

## 6. Shipping

A licensed hazardous waste transporter will be used to remove all wastes that qualify as hazardous. Other competent transporters may be used to transport non-regulated materials such as latex paint. Pick-ups will be scheduled frequently enough so that approved storage levels are not exceeded, the physical storage capacity of any area is not exceeded, and no material is kept on site for more than 90 days after receipt (1 year for materials accumulated for a feasible means of recycling). Pick-ups will be scheduled when the facility is not open to the public.

All hazardous waste labels and manifests, with drum logs as needed will be completed in cooperation with the transporter. All manifests will be retained in a short term file, until the disposal facility sends a signed-off copy, to insure that the wastes have been properly disposed of, and then kept in a permanent file for at least 3 years.

## **7. Training**

There will be three employees involved with the collection, segregation, packaging and storage of household chemical waste at the facility. This includes a supervisor who oversees the day-to-day operations, and two technicians. Appendix F gives complete descriptions of these positions, and describes qualifications required for persons hired to fill them.

All personnel working at the facility will have training meeting the standards outlined in OSHA's Hazardous Waste and Emergency Operations rules, which mandate a minimum of 40 hours off-site training, as well as annual 8-hour refresher courses, in emergency response, safe hazardous waste handling, contingency planning, and hazard recognition. An employee will complete this 40-hour training or its equivalent before starting work at the facility.

In addition, a significant amount of training will be conducted beyond this requirement. The majority of this training will be developed and given by Metro, in topics specific to the operations of the facility. Some additional outside training courses may also be given, such as the four hour household hazardous waste site safety training offered by Household Hazwaste.

Employees will not be permitted to participate in or supervise activities until they have been trained to a level required by their job function and responsibility. Employees and supervisors that have received and successfully completed training will be certified by their instructor. A training file will be kept for all employees, as described in the records chapter.

Members of the Oregon City Fire Department who may be involved in responding to incidents at the facility will be invited to participate in all training.

Topics covered in the 40 hour Health and Safety training include:

- Recognizing and identifying hazardous materials

- Physical safety hazards

- Chemical safety hazards

- Radiation hazards

- Site safety planning

- Care and use of monitoring equipment

- Exposure guidelines

- Toxicology

- Hazardous materials terminology

- US EPA levels of protection



Personal protective equipment  
Site control and work zones  
Decontamination procedures  
Emergency response  
Spill and leak control and counter-measures  
References and resources

The annual refresher training will include information on these topics, as well as discussion of any incidents that may have occurred at the facility over the past year.

In-house training in facility operations will review some of the topics from the 40-hour training, going into more specific detail relating to facility operations, and will introduce new topics. Topics covered will include:

The nature and hazards of household materials  
Selection of personal protective equipment for materials likely to be received by the facility  
Acceptance criteria  
Sorting into disposal categories  
Packing, labeling and paperwork procedures  
Proper storage in segregated storage areas  
Facility procedures for handling spills, leaks, fires, and other emergencies  
Evacuation procedures  
Conducting inspections  
Safe work practices  
Recognition of signs and symptoms of overexposure  
and other topics

## 8. General Safety, Prevention & Preparedness

### A. Personal Protective Equipment

Facility staff will be responsible for maintaining an adequate stock of protective equipment. Personal safety equipment will be stored in the storage closet. Management and supervisory personnel are not exempt from the following standards, and are expected to protect the health and safety of employees in their charge by assuring their compliance with these standards.

Minimum safety equipment for basic operations such as unloading, sorting and packing will include:

Respirators. Half-face air-purifying respirators will be carried by all employees, and worn as necessary. Organic vapor/acid-gas cartridges, with HEPA filters are to be used primarily. Other cartridges and filters will be available and used as appropriate for specific materials being handled.

Outer wear. In order to protect the technicians clothing from becoming contaminated, a pair of TYVEK coveralls will be worn. Contaminated coveralls will be removed as soon as possible be replaced from the stock in the supply area.

Eye protection. Safety glasses, goggles, or a face shield will be worn whenever containers are being handled.

Boots. Chemical-resistant boots with steel toes will be worn.

Gloves. Chemical-resistant gloves suitable for a wide variety of materials, such as vinyl, will be worn. Other types of gloves will be available for work with specific hazards. A more comfortable less chemically-resistant synthetic glove may be worn only for moving uncontaminated sealed drums.

Safety vests. These will be worn when unloading customer vehicle and performing customer interviews.

In addition, for bulking or spill clean-ups:

Respirators. In situations where vapors may affect the eyes, full-face air-purifying respirators will be worn.

Eye protection. Goggles will be required for splash protection, unless a full-face respirator is being worn.

Outer wear. Saranex-laminated tyvek coveralls, or similarly chemical-resistant outerwear will be worn.

Other. Various other safety equipment will be available for specific situations, including disposable boot covers, chemical resistant aprons, hard hats, etc.

## B. Emergency equipment

Basic emergency equipment to be available at the facility at all times and regularly tested includes (see locations on facility map):

An alarm system that produces a loud, easily distinguishable tone, that can be activated near both exits from the lab and bulking rooms, as well as in the receiving area and storage area.

A sprinkler system, activated by heat, which notifies the fire department automatically

Portable foam or dry chemical fire extinguishers

Two safety shower/eyewash stations

First-aid kit

Phone for emergency communications

Spill control equipment (see below)

Spill control equipment will be located in four areas, as described below, and overstock will be kept in the storage room. In addition, the drum storage area in the loading tunnel will have extra drums of all sizes for proper disposal of spill cleanup materials, as well 85-gallon overpack drums for containment of leaking 55-gallon drums.

- A complete spill control station will be located just inside the door of the receiving area, to include: bagged clay or similar type absorbent; absorbent pads and coils; large containers of acid-neutralizing and base-neutralizing products; a mercury spill kit; tape, plastic bags, corks, and other materials for sealing and containing leaking wastes; small and large brooms, dustpans, and shovels, for sweeping up; sealant for temporary drum repairs; plastic containers for secondary containment.
- The lab will have a small spill control kit, with basic absorbents and neutralizing agents.

- The bulking room will have absorbent for cleanup of the types of materials that will be handled there.
- The storage area will have a supply of absorbents and neutralizing agents.

#### C. Decontamination

During the course of operations, personal protective equipment may become contaminated, as may floors, tables, and other areas in the facility.

Decontamination procedures will be done as follows;

Tyvek suits, boots, gloves, or respirator cartridges that become severely contaminated will be disposed of in a segregated waste container. If contamination is only trace amounts, these items may be reused (unless its trace amounts of a toxin easily absorbed through the skin), or disposed of into regular trash if desired.

Respirators, safety glasses, goggles, hard hats, and similar items that become contaminated will be either wiped down using prepackaged cleaning wipes, or cleaned by hand along with laboratory glassware using detergent.

Tables and work surfaces will either be coated with a chemical-resistant layer which is easily cleaned, or covered with a layer of plastic sheeting that may be disposed of when it has become contaminated.

Floors will be checked for any obvious hazardous matter, and cleaned up as described under spill response, before regular janitorial cleaning.

#### D. General Hygiene & Safety Practices

Facility personnel will not eat, drink or smoke in the facility.

Personnel will remove protective equipment and wash hands before eating, drinking or smoking at breaks. (Facilities of the transfer station will be available for taking breaks.)

Facility personnel will not wear contact lenses. Contact lenses increase the risk of eye injury if there is exposure to dust, corrosive or toxic chemicals or vapors.

Containers will be handled carefully. Staff persons will avoid tipping containers onto their stomach or chest, they will set containers down gently, and will not hit containers against tables or walls.

All aisles and evacuation routes will be kept free of obstructions.



All containers received will be kept closed at all times, except during testing in the laboratory, or for bulking in the bulking room.

A medical surveillance program for all personnel who handle hazardous materials at the facility will be maintained. This program will include baseline physicals, yearly checkups, exit physicals, and examinations any time an employee has developed signs or symptoms indicating possible overexposure to hazardous substances. Records of this program will be kept by the Metro personnel department.

## **9. Emergency Response**

### **A. General**

When an incident occurs, the staff person who first notices that an emergency or potential emergency is occurring is responsible for initiating the facility alarm, if he deems it necessary, and for notifying the site supervisor as quickly as possible.

The facility supervisor will act as emergency coordinator, and decide what actions must be taken. This might include:

- identifying the source, character, amount, and extent of any released materials
- assessing possible direct or indirect hazards of the situation
- determining whether evacuation is necessary, and insuring that it is properly carried out
- activating the evacuation alarm, if it has not been activated
- determining what outside help must be called in, and insuring that it is done
- determining what agencies must be notified, and insuring that it is done
- determining and initiating actions to be taken by facility personnel, including all reasonable measures to minimize further releases
- making sure that all areas and required emergency equipment are suitably cleaned up and operable before the facility is reopened

An emergency call list will be maintained, and will be prominently posted near the telephone, as well as inside the transfer station (see appendix E). The list will include contact numbers for obtaining assistance in responding to incidents, agencies that must be notified, and obtaining medical assistance.

If outside assistance is required, the Oregon City Fire Department contacted first. All assistance and equipment that the facility staff can provide to the fire department responders will be given. In the event of an incident beyond the abilities of the facility staff and the fire department, the fire department will contact the regional hazardous materials response team. This team will help with stabilizing the situation, containing any releases, and doing rescue. Cleanup after an incident is stabilized, if beyond the abilities of the facility staff, will be done by a private company.

Some emergencies may require evacuation of the facility, of customers in the receiving area or waiting in line, and possibly of transfer station personnel. The emergency coordinator will determine which of these actions is necessary. The facility was designed with two exits for every work area, as well as outside stairways placed to facilitate escape.

A windsock will be placed atop the facility, and evacuated persons will be directed upwind from the incident, to a safe distance. The area around an ongoing incident will be cordoned off as necessary to exclude all non-authorized persons, using barrier tape or cones. If evacuation makes use of the facility phone impossible, then a designated person will quickly go to the transfer station office area or scalehouse to make the required calls.

Records of all spills and emergencies will be kept. An incident report will be filled out, including date, time, substances involved, estimated amounts, location, a description of what happened, clean up activities, who was involved, and who was notified (see example incident form, Appendix A).

After an emergency, the incident and response will be evaluated to determine if changes in operating procedures could prevent a recurrence, and whether the emergency response was adequate. The evaluation should involve facility staff, transfer station supervisory staff, emergency responders (e.g., fire department) and other participants or technical assistance staff.

Practice drills simulating different types of emergencies will be run on a regular basis.

These emergency procedures will be coordinated with all potential responders, as well as the local police and hospital. The emergency plan will be amended whenever relevant regulations are revised, anytime the plan fails in the course of an emergency or drill, or when changes in the facility require changes in the plan.

## B. Leaks and Spills.

The main steps in responding to leaks and spills in all areas of the facility, as well as in the latex paint storage area will be:

- 1) If any persons are exposed, get them to an eyewash or shower in an unaffected area, decontaminate, give first aid, and arrange for further medical assistance as necessary (see Appendix E for contact numbers).
- 2) Determine if evacuation must be undertaken, the area must be cordoned off, or the facility must be shut down.
- 3) Identify the source, character, amount and extent of spilled material.

- 4) Determine if outside assistance must be called in, or any authorities must be notified. Some aspects of a spill that might require calling in outside assistance include:
  - the spill is very large
  - there is a threat of fire or explosion
  - the material spilled requires self-contained breathing apparatus
  - the spill requires other safety equipment or spill control equipment that is not available at the facility

The DOT Emergency Response Guidebook will also be consulted, to help in determining response requirements, and whether response is beyond the facility staff's capabilities. If it is determined that assistance is required, the Oregon City Fire Department will be called, using 911.

- 5) Select proper protective equipment. A supply of protective equipment will be kept in the loading tunnel storage area, in case the primary storage area is inaccessible due to the incident.
- 6) Select appropriate spill control agent and equipment, based on physical and chemical properties of the material spilled, as well as the size of the spill.
- 7) Undertake cleanup.
- 8) Dispose of all cleanup materials properly - as hazardous waste in most cases, and decontaminate cleanup equipment.
- 9) For some types of chemical releases, immediate notification of the Oregon Response System is mandatory (the phone number is listed in Appendix E). The spills that require reporting are as follows:

CERCLA. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), includes notification requirements for releases of chemicals on a hazardous substances list into the environment, if they exceed specified reportable quantities (RQ's). A list of hazardous substances and their RQ's will be kept at the facility.

SARA. The Superfund Amendments and Reauthorization Act of 1984 (SARA), establishes a list of extremely hazardous substances, some of which may occur in household wastes collected at the facility. Releases of materials on this list also requires notification. A list of extremely hazardous substances, and their RQ's will be kept at the facility.



10) Fill out an incident report (see Appendix A).

**Specific spill control techniques:**

For very small leaks and spills of liquids, an absorbent pad or an appropriate loose absorbent or neutralizing agent will be put onto the spilled material, until the material is fully absorbed or neutralized (pH paper will be used to confirm neutralization). Larger puddles will be surrounded by absorbent coils, or an appropriate loose absorbent or neutralizing agent, and then loose absorbent/neutralizing agent will be swept into the spill from the edge. Solid spills will be swept up, paying careful attention to minimizing any dust created.

In controlling a large spill, the buddy system will be used, i.e., more than one person will be properly suited up, and in attendance in the spill cleanup area.

Leaking containers will be taped, corked or otherwise sealed where possible, and placed into a plastic bag, plastic tub, or other overpack container. Where it is not possible to reseal a container, the contents will be transferred into a sound container.

For leaking 55-gallon drums, temporary patching will be done if possible, and the drum placed into a salvage-type drum. In some cases it may be helpful to invert a drum that has a hole near the bottom, or lay a drum on its side with a hole facing upward, to minimize escape of the contents before patching or placing in the salvage drum.

**C. Fire and explosions**

In the event of a small fire, facility staff will immediately attempt to bring the situation under control using a portable fire extinguisher. If this is unsuccessful, the facility alarm will be activated, the facility will be evacuated, and the fire department will be notified. In a large fire or explosion, alarm activation, evacuation, and fire department notification will be immediate.

The sumps in all areas of the facility are designed to contain twenty minutes of water from the sprinkler system. If a sump in one area were to overflow, the water would drain into a neighboring sump. If all of the sumps were overflowing, the water would flow out of the facility into a large depression between the facility and the transfer station. A lift station that normally pumps stormwater from this depression to the neighboring wetlands would be disabled in this situation, as there are float valves in the facility's outdoor sumps, connected to an automatic shutoff switch. If this switch were to fail, the pump could be disabled from the secretary's office in the transfer station, where a control panel is located.

After a fire or explosion, cleanup will be required. All contaminated materials will be placed in containers and disposed of as hazardous waste. All equipment and surfaces

that came into contact with hazardous materials will be thoroughly decontaminated. All sprinkler runoff water will need to be pumped into drums or a tanker truck, tested, and disposed of properly.

#### **D. Other Situations**

- **Ventilation failure:** The facility ventilation system is designed so that if ventilation of a storage area fails for any reason, then an annunciator light goes on, and the lighting in that area is disabled. If this occurs during the working day, or is noticed upon facility opening, measures must be taken to promptly repair the ventilation. All doors to the affected storage area will be opened to allow natural ventilation, before lighting is restored. A qualified repair person will be contacted as soon as possible.
- **Power failure:** The facility will be equipped with a backup power system, capable of supplying power to the ventilation and lighting systems for an extended period of time. If power fails during operations, the backup system will be checked to insure that it is functioning properly, and that all facility systems are functioning properly. Operations may continue if there are no problems.
- **Earthquake:** If any significant earthquake occurs, all persons will evacuate the facility immediately. A supply of protective clothing and hazardous location flashlights will be kept in the loading tunnel area, so that careful inspection of all areas of the facility may be made before its is occupied. If any release beyond the ability of the facility staff to cleanup is observed, then outside assistance will be obtained before the facility is reoccupied.

## 10. Inspections

The facility will be inspected regularly, in order to identify any leaks, equipment malfunctions, equipment inadequacies, container deterioration, or any possible environmental releases or threats to health. Appendix D contains simple examples of inspection log forms.

DAILY INSPECTIONS upon opening up the facility on all operating days will include:

- An inspection of the facility perimeter for any signs of abandoned wastes or unauthorized entry. Abandoned wastes will be recorded and handled as incoming waste.
- Visual inspection of all work areas for any signs of leaks, contamination, or open containers. If any contamination or leaks are found, then the area will be decontaminated, and the cleanup materials disposed of properly (see cleanup procedures in chapter 9 section B. Containers will be closed or repackaged as necessary.

WEEKLY INSPECTIONS, conducted upon opening the facility at the beginning of each working week, will include:

- Supplies. All safety supplies, including personal protective equipment and spill control supplies, will be inventoried, to determine adequacy. Inadequate supplies will be reordered.
- Storage areas. All storage areas will be inspected for proper aisle spacing, separation of incompatible drums and evidence of leaks. All sumps will be inspected using a hazardous location flashlight. If aisle spacing is less than 24", drums will be moved accordingly. If drums are in the wrong storage area, they will be brought to the proper area. If there are any signs of leaks in the sump areas, sections of removable grating above the affected area will be removed, and the area cleaned up as described in Chapter 9, section B. Leaks found in other parts of the storage areas will also be cleaned using these procedures. Drums in the vicinity of any leaks that are found will be inspected and handled as described below.
- Drums. All drums will be inspected for evidence of corrosion, leakage, structural weakness, or improper closure, and for proper labelling. Any signs of rust, dents, holes, unexplained moisture, solids or liquids on the outside of the drum or below the drum, or anything that appears unusual will be seen as indicating possible deterioration, and further investigation will be done. If the drum is deteriorated, all materials will be removed and placed in another drum, and the deteriorated drum disposed of properly.

- Inventory. The inventory of drummed wastes will be examined, and compared to permit limits and building capacity, and dates will be examined and compared with permitted storage duration. Pickups of waste will be scheduled as necessary.

**OTHER INSPECTIONS:**

- Equipment. All emergency equipment will be inspected and tested as per manufacturer's instructions. Any defective equipment will be repaired or replaced as necessary.



## 11. Records

This section provides a summary of the paperwork flow described in the preceding sections. Appendix A includes examples of the forms to be used. All records will be retained for a minimum of three (3) years.

Declaration Form - This form will be filled out by the customer, and verified by facility staff. The declaration form will record the customer's name, address, and driver's license number, a list of wastes brought to the center, as well as a signed statement that the wastes are of household origin.

Unaccepted Waste - Unaccepted waste forms will be completed whenever any waste is rejected by facility staff. This form describes the wastes and the reasons for rejection, and can be used to indicate an acceptable disposal alternative is available. A copy will be given to the customer, and a copy will be filed.

Unknown Wastes - All unidentified wastes will be accompanied by a form describing the waste and any information received from the customer. In-house ID procedures, sampling, analytical data and final packaging information will be entered on the form as these operations are performed.

Drum Log- Each drum of wastes packed or bulked at the facility will have a drum log, listing specifically what is in the drum. The exact details recorded will depend on the type of waste. In some cases these logs will accompany the hazardous waste manifest.

Manifests- All hazardous waste shipped off-site will be recorded on an official hazardous waste manifest.

Storage Inventory - An inventory of wastes stored will be prepared on each operating day, listing each drum and unpackaged container on the site, including contents, size, and location.

Inspection Logs - Daily, weekly, and monthly inspection information will be entered on standard log forms.

Abandoned Wastes - Any incidents of abandonment of wastes at the facility will be recorded on an appropriate form.

Emergency Incidents - all emergency incidents will be recorded.

Personnel Work History, Medical and Training Records - Training documents for all personnel involved with the Household Hazardous Waste Collection program are maintained at Metro Center in the personnel office. These files identify the employee name, job title, job description, introductory and continuing training received, and job experience. Records of medical surveillance are kept here also.

## 12. Closure

The Household Hazardous Waste Collection Facility is expected to have an indefinite life. If the facility must close for any reason, DEQ will be notified 180 days before final shutdown, and a detailed closure plan will be submitted. This plan will include:

- Proper disposal of all hazardous wastes, including all wastes accepted from households, all laboratory wastes, and all spill cleanup wastes.
- Thorough decontamination of all areas of the facility, including sumps, floors, tables, counters, fume hoods, sinks, and storage cabinets, and proper disposal of all cleanup materials.
- Sampling of soil and groundwater beneath and around the facility to determine the presence of any environmental contamination.

## APPENDICES

**Appendix A- Forms:**

**Declaration Form,  
Unaccepted Waste Form,  
Incident Report**



METRO HOUSEHOLD HAZARDOUS WASTE DECLARATION FORM

METRO  
HOUSEHOLD HAZARDOUS WASTE  
DECLARATION FORM

NAME: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ COUNTY: \_\_\_\_\_

DRIVER'S LICENSE NUMBER: \_\_\_\_\_

DESCRIPTION AND AMOUNT OF HOUSEHOLD HAZARDOUS WASTE:

DESCRIPTION	AMOUNT
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____

DECLARATION STATEMENT: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**METRO  
HOUSEHOLD HAZARDOUS WASTE  
UNACCEPTED WASTE**

DESCRIPTION AND REASON FOR REJECTION OF WASTE(S):

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white.

HAZCAT INSPECTOR: \_\_\_\_\_

**INCIDENT REPORT**

**INCIDENT REPORT**

**HAZARDOUS WASTE INCIDENT**

**REPORTER'S NAME:** \_\_\_\_\_ **TELEPHONE NUMBER:** \_\_\_\_\_

**NAME OF FACILITY:** \_\_\_\_\_

**ADDRESS OF FACILITY:** \_\_\_\_\_

**TIME OF INCIDENT:** \_\_\_\_\_ **TYPE OF INCIDENT:** \_\_\_\_\_

**NAME AND QUANTITY OF MATERIAL(S) INVOLVED, IF KNOWN:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXTENT OF INJURIES, IF ANY:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**POSSIBLE HAZARDS TO HUMAN HEALTH OR THE ENVIRONMENT OUTSIDE THE FACILITY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Appendix B- Storage categories**

**Note: Exact definitions of each category and class in the following tables are found in the Uniform Fire Code, Appendix VI-A, (except for asbestos)**



<u>CATEGORY</u>	<u>Class</u>	<u>Examples</u>	<u>Facility Storage Limit</u>
Explosives		dynamite, ammunition, fireworks	NOT ACCEPTED
Compressed Gases		oxygen, acetylene, carbon dioxide	NOT ACCEPTED
Pyrophorics		white phosphorus, sodium metal	NOT ACCEPTED
Highly Toxic		hydrocyanic acid	NOT ACCEPTED
Flammable Liquids	1A	ethyl alcohol, methyl alcohol	60 gallons
	1B	acetone, toluene	6600 gallons
	1C		unlimited *
Combustible Liquids	II	diesel fuel	unlimited*
	III	mineral oil	unlimited*
Flammable Solids		sulfur, camphor, powdered metals	200 gallons
Oxidizers	4	ammonium perchlorate	NOT ACCEPTED
	3	concentrated pool chlorine, sodium chlorate	20 lbs.
	2	dilute pool chlorine, chromic acid	110 lbs.
	1	silver nitrate, potassium persulfate	2000 lbs.
* Up to the approved storage capacity of the flammable storage area			(continues -->)

<u>CATEGORY</u>	<u>Class</u>	<u>Examples</u>	<u>Facility Storage Limit</u>
Corrosives		battery acid, ammonia, iodine	600 gallons
Toxic & other health hazards		pesticides, lead compounds, mercury, PCB's, misc. carcinogens	10, 000 lbs.
Water reactives	3	diethyl zinc	10 lbs.
	2	calcium carbide, calcium metal	100 lbs.
	1	titanium tetrachloride	unlimited*
Reactive materials	4	dry picric acid	NOT ACCEPTED
	3	nitromethane, hydrogen peroxide > 52%	NOT ACCEPTED
	2	hydrazine, acrylic acid	100 lbs.
	1	paraaldehyde	250 lbs.
Asbestos			NOT ACCEPTED
Radioactive materials		uranium cmpds., thorium cmpds., radium	NOT ACCEPTED
Organic Peroxides	<u>un</u> <u>class</u> <u>.</u> <u>detonatable</u>	(These should be looked up on an individual basis- % concentration can affect class)	<u>NOT ACCEPTED</u>
	1		<u>NOT ACCEPTED</u>
	2		<u>100 lbs.</u>
	3		<u>250 lbs.</u>
	4		<u>1000 lbs.</u>
	5		<u>unlimited *</u>
* up to approved storage capacities of individual storage areas			

## **Appendix C- Sorting**

**The first section of this appendix shows DOT (U.S. Department of Transportation) categories that wastes will be sorted into, including some further segregation within each category for shipment purposes, or chemical compatibility purposes. Only categories that will be accepted at the facility are shown.**

**The second section shows examples of categories and packing requirements from one of Metro's household hazardous waste collection days.**

### DOT Categories

Flammable Liquid

Flammable Solid

Oxidizers

Organic Peroxides

solids

liquids

Poison B

solids

liquids

Irritant

solids

liquids

Corrosive

Acids

solids -oxidizing

-organic

liquids -oxidizing

-organic

Bases

solids

liquids

Combustible Liquid

ORMs- other regulated materials, classes A-E

Where the product exhibits the characteristics of more than one DOT hazard class, a primary hazard is selected based on the following hazard priority ranking (showing only hazard classes to be stored at the facility):

Flammable Liquid

Oxidizer

Flammable Solid

Corrosive Liquid

Poison

Corrosive solid

Irritant

O.R.M.-B

O.R.M.-A

Combustible liquid

O.R.M.-E



## Hazard Classes Labeling and Packing Requirements

### CORROSIVES ROOM:

#### Acids

Packing: Line drum, loose pack, 6" absorbent  
Inventory: HHW Inventory  
Hazard Class/Label: Corrosive  
EPA #: D002; DOT #: UN-1760  
Shipping name: Waste corrosive liquid, n.o.s.  
WPQ #: 17348

DOT #: NA-1263

Shipping name: Waste paint related material  
WPQ #: 17350

#### Bases, liquid

Packing: Line drum, loose pack, 6" absorbent  
Inventory: HHW Inventory  
Hazard Class/Label: Corrosive  
EPQ #: D002; DOT #: NA-1719  
Shipping name: Waste alkaline liquid, n.o.s.  
WPQ #: 17349

#### Epoxy and marine paints

Packing: Lab pack (fill drum to top)  
Inventory: Paint Can Tally  
Hazard Class/Label: Flammable liquid  
EPA #: D001, D006, D007, D008  
DOT #: NA-1263  
Shipping name: Waste paint related material  
WPQ #: 17350

#### Bases, solid

Packing: Line drum, loose pack, no absorbent  
Inventory: HHW Inventory  
Hazard Class/Label: Corrosive  
EPQ #: D002, WL01; DOT #: UN-1759  
Shipping name: Waste corrosive solid, n.o.s.  
WPQ #: 17424

#### Oxidizers

Special instructions: Store in storage cabinet  
Packing: Loose pack, no absorbent  
Inventory: HHW Inventory  
Hazard Class/Label: Oxidizer  
EPQ #: D001; DOT #: UN-1479  
Shipping name: Waste oxidizer, n.o.s.  
WPQ #: 17356

### FLAMMABLES ROOM:

#### Latex paints

Packing: Loose pack, no absorbent; or bulk  
Inventory: Paint Can Tally, loose packed; Paint  
Drum Inventory, bulked  
EPA #: none; DOT #: none  
Shipping name: Waste waterbase paint, non-  
regulated  
WPQ #: 17347

#### Oil-base paints

Packing: Loose pack, no absorbent; or bulk  
Inventory: Paint Can Tally, loose packed; Paint  
Drum Inventory, bulked  
Hazard Class/Label: Flammable liquid  
EPA #: D001, D006, D007, D008

**Aerosol paints**

Packing: Remove trigger, place cans in drum in an orderly fashion

Inventory: Aerosol Tally

Hazard Class/Label: Flammable liquid

EPA #: D001, D006, D007, D008

DOT #: NA-1263

Shipping name: Waste paint related material

WPQ #: 17350

Hazard Class: Flammable liquid

Label: Flammable liquid, Poison

EPA #: D001; DOT #: UN-1992

Shipping name: Waste flammable liquid, poisonous, n.o.s.

WPQ #: 17354

**Nonchlorinated solvents**

Packing: Loose pack, 6" absorbent

Inventory: HHW Inventory

Hazard Class/Label: Flammable liquid

EPA #: D001, F003, F004, F005

DOT #: UN-1993

Shipping name: Waste flammable liquid n.o.s.

WPQ #: 17346

**Chlorinated solvents**

Packing: Loose pack, 6" absorbent

Inventory: HHW Inventory

Hazard Class/Label: Flammable liquid

EPA #: D001, F001, F002, F003, F004, F005

DOT #: UN-1993

Shipping name: Waste flammable liquid n.o.s.

WPQ #: 17345

**Aerosol solvents**

Packing: Remove nozzle. Place in 30-gallon drum in orderly fashion

Inventory: Aerosol Tally

Hazard Class/Label: Flammable liquid

EPA #: D001; DOT #: UN-1268

Shipping name: Waste petroleum distillate

WPQ #: 17478

**POISONS ROOM:****Solid pesticides**

Packing: Lab pack. Number each item to correspond with drum inventory.

Inventory: HHW Inventory

Hazard Class: Poison B

Label: Poison

EPA #: WL01; DOT #: UN-2811

Shipping name: Waste poison B, solid, n.o.s.

WPQ #: 17343

**Liquid pesticides**

Packing: Lab pack. Number each item to correspond with drum inventory.

Inventory: HHW Inventory

**Aerosol pesticides**

Packing: Remove nozzle. Place in drum in an orderly fashion. Number each item to correspond with drum inventory

Inventory: HHW Inventory

Hazard Class/Label: Flammable liquid

EPQ #: D001; DOT #: NA-1993

Shipping name: Waste insecticide liquid, n.o.s.

WPQ #: 17476

**Dioxin containing materials**

Packing: Lab pack. Number each item to correspond with drum inventory

Inventory: HHW Inventory

Hazard Class/Label: Flammable liquid

EPA #: D001; DOT #: UN-1992

Shipping name: Waste flammable liquid, poisonous, n.o.s.

WPQ #: 17354

**EP Toxics (heavy metals), solid**

Packing: Loose pack, no absorbent, 10 gallon container. Number each item to correspond with drum inventory.

Inventory: HHW Inventory

Hazard Class: ORM-E

Label: ORM-E Hazardous Waste Label; other hazard class label not necessary

EPA #: WL01; DOT #: NA-9189

Shipping name: Hazardous waste solid, n.o.s.

WPQ #: 17357

**EP Toxics (heavy metals), liquid**

Packing: Loose pack, with 6" of absorbent in bottom of container, in 10 gallon container. Number each item to correspond with drum inventory.

Inventory: HHW Inventory

Hazard Class: ORM-E

Label: ORM-E Hazardous Waste Label; other hazard class label not necessary

EPA #: WL01; DOT #: NA-9189

Shipping name: Hazardous waste liquid, n.o.s.

WPQ #: 17358

**Water reactives**

Special instructions: When reactives are present, signs should be posted in poisons room and on poisons room door.

Storage: Store water reactive items, including cyanides and sulfides in separate tubs on shelves in poisons room.

Packing: When a sufficient number of compatible items has accumulated to fill a 30 gallon container, lab pack. Number each item to correspond with drum inventory. Cyanides are stored as water reactives but are shipped as poisons; call for instructions when several cyanide-containing items have accumulated.

Inventory: HHW Inventory

Hazard Class: Flammable solid

Label: Flammable solid, water reactive, dangerous when wet

EPA #: D003; DOT #: UN-2813

Shipping name: Water reactive solid, n.o.s.

WPQ #: 17355

**PCBs**

Special instructions: does not accept PCB wastes. These wastes will be handled according to the requirements of a new City contract at some point in the future.

Packing: Small drum, light ballasts only. No absorbent.

Inventory: to be determined.

Magnetic Drum Sign: PCBs

Hazard Class/Label: to be determined

EPA #: to be determined

DOT #: to be determined

Shipping name: to be determined

WPQ #: none

**Unknowns:** includes items about which some information is known but a definitive labeling is not possible. Loose pack in a drum stored outside, no absorbent. Test within 7 days.

## Appendix D- Inspection logs



## DAILY INSPECTION

Exterior: \*Abandoned wastes    Work areas: \*Open containers  
          \*Signs of break-in            \*Leaking containers  
          \*Warning signs in place      \*Contamination

<u>Date</u>	<u>Inspector</u>	<u>Problems Identified</u>	<u>Location</u>	<u>Corrective Action</u>
			<u>date/action/name</u>	

## WEEKLY INSPECTION

Storage areas: \*Proper aisle spacing  
\*Incompatibles separated  
\*Signs of leaks  
\*Flashlight inspection of sumps

Drums: \*Proper labelling  
\*Signs of damage or releases

\*Spill control & safety equipment supplies adequate?  
\*Waste pickup needed soon?  
\*General housekeeping- no clutter or blocked walkways

Date Inspector Problems Identified

Location Corrective Action  
date/action/name

## EQUIPMENT INSPECTION

To be inspected as per manufacturer's guidelines:

Alarm system  
Fire extinguishers  
Facility ventilation system  
Emergency shower and eyewash  
Fire suppression system  
Fume hoods  
Drop-down fire doors

Date Inspector Results

Corrective Action  
date/action/name

## Appendix E- Emergency Call List

### SPILLS, FIRES, UNACCEPTABLE MATERIALS RECEIVED, STORAGE LIMITS EXCEEDED, AMBULANCE, POLICE

Clackamas County Emergency Communications Center 911

### UNACCEPTABLE MATERIALS RECEIVED, STORAGE LIMITS EXCEEDED

Mike Rodia, State Fire Marshall's Office

1) cellular- 931-5732

2) pager- 370-1488 (punch in call back #)

2) office- 378-2885

### SPILLS

Spill Response Contractors:

[to be determined - at least one primary spill response company will be listed, possibly the company that is doing routine transportation and disposal for the facility, as well as a backup company].

### RADIOACTIVES RECEIVED

Oregon State Health Department 229-5797

### EXPLOSIVES RECEIVED

Metropolitan Bomb Disposal Unit

during business hours at 823-4195, or 823-4189

on weekends call 731-2967

### SPILLS REQUIRING NOTIFICATION

Oregon Response System 1-800-452-0311

(continued next page)

### MEDICAL

Willamette Falls Hospital

Emergency Room, 657-6702, or 656-1631 ext. 3364

1500 Division Street

Oregon City, Oregon 97045

Poison Control Center 1-800-452-7165

Holladay Park Hospital

Occupation Medicine Unit 234-3304

(this is where we have our annual medical surveillance, and would do incident follow-up of a non-emergency nature)

OTHER

---

Transfer station: Office- 657-7947  
Scalehouse 657-2872

Metro main office 221-1646



## Appendix F- Job descriptions & qualifications



# Metro Job Announcement

## INTERNAL RECRUITMENT

Metro is an equal opportunity employer. 2000 SW First Avenue Portland, OR 97201-5398 503 221-1616

RECRUITING FOR: HAZARDOUS WASTE TECHNICIAN  
(Solid Waste Department)

Class No. 331-0790

APPLICATION  
DEADLINE:

July 10, 1990

WAGE RANGE:

\$11.23 - \$15.80 per hour (Subject to negotiation)

-- SUPPLEMENTAL REQUIREMENTS ON REVERSE SIDE --

DUTIES:

Under the direction of the Hazardous Waste Specialist, participates in the inspection of incoming hazardous waste loads at the landfill site; helps collect, sort, manifest and prepare for disposal of incoming household hazardous waste; assists in cleanup of spills, and performs other related work as assigned.

QUALIFICATIONS:

Some knowledge of: environmental science; EPA, DEQ and other regulations pertaining to hazardous waste.

Skill in: establishing and maintaining effective working relationships with contractors, haulers, other Metro staff and the general public; preparing reports accurately and in a timely manner.

Ability to: communicate effectively orally and in writing, and work independently as part of a team.

High school diploma or GED and some specialized experience or training in a field related to hazardous waste management, or any combination of education and experience which would provide the candidate with the knowledge, skill and ability required to perform the job. Associate degree, including some coursework in environmental science, preferred.

APPLY/DATES:

This position opens Tuesday, July 3, 1990. All applicants must be submitted to the Personnel Office no later than 5:00 p.m., Tuesday, July 10, 1990.

All applicants must be current employees of Metro having regular, regular part-time or temporary full-time employment. Temporary full time employees must have completed three consecutive months of employment at Metro and have gone through a selection process for the position currently held.

SUPPLEMENTAL  
REQUIREMENTS:

All applicants are required to submit a written response to the following. Your responses will be used as part of the selection process.

1. Describe your experience in working in a position involving considerable public contact. Specifically, describe with whom you interacted and your role in the interaction (eg. providing information in person or over the telephone, enforcing regulations, etc.).
2. Describe your experience preparing reports and forms.
3. Describe the method by which you gained knowledge of environmental science, EPA, DEQ and other regulations pertaining to hazardous waste.

NOTE:

This position is represented by the American Federation of State, County and Municipal Employees.

ADDITIONAL  
INFORMATION:

The applicant pool obtained from this recruitment may be used to fill comparable or similar positions.

CALL METRO'S "JOBS AVAILABLE" LINE -- 220-1177 --  
FOR OTHER CURRENT OPENINGS

A:331-0790

#### EXPERIENCE AND TRAINING

High school diploma or GED and specialized training or experience in a field related to hazardous waste management, or any combination of education and experience which would provide the candidate with the desired knowledge, skill and ability required to perform the job. An Associate degree including some coursework in environmental science and mathematics preferred.

## HAZARDOUS MATERIALS HANDLING

(circle the correct answer)

1. A Toxin is a \_\_\_\_\_.
  - A. Dose
  - B. Carcinogen
  - C. Poison
  - D. Laboratory Test Animal
2. OSHA regulations require which of the following for air compressors for breathing air?
  - A. CO alarms or CO monitoring
  - B. 275 CFM capabilities
  - C. Low pressure alarm and red warning light
  - D. A 0.8 micron MCE filter
3. The term IDLH means:
  - A. Exposure at this concentration may cause immediate health effects
  - B. "I DO LOVE HEALTH"
  - C. That an air purifying respirator is required
  - D. That the area with this level of contamination must not be entered by anyone under any circumstances.
4. Every time an air purifying respirator is put on, what is required?
  - A. A fit test using "banana oil"
  - B. A positive/negative fit check
  - C. A test of the air supply for sufficient pressure
  - D. All of the above
5. What level of personal protective equipment is required when the vapor contaminant in an area is highly toxic through both inhalation and skin absorption/contact?
  - A. Level A
  - B. Level B
  - C. Level C
  - D. Level D
6. What is the appropriate equipment used for the level of protection selected in question #5?
  - A. A 1/2 mask air purifying respirator and a chemical splash suit.
  - B. An airline respirator in demand mode and a chemical splash suit.
  - C. An SCBA, pressure demand mode, and fully encapsulating suit designed to hold positive pressure.
  - D. An airline respirator with escape bottle and Tyvek suit.
7. Protective clothing must be selected using which of the following criteria?
  - A. The concentration of the chemical
  - B. The physical state of the chemical (liquid, solid, or gas)
  - C. The chemical resistance of the clothing to be used in the work area
  - D. All of the above
8. The term "protection factor applies to:
  - A. The protection given by chemical resistant gloves
  - B. The protection given by an explosive shield
  - C. The relative protection given by classes of respirators
  - D. The protection afforded by use of chemical stimulants on the job



Metro  
Class No. 331  
Title: Hazardous Waste Technician

Established July 1990  
Revised:  
EEO:  
AA:

#### GENERAL STATEMENT OF DUTIES

Under the direction of the Hazardous Waste Specialist, participates in the inspection of incoming hazardous waste loads at the landfill site; helps collect, sort, manifest and prepare for disposal of incoming household hazardous waste, assists in cleanup of spills, and performs other related work.

#### SUPERVISION RECEIVED

Supervision is received from the Hazardous Waste Specialist.

#### SUPERVISION EXERCISED

None

#### EXAMPLES OF PRINCIPAL DUTIES

1. Assists in inspection, collection, sorting, manifesting and preparation for disposal of incoming household hazardous waste.
2. Assists the Hazardous Waste Specialist and contractor in the cleanup of spills from incoming waste loads.
3. Prepares inventory counts, report forms and transport manifests
4. Performs related duties as assigned

#### RECRUITING REQUIREMENTS

##### KNOWLEDGE, SKILL AND ABILITY

- Some knowledge of environmental science
- Some knowledge of EPA, DEQ and other regulations pertaining to hazardous waste
- Skill in establishing and maintaining effective working relationships with contractors, haulers, other Metro staff and the public
- Ability to communicate effectively orally and in writing
- Ability to work independently and as part of a team

9. Which of the following is an example of a "chronic" response?
- A. Death from lung cancer contracted from exposure to asbestos while working in a shipyard during world war II
  - B. Death within two minutes of exposure to high levels of cyanide
  - C. Immediate unconsciousness from entering an oxygen deficient atmosphere
  - D. Death within ten minutes of exposure to a nerve agent
10. Carbon monoxide is:
- A. A green gas with penetrating odor
  - B. An irritating gas
  - C. A reactive material
  - D. A chemical asphyxiant
11. Carbon dioxide (CO<sub>2</sub>) is:
- A. A simple asphyxiant
  - B. A chemical asphyxiant
  - C. A sensitizer
  - D. A flammable gas
12. A carcinogen:
- A. Causes babies to be born without arms
  - B. Causes blindness
  - C. Causes cancer
  - D. None of the above
13. Which of the following terms is used to denote a legal exposure limit:
- A. TLV
  - B. LC<sub>50</sub>
  - C. LD<sub>50</sub>
  - D. PEL
14. A fluid spills out of a 55-gallon drum which is unmarked. Tests indicate that the fluid has a pH of 13. What kind of material is this?
- A. It is not a hazardous waste as defined by the EPA
  - B. It is a reactive material and is an acid
  - C. It is a corrosive waste as defined by the EPA and is a base
  - D. It is hydrofluoric acid
15. A hazardous waste with excessive corrosion rates on steel and human flesh is called what by the EPA and DOT?
- A. Corrosive
  - B. Acid
  - C. Ignitable
  - D. Toxic
16. What is considered by most authorities to be the lowest safe level of oxygen where entry may safely be made without respiratory protection?
- A. 20.8%
  - B. 19.5%
  - C. 18.0%
  - D. 16.5%

17. Which of the following instruments will detect the presence of methane gas at a landfill?
- A. Combustible Gas Indicator
  - B. Photoionization Detector (hNu or TIP)
  - C. Lead acetate-treated paper strip
  - D. Oxygen meter
18. What is the difference between a flammable liquid and a combustible liquid?
- A. The combustible liquid has a flash point below 110°F. while the flammable liquid has a flash point above that level
  - B. The flammable liquid has a flash point below 110°F. while the combustible liquid has a flash point at or above that level
  - C. The flammable liquid has a red diamond label while the combustible liquid has a yellow label
  - D. The two terms mean the same thing
19. At a hazardous waste site, the common term used for the area of highest contamination is the:
- A. Exclusion zone
  - B. Danger zone
  - C. Restricted zone
  - D. Support zone
20. The four EPA hazardous waste classes are:
- A. Toxic, ignitable, flammable, corrosive
  - B. Toxic, ignitable, corrosive, reactive
  - C. Acid, base, caustic, alkali
  - D. Toxic, basic, acidic, flammable
21. OSHA requires persons who use a respirator to receive:
- A. Training
  - B. Medical evaluation
  - C. Fit test
  - D. All of the above are OSHA requirements (more than one regulation may apply)
22. Which of the following may be used in an IDLH atmosphere?
- A. Airline respirator with escape bottle, positive pressure
  - B. SCBA, demand code
  - C. Gas mask
  - D. dust, fume, mist filter
23. The term TWA means:
- A. An airline used by the EPA
  - B. Time-weighted average
  - C. Total weight analysis
  - D. it has no meaning at hazardous materials sites
24. A sensitizer is considered dangerous because it may cause an affected person:
- A. To have an allergic reaction which is only a nuisance
  - B. To have an allergic reaction which may be life-threatening
  - C. To sneeze
  - D. To have a reaction the very first time of exposure

25. The term "flash point" means:
- A. The lowest temperature a gas will explode
  - B. The lowest temperature a liquid will begin to form bubbles
  - C. The rate at which a solid gives off ignitable vapors
  - D. The lowest temperature at which a flammable liquid gives off enough vapors to burn in the presence of a flame
26. If a liquid has a vapor pressure greater than water (water VP = 24), the liquid will:
- A. Evaporate faster than water
  - B. Sink in water, not float
  - C. Float on water, not sink
  - D. Mix with water
27. Gasoline has a specific gravity which is \_\_\_\_\_ than water.
- A. Greater
  - B. Less
  - C. Neither greater nor less
  - D. hotter
28. In order to use an air purifying respirator, the contaminating chemical generally must:
- A. Be detectable by odor, taste or irritation
  - B. Have warning properties at levels below that which is hazardous (below TLV)
  - C. Have warnings which are persistent
  - D. All of the above
29. What is the maximum amount of flammable vapor in percent of the LEL where entry may be permitted into a confined space?
- A. 10%
  - B. 25%
  - C. 1%
  - D. 5%
30. A truck has an orange panel with four numbers. What is this?
- A. The truck's DOT license number
  - B. The hazardous waste registration of the truck
  - C. The cargo identification number
  - D. The State registration number
31. The term LFL means:
- A. Lower Flammable License
  - B. Lower Flammable Limit
  - C. Lethal Exposure Level
  - D. Lethal Exposure Limit
32. The greatest hazard to workers entering a confined space is:
- A. Oxygen deficiency
  - B. Toxic overexposure
  - C. Hypothermia
  - D. Heat cramps

33. What hazards exist to workers removing abandoned underground storage tanks?
- A. Fire/explosion
  - B. Exposure to toxic vapors
  - C. Being struck by moving traffic and heavy equipment
  - D. All of the above
34. The bell on an SCBA means:
- A. The air has too much CO
  - B. Air level is too low, about five minutes remain
  - C. The high pressure hose is loose
  - D. SCBAs have no alarm
35. Personnel entering explosive atmospheres must:
- A. NEVER enter an explosive atmosphere!
  - B. Have level A protection
  - C. Use explosion-proof lights
  - D. Have a safety watch
36. Which of the following will "poison" a combustible gas indicator?
- A. Carbon monoxide
  - B. Grain dust
  - C. Organic lead
  - D. Hydrogen sulfide
37. The NFPA symbol W means:
- A. Do not add water
  - B. Extreme health hazard
  - C. Hazardous waste
  - D. Radioactive waste
38. What is true of waste drums with visible crystals on their caps?
- A. They are probably some kind of inert salt
  - B. They may be a shock sensitive material
  - C. They must immediately be opened and sampled
  - D. They are always explosives; use a rifle to set them off from at least 50 yards away
39. Which of the following is true of exclusion zones:
- A. An exclusion zone may have requirements for more than one level of protection, for example, level B while working at an area containing buried drums, while work at the rest of the site may be done in level C protection.
  - B. Only one level of protection is permitted; if a sub-area requires level B, then work throughout the exclusion zone must be done in level B.

ANSWER THESE "TRUE" OR "FALSE"

40. After walking through the exclusion zone in level C protection for a visual inspection of a trench, you leave the site and enter a restaurant. You should have gone through some form of decon first?
- T                      F
41. You leave the site's exclusion zone after plugging a leaking tank of acrylonitrile. You are in level A protective gear. Your decon assistants are in level D protection. They have adequate protection.
- T                      F



42. Most toxic chemicals can be detected by smell or irritation before they reach harmful concentrations.  
T F
43. Most toxic chemicals have no effect on lab animals if the concentration is kept low enough, This is the "no effect" region of the dose-response curve.  
T F
44. If your ventilation equipment is not properly bonded and grounded, a static spark may result which could be the source of ignition of a flammable atmosphere.  
T F
45. You are not required by OSHA to perform a fit check of your respirator each time you put it on.  
T F
46. Test instruments should be frequently calibrated to ensure their proper function.  
T F
47. Detector tube toxicity test devices are useful because of their great accuracy (+/-2% of the actual concentration of toxic substance)  
T F
48. Combustible gas indicators may be used to test leaded gasoline tanks without care because the lead will also lubricate the instrument's sensor.  
T F
49. The Site Safety Supervisor does not need to be present on site; he is usually the senior Corporate Executive and he never actually comes to the site.  
T F
50. At a hazardous waste site, the last piece of protective gear to be removed during proper decon procedures is the inner glove, not the respirator as is true for asbestos abatement projects.  
T F

Metro  
Class No. 332  
Title: Hazardous Waste Specialist

Established July 1990  
Revised  
EEO  
AA

#### GENERAL STATEMENT OF DUTIES

Oversees the inspection, collection, sorting, manifesting and disposal of incoming household hazardous waste including ensuring compliance with EPA, DEQ and other regulations regarding the safe handling of hazardous wastes, maintaining records, managing the work of hazardous waste crew at the site, and coordinating activities between the facility contract operator and waste haulers.

#### SUPERVISION RECEIVED

Work is performed independently on site under the general supervision of the Site Supervisor.

#### SUPERVISION EXERCISED

Supervises with work of Hazardous Waste Technicians

#### EXAMPLES OF PRINCIPAL DUTIES

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Plans, organizes and directs the work of Hazardous Waste Technicians involved in the collecting, sorting, manifesting and disposal of household hazardous wastes.
- 2 Participates with the site contractor in cleaning up spills from incoming waste loads.
3. Develops and implements programs for more efficient accomplishment of work assigned.
4. Selects, trains, evaluates and supervises staff of Hazardous Waste Technicians.
5. Performs random sampling of incoming hazardous wastes.
6. Maintains all inspection records and prepares reports.

## RECRUITING REQUIREMENTS

### KNOWLEDGE, SKILL AND ABILITY

- Knowledge of EPA, DEQ and other regulations pertaining to the safe handling of hazardous materials.
- Knowledge of methods and techniques of random sampling of hazardous waste
- Knowledge of and skill in applying effective supervisory techniques and practices
- Skill in reading, interpreting and applying laws, rules and regulations applicable to the program area
- Skill in establishing and maintaining effective working relationships with contractors, haulers, other Metro staff and the public
- Ability to communicate effectively orally and in writing
- Ability to plan, design and implement program strategies and develop and implement procedures
- Ability to work independently and as part of a team

### EXPERIENCE AND TRAINING

Bachelor's degree in environmental science, engineering, public administration or a closely related field, and \_\_\_\_\_ years of experience in \_\_\_\_\_, or any combination of education and experience which would provide the applicant with the desired knowledge, skill and ability required to perform the job. Prior supervisory experience preferred.

**HAZARDOUS WASTE SPECIALIST**  
**Ideal Candidate Description**

The ideal candidate for this position will possess the following qualifications:

- a degree in chemistry;
- 2 years of job experience in the hazardous waste field;
- familiarity with DOT, EPA, and OSHA regulations as they apply to hazardous waste;
- experience in the bulking, lab packing and manifesting of hazardous waste;
- wet chemistry analysis of unknowns;
- some supervisory experience

This position closes January 28, 1991.



# Metro Job Announcement

Metro is an equal opportunity affirmative action employer. 2000 SW First Avenue Portland, OR 97201-5398 503/221-1646

RECRUITING  
FOR:

HAZARDOUS WASTE SPECIALIST  
Solid Waste Department

Class Number 332-1090

APPLICATION  
DEADLINE:

January 14, 1991

SALARY RANGE:

\$25,750 - \$36,233

## -- SUPPLEMENTAL REQUIREMENTS ON REVERSE SIDE --

### DUTIES:

This position oversees the inspection, collection, categorization, sorting, manifesting and disposal of incoming household hazardous wastes; insures compliance with EPA, DEQ and other regulations regarding hazardous wastes, maintains records, manages the work of the hazardous waste crew at the site and coordinates activities between the facility contract operators and waste haulers. Work includes: planning, organizing, directing and evaluating the work of Hazardous Waste Technicians, participates in cleaning up spills, develops and implements programs to increase efficiency, conducts random samples, maintains records and prepares reports and other related duties as assigned.

### QUALIFICATIONS:

Knowledge of: EPA, DEQ, RCRA, CERCLA, TOSCA, SARA and other regulations pertaining to the safe handling of hazardous materials, methods and techniques of random sampling of hazardous waste, effective supervisory techniques and practices.

Skill in: reading, interpreting and applying laws, rules and regulations, overseeing the work of other staff, and establishing and maintaining effective working relationships with contractors, haulers, other Metro staff and the general public.

Ability to: plan, design and implement program strategies and develop work procedures, communicate effectively orally and in writing, and work independently and as part of a team.

Bachelor's degree in chemical engineering, environmental science, engineering, public administration, or a closely related field, and one year of experience in hazardous waste, solid waste or environmental management, or any combination of education and experience which provides the candidate with the knowledge, skill and ability required to perform the job.

-OVER-



**APPLY/DATES:**

This position opens Monday, December 31, 1990. All applications must be received by the Metro Personnel Department no later than 5:00 p.m., on Monday, January 14, 1991.

**SUPPLEMENTAL  
REQUIREMENTS:**

All applicants must submit a written response to the following. Your responses will be used as part of the selection process.

1. Describe your training and experience in planning, organizing, directing, and evaluating the work of other staff.
2. Describe your experience in developing and implementing programs for more efficient accomplishment of assigned work.
3. Describe your training and experience in working with hazardous wastes. If you do not have experience in this field, describe the formal training you have received in this field.

**IMMIGRATION  
LAW NOTICE:**

Only U.S. citizens and aliens authorized to work in the United States will be hired. All new employees will be required to complete and sign an employment eligibility form and present documentation verifying identity and employment eligibility.

**NOTE:**

The position is represented by the American Federation of State, County and Municipal Employees.

**ADDITIONAL  
INFORMATION:**

The applicant pool obtained from this recruitment may be used to fill comparable or similar positions.

CALL METRO'S JOBS AVAILABLE LINE -- 220-1177 --  
FOR OTHER CURRENT OPENINGS

EVALUATION CRITERIA- Application Review  
Hazardous Waste Specialist  
Solid Waste Department

	Points x Factor = Score
1. <u>Formal Training</u>	<u>(0-5)</u>
a. Degree in chemical eng., env. science, public admin. or closely related	2 =
b. Degree in chemistry	5 =
c. Courses in hazardous materials.	3 =
2. <u>Experience</u>	
a. Interpreting/application of haz. materials regulations	5 =
b. Supervision	3 =
c. Experience in the bulking, lab packing and manifesting of hazardous waste	5 =
d. Wet chemistry analysis of unknowns	5 =
e. Experience in solid waste or environmental management	4 =

Supplemental Questions

1. Quality of Written Presentation	2 =
2. Content	
a. Question #1	5 =
b. Question #2	3 =
c. Question #3	10 =

INTERVIEW QUESTIONS FOR  
HAZARDOUS WASTE SPECIALIST

1. Given the multiple tasks and responsibilities of the position, describe your experience and education which qualify you for this position.(25)
2. A substantial portion of the work involves educating the general public about the purpose and procedures of the facility. Describe your experience and philosophy in dealing with the public.(15)

What has been your experience in conducting public meetings and what was the purpose of those meetings?(10)

3. What is your experience in identifying unknown hazardous wastes? What equipment and tests were used?(25)

What equipment and tests would you recommend for use at the facility? (10)

4. What types of courses and training would you recommend for your employees?(15)
5. Have you negotiated contracts for the transport and disposal of hazardous wastes? If so, please describe.(10)

## **ATTACHMENT 2**

### **Metro South HHW Facility Building Drawing with loading Area Specifications**



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

DATE: June 26, 1991

TO: Council Solid Waste Committee  
Interested Parties

FROM: Marilyn Geary-Symons, *MS* Committee Clerk

RE: Metro South Household Hazardous Waste Facility /  
Building Drawing

The Metro South Station Household Hazardous Waste Collection Facility Geometry and Paving Plan, Drawing No. C-3 developed by Sweet-Edwards/EMCON was too large for the agenda packet.

This drawing, which has been filed with the Council Department, has been made a part of the permanent meeting record and is available for review.

## **ATTACHMENT 3**

### **DBE/WBE Compliance Forms**

DISADVANTAGED BUSINESS PROGRAM COMPLIANCE FORM

(To be submitted with proposal)

Name of Metro

Project: Household Hazardous Waste Transportation and Disposal

Name of Proposer: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

In accordance with Metro's Disadvantaged Business Program, the above-named Proposer has accomplished the following:

- \_\_\_\_\_ 1. Has fully met the Contract goals and will subcontract \_\_\_\_\_ percent of the Contract amount to DBEs and \_\_\_\_\_ percent to WBEs.
- \_\_\_\_\_ 2. Has partially met the Contract goals and will subcontract \_\_\_\_\_ percent of the Contract amount to DBEs and \_\_\_\_\_ percent to WBEs. The Contractor has made good faith efforts prior to proposal submission date to meet the full goals and will submit documentation of the same to Metro within two working days of proposal submission date.
- \_\_\_\_\_ 3. Will not subcontract any of the contract amount to DBEs or WBEs but has made good faith efforts prior to proposal submission date to meet the contract goals and will submit documentation of such good faith efforts to Metro within two working days of proposal submission date.
- \_\_\_\_\_ 4. Will not subcontract any of the contract amount.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date



DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION FORM

1. Name of Metro Project Household Hazardous Waste Transport & Disposal
2. Name of Proposer \_\_\_\_\_  
Address of Proposer \_\_\_\_\_
3. The above-named bidder intends to subcontract \_\_\_\_\_ percent of the Total Proposal Price to the following Disadvantaged Business Enterprises (DBEs):

Names, Contact Persons,  
Addresses and Telephone Numbers  
of DBE Firms Proposer  
Anticipates Utilizing

Nature of  
Participation

Dollar  
Value of  
Participation

Total \_\_\_\_\_

Amount of Total Proposal Price \_\_\_\_\_

DBE Percent of Total Proposal Price \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

Date: \_\_\_\_\_

WOMEN-OWNED BUSINESS ENTERPRISES UTILIZATION FORM

1. Name of Metro Project Household Hazardous Waste Transport & Disposal

2. Name of Proposer \_\_\_\_\_

Address of Proposer \_\_\_\_\_

3. The above-named Proposer intends to subcontract \_\_\_\_\_ percent of the Total Proposal Price to the following Women-Owned Business Enterprises (WBEs):

Names, Contact Persons, Addresses and Telephone Numbers of WBE Firms Proposer Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
--	----------------------------	-------------------------------------

_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		

Total \_\_\_\_\_

Amount of Total Proposal Price \_\_\_\_\_

WBE Percent of Total Proposal Price \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

Date: \_\_\_\_\_

METRO CODE SECTION 2.04.100  
Disadvantaged Business Program  
METROPOLITAN SERVICE DISTRICT  
Revised February, 1990

2.04.100 Disadvantaged Business Program, Purpose and Authority:

(a) It is the purpose of this ordinance to establish and implement a program to encourage the utilization by Metro of disadvantaged and women-owned businesses by creating for such businesses the maximum possible opportunity to compete for and participate in Metro contracting activities.

(b) The portions of this ordinance which relate to federally funded contracts are adopted pursuant to 49 CFR 23 and are intended to comply with all relevant federal regulations. Federal regulation 49 CFR 23 and its amendments implement section (105)(f) of the Surface Transportation Assistance Act of 1982 relating to the participation by Minority Business Enterprises in Department of Transportation programs.

(c) This ordinance shall be known and may be cited as the "Metro Disadvantaged Business Program," hereinafter referred to as the "Program."

(d) This ordinance supersedes the Metro "Minority Business Enterprise (MBE) Program" dated October 1980 and amended December 1982.

(Ordinance No. 83-165, Sec. 1; amended by Ordinance No. 84-181, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.105 Policy Statement:

(a) Through this Program, Metro:

(1) expresses its strong commitment to provide maximum opportunity to disadvantaged and women-owned businesses in contracting;

(2) informs all employees, governmental agencies and the general public of its intent to implement this policy statement; and

(3) assures conformity with applicable federal regulations as they exist or may be amended.

(b) It is the policy of Metro to provide equal opportunity to all persons to access and participate in the projects, programs and services of Metro. Metro and Metro contractors will not discriminate against any person or firm on the basis of race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

(c) The policies, practices and procedures established by this ordinance shall apply to all Metro departments and project areas except as expressly provided in this ordinance.

(d) The objectives of the program shall be:

(1) to assure that provisions of this ordinance are adhered to by all Metro departments, contractors, employees and USDOT subrecipients and contractors.

(2) to initiate and maintain efforts to increase program participation by disadvantaged and women businesses.

(e) Metro accepts and agrees to the statements of 49 CFR §23.43(a)(1) and (2), and said statements shall be included in all USDOT agreements with USDOT subrecipients and in all USDOT assisted contracts between Metro or USDOT subrecipients and any contractor.

(Ordinance No. 83-165, Sec. 2; amended by Ordinance No. 84-181, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.110 Definitions: For purposes of this Ordinance, the following definitions shall apply:

(a) APPLICANT -- one who submits an application, request or plan to be approved by a USDOT official or by Metro as a condition to eligibility for Department of Transportation (USDOT) financial assistance; and "application" means such an application, request or plan.

(b) CONSTRUCTION CONTRACT -- means a contract for construction of buildings or other facilities, and includes reconstruction, remodeling and all activities which are appropriately associated with a construction project.

(c) CONTRACT -- means a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and the buyer to pay for them. For purposes of this ordinance a lease or a purchase order of \$500.00 or more is a contract.

(d) CONTRACTOR -- means the one who participates, through a contract or subcontract, in the Program and includes lessees.

(e) DEPARTMENT or "USDOT" -- means the United States Department of Transportation, including its operating elements.

(f) DISADVANTAGED BUSINESS ENTERPRISE or DBE -- means a small business concern which is certified by an authorized agency and:

(1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly-owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

For purposes of USDOT assisted contracts, the term Disadvantaged Business Enterprise shall be deemed to include Women-Owned Business Enterprises.

(g) EXECUTIVE DEPARTMENT -- means the State of Oregon's Executive Department.

(h) JOINT VENTURE -- is defined as an association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge. In a joint venture between a DBE/WBE and non-DBE/WBE, the DBE/WBE must be responsible for a clearly defined portion of the work to be performed and must share in the ownership, control, management responsibilities, risks and profits of the joint venture. A joint venture of a DBE/WBE and a non-DBE/WBE must receive Metro approval prior to contract award to be counted toward any DBE/WBE contract goals.

(i) LABOR AND MATERIALS CONTRACT -- is a contract including a combination of service and provision of materials other than construction contracts. Examples may include plumbing repair, computer maintenance or electrical repair, etc.

(j) LESSEE -- means a business or person that leases, or is negotiating to lease, property from a recipient or the Department on the recipient's or Department's facility for the purpose of operating a transportation-related activity or for the provision of goods or services to the facility or to the public on the facility.

(k) OREGON DEPARTMENT OF TRANSPORTATION OR "ODOT" -- means the State of Oregon's Department of Transportation.

(l) PERSONAL SERVICES CONTRACT -- means a contract for services of a personal or professional nature.

(m) PROCUREMENT CONTRACT -- means a contract for the purchase or sale of supplies, materials, equipment, furnishings or other goods not associated with a construction or other contract.

(n) RECIPIENT -- means any entity, public or private, to whom USDOT financial assistance is extended, directly or through another recipient for any program.

(o) SMALL BUSINESS CONCERN -- means a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

(p) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS OR DISADVANTAGED INDIVIDUALS -- means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans or Asian-Indian Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act. Certifying recipients shall make a rebuttable presumption that individuals in the following groups are socially and economically disadvantaged. Certifying recipients also may determine, on a case-by-case basis, that individuals who are not a member of one of the following groups are socially and economically disadvantaged:

- (1) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- (2) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Portuguese-American, Spanish culture or origin, regardless of race;
- (3) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- (4) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas; and
- (5) "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh.

(q) USDOT ASSISTED CONTRACT -- means any contract or modification of a contract between Metro and a contractor which is paid for in whole or in part with USDOT financial assistance.

(r) USDOT FINANCIAL ASSISTANCE -- means financial aid provided by USDOT or the United States Railroad Association to a recipient, but does not include a direct contract. The financial aid may be provided directly in the form of actual money, or indirectly in the form of guarantees authorized by statute as financial assistance services of Federal personnel, title or other interest in real or personal property transferred for less than fair market value, or any other arrangement through which the recipient benefits financially, including licenses for the construction or operation of a Deep Water Port.



(s) WOMEN-OWNED BUSINESS ENTERPRISE or WBE -- means a small business concern, as defined pursuant to section 3 of the Small Business Act and implementing regulations which is owned and controlled by one or more women and which is certified by an authorized agency. "Owned and controlled" means a business which is at least 51 percent owned by one or more women or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more women, and whose management and daily business operations are controlled by one or more women. For purposes of USDOT assisted contracts, the term Disadvantaged Business Enterprise shall be deemed to include Women-Owned Business Enterprises.

(Ordinance No. 165, Sec. 3; amended by Ordinance No. 84-181, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.115 Notice to Contractors, Subcontractors and Subrecipients: Contractors, subcontractors and subrecipients of Metro accepting contracts or grants under the Program which are USDOT-assisted shall be advised that failure to carry out the requirements set forth in 49 CFR 23.43(a) shall constitute a breach of contract and, after notification by Metro, may result in termination of the agreement or contract by Metro or such remedy as Metro deems appropriate. Likewise, contractors of Metro accepting locally-funded contracts under the Program shall be advised that failure to carry out the applicable provisions of the Program shall constitute a breach of contract and, after notification by Metro, may result in termination or such other remedy as Metro deems appropriate.

(Ordinance No. 83-165, Sec. 4; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.120 Liaison Officer:

(a) The Executive Officer shall by executive order, designate a Disadvantaged Business Liaison Officer and, if necessary, other staff adequate to administer the Program. The Liaison Officer shall report directly to the Executive Officer on matters pertaining to the Program.

(b) The Liaison Officer shall be responsible for developing, managing and implementing the program, and for disseminating information on available business opportunities so that DBEs and WBEs are provided an equitable opportunity to bid on Metro contracts. In addition to the responsibilities of the Liaison Officer, all department heads and program managers shall have responsibility to assure implementation of the Program.

(Ordinance No. 83-165, Sec. 5; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.125 Directory: A directory of DBEs and WBEs certified by ODOT or the Executive Department, as applicable shall be maintained by the Liaison Officer to facilitate identifying such businesses with capabilities relevant to general contracting requirements and particular solicitations. The directory shall be available to contract bidders and proposers in their efforts to meet Program requirements.

(Ordinance No. 83-165, Sec. 6; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.130 Minority-Owned Banks: Metro will seek to identify minority-owned banks within the policies adopted by the Metro Council and make the greatest feasible use of their services. In addition, Metro will encourage prime contractors, subcontractors and consultants to utilize such services by sending them brochures and service information on certified DBE/WBE banks.

(Ordinance No. 83-165, Sec. 7; amended by Ordinance No. 84-181, Sec. 3; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.135 Affirmative Action and Equal Opportunity Procedures: Metro shall use affirmative action techniques to facilitate DBE and WBE participation in contracting activities. These techniques include:

(a) Arranging solicitations, time for the presentation of bids, quantities specifications, and delivery schedules so as to facilitate the participation of DBEs and WBEs.

(b) Referring DBEs and WBEs in need of management assistance to established agencies that provide direct management assistance to such businesses.

(c) Carrying out information and communications programs on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual where appropriate.

(d) Distribution of copies of the program to organizations and individuals concerned with DBE/WBE programs.

(e) Periodic reviews with department heads to insure that they are aware of the program goals and desired activities on their parts to facilitate reaching the goals. Additionally, departmental efforts toward and success in meeting DBE/WBE goals



for department contracts shall be factors considered during annual performance evaluations of the department heads.

(f) Monitor and insure that Disadvantaged and Women Business Enterprise planning centers and likely DBE/WBE contractors are receiving requests for bids, proposals and quotes.

(g) Study the feasibility of certain USDOT-assisted contracts and procurements being set aside for DBE/WBE participation.

(h) Distribution of lists to potential DBE/WBE contractors of the types of goods and services which Metro regularly purchases.

(i) Advising potential DBE/WBE vendors that Metro does not certify DBE/WBEs, and directing them to ODOT until December 31, 1987, and, thereafter, to the Executive Department.

(j) Specifying purchases by generic title rather than specific brand name whenever feasible.

(k) Establishing an interdepartmental contract management committee which will meet regularly to monitor and discuss, among other issues, potential DBE and WBE participation in contracts. In an effort to become more knowledgeable regarding DBE and WBE resources, the committee shall also invite potential DBE and WBE contractors to attend selected meetings.

(l) Requiring that at least one DBE or WBE vendor or contractor be contacted for all contract awards which are not exempt from Metro's contract selection procedures and which are 1) for more than \$500 but not more than \$15,001 in the case of non-personal services contracts; and 2) for more than \$2,500 but not more than \$10,001 for personal services contracts. The Liaison Officer may waive this requirement if he/she determines that there are no DBEs or WBEs on the certification list capable of providing the service or item. For contracts over the dollar amounts indicated in this section, all known DBEs and WBEs in the business of providing the service or item(s) required shall be mailed bid or proposal information.

(m) The Executive Officer or his/her designee, may establish and implement additional affirmative action techniques which are designed to facilitate participation of DBEs and WBEs in Metro contracting activities.

(Ordinance No. 83-165, Sec. 8; amended by Ordinance No. 84-181, Sec. 4; Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)



2.04.140 Certification of Disadvantaged Business Eligibility:

(a) To participate in the Program as a DBE or WBE, contractors, subcontractors and joint ventures must have been certified by an authorized certifying agency as described in subsection (b) of this section.

(b) Metro will not perform certification or recertification of businesses or consider challenges to socially and economically disadvantaged status. Rather Metro will rely upon the certification and recertification processes of ODOT and will utilize ODOT's certification list until December 31, 1987, and, thereafter, the Executive Department's list in determining whether a prospective contractor or subcontractor is certified as a DBE or WBE. A prospective contractor or subcontractor must be certified as a DBE or WBE by one of the above agencies, as applicable, and appear on the respective certification list of said agency, prior to the pertinent bid opening or proposal submission date to be considered by Metro to be an eligible DBE or WBE and be counted toward meeting goals. Metro will adhere to the Recertification Rulings resulting from 105(f) or state law, as applicable.

(c) Prospective contractors or subcontractors which have been denied certification by one of the above agencies may appeal such denial to the certifying agency pursuant to applicable law. However, such appeal shall not cause a delay in any contract award by Metro. Decertification procedures for USDOT-assisted contractor or potential contractors will comply with the requirements of Appendix A "Section by Section Analysis" of the July 21, 1983, Federal Register, Vol. 45, No. 130, p. 45287, and will be administered by the agency which granted certification.

(d) Challenges to certification or to any presumption of social or economic disadvantage with regard to the USDOT-assisted portion of this Program, as provided for in 49 CFR 23.69, shall conform to and be processed under the procedures prescribed by each agency indicated in paragraph (b) of this section. That challenge procedure provides that:

(1) Any third party may challenge the socially and economically disadvantaged status of any individual (except an individual who has a current 8(a) certification from the Small Business Administration) presumed to be socially and economically disadvantaged if that individual is an owner of a firm certified by or seeking certification from the certifying agency as a disadvantaged business. The challenge shall be made in writing to the recipient.

(2) With its letter, the challenging party shall include all information available to it relevant to

a determination of whether the challenged party is in fact socially and economically disadvantaged.

(3) The recipient shall determine, on the basis of the information provided by the challenging party, whether there is reason to believe that the challenged party is in fact not socially and economically disadvantaged.

(i) If the recipient determines that there is not reason to believe that the challenged party is not socially and economically disadvantaged, the recipient shall so inform the challenging party in writing. This terminates the proceeding.

(ii) If the recipient determines that there is reason to believe that the challenged party is not socially and economically disadvantaged, the recipient shall begin a proceeding as provided in paragraphs (b), (4), (5) and (6) of this paragraph.

(4) The recipient shall notify the challenged party in writing that his or her status as a socially and economically disadvantaged individual has been challenged. The notice shall identify the challenging party and summarize the grounds for the challenge. The notice shall also require the challenged party to provide to the recipient, within a reasonable time, information sufficient to permit the recipient to evaluate his or her status as a socially and economically disadvantaged individual.

(5) The recipient shall evaluate the information available to it and make a proposed determination of the social and economic disadvantage of the challenged party. The recipient shall notify both parties of this proposed determination in writing, setting forth the reasons for its proposal. The recipient shall provide an opportunity to the parties for an informal hearing, at which they can respond to this proposed determination in writing and in person.

(6) Following the informal hearing, the recipient shall make a final determination. The recipient shall inform the parties in writing of the final determination, setting forth the reasons for its decision.

(7) In making the determinations called for in paragraphs (b)(3)(5) and (6) of this paragraph, the recipient shall use the standards set forth in Appendix C of this subpart.

(8) During the pendency of a challenge under this section, the presumption that the challenged party is a socially and economically disadvantaged individual shall remain in effect." 49 CFR 23.69.

(Ordinance No. 83-165, Sec. 9; amended by Ordinance No. 84-181, Sec. 5; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.145 Annual Disadvantaged Business Goals:

(a) The Metro Council shall, by resolution each June, establish annual DBE goals and for locally-funded contracts, separate WBE goals for the ensuing fiscal year. Such annual goals shall be established separately for construction contracts, labor and materials contracts, personal services contracts, procurement contracts, and USDOT assisted contracts regardless of type.

(b) Annual goals will be established taking into consideration the following factors:

(1) projection of the number and types of contracts to be awarded by Metro;

(2) projection of the number, expertise and types of DBEs and WBEs likely to be available to compete for the contracts;

(3) past results of Metro's efforts under the Program;

(4) for USDOT-assisted contract goals, existing goals of other local USDOT recipients and their experience in meeting these goals; and

(5) for locally-funded contract goals, existing goals of other Portland metropolitan area contracting agencies, and their experience in meeting these goals.

(c) Annual goals for USDOT-assisted contracts must be approved by the United States Department of Transportation. 49 CFR §23.45(g)(3).



(d) Metro will publish notice that the USDOT-assisted contract goals are available for inspection when they are submitted to USDOT or other federal agencies. They will be made available for 30 days following publication of notice. Public comment will be accepted for 45 days following publication of the notice.

(e) Metro will publish notice regarding proposed locally-funded contract goals not later than ten (10) days prior to adoption of the goals.

(Ordinance No. 83-165, Sec. 10; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

#### 2.04.150 Contract Goals:

(a) The annual goals established for construction contracts shall apply as individual contract goals for construction contracts over \$50,000.

(b) The Liaison Officer may set a contract goal for any contract other than construction contracts over \$25,000. The setting of such contract goal shall be made in writing prior to the solicitation of bids for such contract. Contract goals for contracts other than construction contracts over \$50,000 shall be set at the discretion of the Liaison Officer and shall not be tied, necessarily, to the annual goal for such contract type.

(c) Even though no DBE/WBE goals are established at the time that bid/proposal documents are drafted, the Liaison Officer may direct the inclusion of a clause in any RFP or bid documents for any contract described in this section which requires that the prime contractor, prior to entering into any subcontracts, make good faith efforts, as that term is defined in Section 2.04.160, to achieve DBE/WBE participation in the same goal amount as the current annual goal for that contract type.

(d) Contract goals may be complied with pursuant to Section 2.04.160 and/or 2.04.175. The extent to which DBE/WBE participation will be counted toward contract goals is governed by the latter section.

(Ordinance No. 83-165, Sec. 11; repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

#### 2.04.155 Contract Award Criteria:

(a) To be eligible for award of contracts containing a DBE/WBE goal, prime contractors must either meet or exceed the



specific goal for DBE and WBE participation, or prove that they have made good faith efforts to meet the goal prior to the time bids are opened or proposal are due. Bidders/Proposers are required to utilize the most current list of DBEs and WBES certified by ODOT until December 31, 1987, and, thereafter, by the Executive Department, in all of the bidders'/proposers' good faith efforts solicitations. The address where certified lists may be obtained shall be included in all applicable bid/proposal documents.

(b) All invitations to bid or request for proposals on contracts for which goals have been established shall require all bidders/proposers to submit with their bids and proposals a statement indicating that they will comply with the contract goal or that they have made good faith efforts as defined in Section 2.04.160 to do so. To document the intent to meet the goals, all bidders and proposers shall complete and endorse a Disadvantaged Business Program Compliance form and include said form with bid or proposal documents. The form shall be provided by Metro with bid/proposal solicitations.

(c) Agreements between a bidder/proposer and a DBE/WBE in which the DBE/WBE promises not to provide subcontracting quotations to other bidders/proposers are prohibited.

(d) Apparent low bidders/proposers shall, by the close of the next working day following bid opening (or proposal submission date when no public opening is had), submit to Metro detailed DBE and WBE Utilization Forms listing names of DBEs and WBES who will be utilized and the nature and dollar amount of their participation. This form will be binding upon the bidder/proposer. Within five working days of bid opening or proposal submission date, such bidders/proposers shall submit to Metro signed Letters of Agreement between the bidder/proposer and DBE/WBE subcontractors and suppliers to be utilized in performance of the contract. A sample Letter of Agreement will be provided by Metro. The DBE and WBE Utilization Forms shall be provided by Metro with bid/proposal documents.

(e) An apparent low bidder/proposer who states in its bid/proposal that the DBE/WBE goals were not met but that good faith efforts were performed shall submit written evidence of such good faith efforts within two working days of bid opening or proposal submission in accordance with Section 2.04.160. Metro reserves the right determine the sufficiency of such efforts.

(f) Except as provided in paragraph (g) of this section, apparent low bidders or apparent successful proposers who state in their bids/proposals that they will meet the goals or will show good faith efforts to meet the goals, but who fail to comply with paragraph (d) or (e) of this section, shall have their bids or proposals rejected and shall forfeit any required bid security



or bid bond. In that event the next lowest bidder or, for personal services contracts, the firm which scores second highest shall, within two days of notice of such ineligibility of the low bidder, submit evidence of goal compliance or good faith effort as provided above. This process shall be repeated until a bidder or proposer is determined to meet the provisions of this section or until Metro determines that the remaining bids are not acceptable because of amount of bid or otherwise.

(g) The Liaison Officer, at his or her discretion, may waive minor irregularities in a bidder's or proposer's compliance with the requirements of this section provided, however, that the bid or proposal substantially complies with public bidding requirements as required by applicable law.

(Ordinance No. 83-165, Sec. 12; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

#### 2.04.160 Determination of Good Faith Efforts:

(a) Bidders or Proposers on USDOT-assisted contracts to which DBE goals apply must, to be eligible for contract award, comply with the applicable contract goal or show that good faith efforts have been made to comply with the goal. Good faith efforts should include at least the following standards established in the amendment to 49 CFR §23.45(h), Appendix A, dated Monday, April 27, 1981. A showing of good faith efforts must include written evidence of at least the following:

(1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform disadvantaged and women business enterprises of contracting and subcontracting or material supply opportunities available on the project;

(2) Advertisement in trade association, general circulation, minority and trade-oriented, women-focus publications, if any and through a minority-owned newspaper or minority-owned trade publication concerning the sub-contracting or material supply opportunities at least 10 days before bids or proposals are due.

(3) Written notification to a reasonable number but no less than five (5) DBE firms that their interest in the contract is solicited. Such efforts should include the segmenting of work to be subcontracted to the extent consistent with the size and capability of DBE firms in order to provide reasonable subcontracting opportunities. Each bidder should send solicitation letters inviting

quotes or proposals from DBE firms, segmenting portions of the work and specifically describing, as accurately as possible, the portions of the work for which quotes or proposals are solicited from DBE firms and encouraging inquiries for further details. Letters that are general and do not describe specifically the portions of work for which quotes or proposals are desired are discouraged, as such letters generally do not bring responses. It is expected that such letters will be sent in a timely manner so as to allow DBE sufficient opportunity to develop quotes or proposals for the work described.

(4) Evidence of follow-up to initial solicitations of interest, including the following:

(A) the names, addresses, telephone numbers of all DBE contacted;

(B) a description of the information provided to DBE firms regarding the plans and specifications for portions of the work to be performed; and

(C) a statement of the reasons for non-utilization of DBE firms, if needed to meet the goal.

(5) Negotiation in good faith with DBE firms. The bidder shall not, without justifiable reason, reject as unsatisfactory bids prepared by any DBE firms;

(6) Where applicable, the bidder must provide advice and assistance to interested DBE firms in obtaining bonding, lines of credit or insurance required by Metro or the bidder;

(7) Overall, the bidder's efforts to obtain DBE participation must be reasonably expected to produce a level of participation sufficient to meet Metro's goals; and

(8) The bidder must use the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs.



(b) Bidders or proposers on locally-funded contracts to which DBE/WBE goals apply shall achieve the applicable contract goal or demonstrate that they have made good faith efforts to achieve the goals. Good faith efforts shall include written documentation of at least the following actions by bidders:

(1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform DBEs and WBEs of contracting and subcontracting or material supply opportunities available on the project;

Documentation required: Signature of representative of bidder or proposer on prebid meeting attendance sheet.

(2) Identifying and selecting specific economically feasible units of the project to be performed by DBEs or WBEs to increase the likelihood of participation by such enterprises;

Minimum documentation required: At least the documentation required under subsection (4) below.

(3) Advertising in, at a minimum, a newspaper of general circulation, and trade association, minority and trade oriented, women-focused publications, if any, concerning the subcontracting or material supply opportunities on the project at least ten (10) days before bids or proposals are due;

Documentation required: copies of ads published.

(4) Providing written notice soliciting sub-bids/proposals to not less than five (5) DBEs or WBEs for each subcontracting or material supply work item selected pursuant to (2) above not less than ten (10) days before bids/proposals are due.

If there are less than five certified DBEs/WBEs listed for that work or supply specialty then the solicitation must be mailed to at least the number of DBEs/WBEs listed for that specialty. The solicitation shall include a description of the work for which subcontract bids/proposals are requested and complete information on bid/proposal deadlines along with details regarding where project specifications may be reviewed.

Documentation required: Copies of all solicitation letters sent to DBE/WBE along with a written statement from the bidder/proposer that all the

letters were sent by regular or certified mail not less than 10 days before bids/proposals were due.

(5) Making, not later than five days before bids/proposals are due, follow-up phone calls to all DBEs/WBEs who have not responded to the solicitation letters to determine if they would be submitting bids and/or to encourage them to do so.

Minimum documentation required: Log showing a) dates and times of follow-up calls along with names of individuals contacted and individuals placing the calls; and b) results attained from each DBE/WBE to whom a solicitation letter was sent (e.g., bid submitted, declined, no response). In instances where DBE/WBE bids were rejected, the dollar amount of the bid rejected from the DBE/WBE must be indicated along with the reason for rejection and the dollar amount of the bid which was accepted for that subcontract or material supply item.

(6) Using the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs; where applicable, advising and assisting DBEs and WBEs in obtaining lines of credit or insurance required by Metro or the bidder/proposer; and, otherwise, making efforts to encourage participation by DBEs and WBEs which could reasonably be expected to produce a level of participation sufficient to meet the goals.

Minimum documentation required: Letter from bidder/proposer indicating all special efforts made to facilitate attainment of contract goals, the dates such actions were taken and results realized.

(7) Notwithstanding any other provision of this section, bidders and proposers on locally-funded contracts to which DBE/WBE goals apply need not accept the bid of a DBE or WBE on any particular subcontract or material supply item if the bidder/proposer demonstrates that none of the DBEs or WBEs submitting bids were the lowest responsible, responsive and qualified bidders/proposers on that particular subcontract item and that the subcontract item was awarded to the lowest responsible, responsive bidder/proposer.

Metro reserves the right to require additional written documentation of good faith efforts and bidders and proposers shall comply with all such requirements by Metro. It shall be a rebuttable presumption that a bidder or proposer has made a good faith effort to comply with the contract goals if the bidder has performed and submits written documentation of all of the above actions. It shall be a rebuttable presumption that the bidder has not made a good faith effort if the bidder has not performed or has not submitted documentation of all of the above actions.

(Ordinance No. 83-165, Sec. 13; amended by Ordinance No. 84-181, Sec. 6 and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.165 Replacement of DBE or WBE Subcontractors: Prime contractors shall not replace a DBE/WBE subcontractor with another subcontractor, either before contract award or during contract performance, without prior Metro approval. Prime contractors who replace a DBE or WBE subcontractor shall replace such DBE/WBE subcontractor with another certified DBE/WBE subcontractor or make good faith efforts as described in the preceding section to do so.

(Ordinance No. 83-165, Sec. 14; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.170 Records and Reports:

(a) Metro shall develop and maintain a recordkeeping system to identify and assess DBE and WBE contract awards, prime contractors' progress in achieving goals and affirmative action efforts. Specifically, the following records will be maintained:

- (1) Awards to DBEs and WBEs by number, percentage and dollar amount.
- (2) A description of the types of contracts awarded.
- (3) The extent to which goals were exceeded or not met and reasons therefor.

(b) All DBE and WBE records will be separately maintained. Required DBE and WBE information will be provided to federal agencies and administrators on request.



(c) The Liaison Officer shall prepare reports, at least semiannually, on DBE and WBE participation to include the following:

- (1) the number of contracts awarded;
- (2) categories of contracts awarded;
- (3) dollar value of contracts awarded;
- (4) percentage of the dollar value of all contracts awarded to DBE/WBE firms in the reporting period;  
and
- (5) the extent to which goals have been met or exceeded.

(Ordinance No. 83-165, Sec. 15; amended by Ordinance No. 84-181, Sec. 7, and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.175 Counting Disadvantaged Business Participation Toward Meeting Goals:

(a) DBE/WBE participation shall be counted toward meeting the goals on each contract as follows:

(1) Subject to the limitations indicated in paragraphs (2) through (8) below, the total dollar value of a prime contract or subcontract to be performed by DBEs or WBEs is counted toward the applicable goal for contract award purposes as well as annual goal compliance purposes.

(2) The total dollar value of a contract to a disadvantaged business owned and controlled by both disadvantaged males and non-disadvantaged females is counted toward the goals for disadvantaged businesses and women, respectively, in proportion to the percentage of ownership and control of each group in the business.

The total dollar value of a contract with a disadvantaged business owned and controlled by disadvantaged women is counted toward either the disadvantaged business goal or the goal for women, but not to both. Metro shall choose the goal to which the contract value is applied.

(3) Metro shall count toward its goals a portion of the total dollar value of a contract with an eligible joint venture equal to the percentage of



the ownership and control of the disadvantaged or female business partner in the joint venture.

(4) Metro shall count toward its goals only expenditures to DBEs and WBEs that perform a commercially useful function in the work of a contract. A DBE or WBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing and supervising the work involved. To determine whether a DBE or WBE is performing a commercially useful function, Metro shall evaluate the amount of work subcontracted, industry practices and other relevant factors.

(5) Consistent with normal industry practices, a DBE or WBE may enter into subcontracts. If a DBE or WBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the DBE or WBE shall be presumed not to be performing a commercially useful function. The DBE or WBE may present evidence to Metro to rebut this presumption. Metro's decision on the rebuttal of this presumption is subject to review by USDOT for USDOT-assisted contracts.

(6) A DBE or WBE which provides both labor and materials may count toward its disadvantaged business goals expenditures for materials and supplies obtained from other than DBE or WBE suppliers and manufacturers, provided that the DBE or WBE contractor assumes the actual and contractual responsibility for the provision of the materials and supplies.

(7) Metro shall count its entire expenditure to a DBE or WBE manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale).

(8) Metro shall count against the goals 60 percent of its expenditures to DBE or WBE suppliers that are not manufacturers, provided that the DBE or WBE supplier performs a commercially useful function in the supply process.

(9) When USDOT funds are passed-through by Metro to other agencies, any contracts made with those funds and any DBE participation in those contracts shall only be counted toward Metro's goals. Likewise, any

USDOT funds passed-through to Metro from other agencies and then used for contracting shall count only toward that agency's goals. Project managers responsible for administration of pass-through agreements shall include the following language in those agreements:

(a) Policy. It is the policy of the Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this agreement.

(b) MBE Obligation. The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under this agreement. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of USDOT-assisted contracts."

(b) DBE or WBE participation shall be counted toward meeting annual goals as follows:

(1) Except as otherwise provided below, the total dollar value of any contract which is to be performed by a DBE or WBE is counted toward meeting annual goals.

(2) The provisions of paragraphs (a)(2) through (a)(8) of this section, pertaining to contract goals, shall apply equally to annual goals.

(Ordinance No. 83-165, Sec. 16; amended by Ordinance No. 84-181, Sec. 8; and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.180 Compliance and Enforcement:

(a) Metro shall reserve the right, at all times during the period of any contract, to monitor compliance with the terms of this chapter and the contract and with any representation made by a contractor prior to contract award pertaining to DBE and WBE participation in the contract.

(b) The Liaison Officer may require, at any stage of contract completion, documented proof from the contractor of actual DBE and WBE participation.

(Ordinance No. 83-165, Sec. 17; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

**ATTACHMENT 5**

**Proposal Bond Form  
Surety Form**

PROPOSAL BOND

KNOW ALL MEN BY THESE PRESENTS, that \_\_\_\_\_

hereinafter called Principal, and \_\_\_\_\_,

a corporation duly organized and existing under and by virtue of the laws of the State of Oregon and duly authorized to do Surety business in the State of Oregon, are held and firmly bound unto

\_\_\_\_\_ hereinafter called the OBLIGEE, in the penal sum of FIVE HUNDRED AND NO 100THS DOLLARS (\$500.00) for payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS the PRINCIPAL is herewith submitting his/her or its Proposal for Household Hazardous Waste Transportation and Disposal, said Proposal, by reference thereto, being hereby made a part hereof.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

If the Proposal by the PRINCIPAL is accepted, and the Contract awarded to the PRINCIPAL, and if the PRINCIPAL shall execute the proposed Contract and shall furnish such Bond or Letter of Credit and other documents as required by the Contract Documents within the time fixed by the Contract, then this obligation shall be null and void; if the PRINCIPAL shall withdraw its Proposal within sixty (60) days of the Proposal opening date or otherwise fail to execute the proposed Contract and furnish such Bond, Letter of Credit or other documents, the SURETY hereby agrees to pay to the OBLIGEE the penal sum as liquidated damages, within ten (10) days of such failure.

IN WITNESS WHEREOF, we have hereunto set our hands and seals \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
PRINCIPAL

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
SURETY

By: \_\_\_\_\_

Title: \_\_\_\_\_

**SURETY**

If the Proposer is awarded a Contract on this Proposal, the Surety who provides the Performance Bond and Labor and Materials Payment Bond

will be \_\_\_\_\_ whose address is  
Name

\_\_\_\_\_  
Street City

\_\_\_\_\_. which is the address to which all  
State Zip Code

communications concerned with this Proposal and with the Contract shall be sent. The names of the principal officers of the corporation submitting this Proposal, or of the partnership, or of all persons interested in the Proposal as principals are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the Proposer domiciled or registered to do business in the state of Oregon Yes\_\_\_ No\_\_\_

Proposers not domiciled or registered to do business in Oregon who are awarded a public Contract in excess of \$10,000 must report to the Oregon Department of Revenue as provided in ORS 279.021.

IN WITNESS, hereto the undersigned has set his/her (its) hand this \_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Signature of Proposer

\_\_\_\_\_  
Title



ATTACHMENT 6

PUBLIC CONTRACT

THIS Contract is entered into between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, whose address is 2000 S.W. First Avenue, Portland, Oregon 97201-5398, hereinafter referred to as "METRO," and \_\_\_\_\_, whose address is \_\_\_\_\_ 97\_\_\_\_, hereinafter referred to as the "CONTRACTOR."

THE PARTIES AGREE AS FOLLOWS:

ARTICLE I

SCOPE OF WORK

CONTRACTOR shall perform the work and/or deliver to METRO the goods described in the Scope of Work attached hereto as Attachment A. All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

ARTICLE II

TERM OF CONTRACT

The term of this Contract shall be for the period commencing \_\_\_\_\_, 19\_\_ through and including \_\_\_\_\_, 19\_\_.

ARTICLE III

CONTRACT SUM AND TERMS OF PAYMENT

METRO shall compensate the CONTRACTOR for work performed and/or goods supplied as described in Attachment B. Metro shall not be

responsible for payment of any materials, expenses or costs other than those which are specifically included in Attachment B.

#### ARTICLE IV

##### LIABILITY AND INDEMNITY

CONTRACTOR is an independent contractor and assumes full responsibility for the content of its work and performance of CONTRACTOR's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Contract, and shall indemnify and hold harmless METRO, its agents and employees, from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Contract. CONTRACTOR is solely responsible for paying CONTRACTOR's subcontractors. Nothing in this Contract shall create any contractual relationship between any subcontractor and METRO.

#### ARTICLE V

##### TERMINATION

METRO may terminate this Contract upon giving CONTRACTOR seven (7) days written notice. In the event of termination, CONTRACTOR shall be entitled to payment for work performed to the date of termination. METRO shall not be liable for indirect or consequential damages. Termination by METRO will not waive any claim or remedies it may have against CONTRACTOR.

## ARTICLE VI

### INSURANCE

CONTRACTOR shall maintain such insurance as will protect CONTRACTOR from claims under Workers' Compensation Acts and other employee benefits acts covering all of CONTRACTOR's employees engaged in performing the work under this Contract; and from claims for damages because of bodily injury, including death and damages to property, all with coverage limits satisfactory to METRO. Liability insurance shall have minimum coverage limits of at least the dollar amounts listed in ORS 30.270. Additional coverage may be required in the Scope of Work attached hereto. This insurance must cover CONTRACTOR's operations under this Contract, whether such operations be by CONTRACTOR or by any subcontractor or anyone directly or indirectly employed by either of them. CONTRACTOR shall immediately increase the amounts of liability insurance required to reflect any changes in Oregon Law so that the insurance provided shall cover, at a minimum, the maximum liability limits under the Oregon Tort Claims Act.

If required in the Scope of Work attached hereto, CONTRACTOR shall provide METRO with a certificate of insurance complying with this article and naming METRO as an insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.

CONTRACTOR shall not be required to provide the liability insurance described in this Article if an express exclusion relieving CONTRACTOR of this requirement is contained in the Scope of Work.

## ARTICLE VII

### PUBLIC CONTRACTS

All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement, including, but not limited to, ORS 279.310 to 279.320. ORS Chapter 279 states, in part, that the Contractor, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage to all their subject workers. Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws chapter 684.

## ARTICLE VIII

### ATTORNEY'S FEES

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.

## ARTICLE IX

### QUALITY OF GOODS AND SERVICES

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality.

All workers and subcontractors shall be skilled in their trades.

CONTRACTOR guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by METRO, whichever is later. All guarantees and warranties of goods furnished to CONTRACTOR or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of METRO.

#### ARTICLE X

##### OWNERSHIP OF DOCUMENTS

All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by CONTRACTOR pursuant to this agreement are the property of METRO and it is agreed by the parties hereto that such documents are works made for hire. CONTRACTOR does hereby convey, transfer and grant to METRO all rights of reproduction and the copyright to all such documents.

#### ARTICLE XI

##### SUBCONTRACTORS; DISADVANTAGED BUSINESS PROGRAM

CONTRACTOR shall contact METRO prior to negotiating any subcontracts and CONTRACTOR shall obtain approval from METRO before entering into any subcontracts for the performance of any of the services and/or supply of any of the goods covered by this Contract.

METRO reserves the right to reasonably reject any subcontractor or supplier and no increase in the CONTRACTOR's compensation shall result thereby. All subcontracts related to this Contract shall include the

terms and conditions of this agreement. CONTRACTOR shall be fully responsible for all of its subcontractors as provided in Article IV.

If required in the Scope of Work, CONTRACTOR agrees to make a good faith effort, as that term is defined in METRO's Disadvantaged Business Program (Section 2.04.160 of the Metro Code) to reach the goals of subcontracting \_\_\_\_\_ percent of the contract amount to Disadvantaged Business Enterprise and \_\_\_\_\_ percent of the contract amount to Women-Owned Business Enterprise. METRO reserves the right, at all times during the period of this agreement, to monitor compliance with the terms of this paragraph and METRO's Disadvantaged Business Program.

#### ARTICLE XII

##### RIGHT TO WITHHOLD PAYMENTS

METRO shall have the right to withhold from payments due CONTRACTOR such sums as necessary, in METRO's sole opinion, to protect METRO against any loss, damage or claim which may result from CONTRACTOR's performance or failure to perform under this agreement or the failure of CONTRACTOR to make proper payment to any suppliers or subcontractors.

If a liquidated damages provision is contained in the Scope of Work and if CONTRACTOR has, in METRO's opinion, violated that provision, METRO shall have the right to withhold from payments due CONTRACTOR such sums as shall satisfy that provision. All sums withheld by METRO under this Article shall become the property of METRO and CONTRACTOR shall have no



right to such sums to the extent that CONTRACTOR has breached this Contract.

#### ARTICLE XIII

##### SAFETY

If services of any nature are to be performed pursuant to this agreement, CONTRACTOR shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

#### ARTICLE XIV

##### INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, General and Special Instructions to Bidders, Proposal, Scope of Work, and Specifications which were utilized in conjunction with the bidding of this Contract are hereby expressly incorporated by reference.

Otherwise, this Contract represents the entire and integrated agreement between METRO and CONTRACTOR and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both METRO and CONTRACTOR. The law of the state of Oregon shall govern the

construction and inter- pretation of this Contract.

ARTICLE XV

ASSIGNMENT

CONTRACTOR shall not assign any rights or obligations under or arising from this Contract without prior written consent from METRO.

\_\_\_\_\_  
METROPOLITAN SERVICE DISTRICT

By:

By:

Title:

Title:

Date:

Date:

AMH:BL:  
CONTRACT.FOR  
4/29/91