



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

7.1 Policy and Legal Authority

- 7.1.1 Ordinance No. 07-1138 adopted by the Metro Council on February 22, 2007 amended the Metro Code Chapters 5.01 and 5.05 to ensure that mixed non-putrescible waste material recovery facilities and reload facilities are operated in accordance with Metro administrative procedures and performance standards issued by the Chief Operating Officer
- 7.1.2 These administrative procedures and performance standards are published under the authority of Metro Code section 5.01.132, which directs the Chief Operating Officer to issue administrative procedures and performance standards governing the obligations of licensees and franchisees under Chapter 5.01 and are in addition to all requirements and provisions in Metro Code Chapter 5.01.
- 7.1.3 These administrative procedures and performance standards are organized into the following parts:

General Administration

- Definitions.
- Applicability.
- Variances.

Specific Performance Goals, Performance Standards and Operating Conditions

- Issue Specific Performance Goals.
- Facility Design Requirements.
- Performance Standards and Standard Operating Conditions (license or franchise requirements)

General Administrative and Legal Obligations for Operating

- Standard administrative and legal obligations included in a license

Attachment A – Standard Operating Condition Templates

- Material recovery facility license or franchise requirements.
- Reload facility license or franchise requirements.

Attachment B – Standard Application Form Templates

- Material recovery facility application form.
- Reload facility application form.

7.2 General Administration

7.2.1 Definitions

See Metro Code Chapter 5.01.010 for all applicable definitions.

7.2.2 Applicability

7.2.2.A New facilities. These administrative procedures and performance standards shall apply to all new non-putrescible mixed waste material recovery facilities and non-putrescible mixed waste reload facilities

7.2.2.B Existing facility phase-in and license/franchise renewal requirements. Upon adoption of the standards, existing facilities will have two years (until April, 2009) to demonstrate compliance with the requirement that all mixed non-putrescible waste tipping, sorting and reloading activities must occur on an asphalt or concrete surface and inside a roofed building that is enclosed on at least three sides. Other than that requirement, no additional design requirements will be required for existing facilities. However, any new or revised operating requirements will become part of a facility replacement license or franchise upon renewal for all facilities

7.2.3 Variances

7.2.3.A The Chief Operating Officer, upon recommendation of the Solid Waste and Recycling Department Director, may grant specific variances from particular requirements of the performance standards to applicants for licenses or to licensees upon such conditions as the Chief Operating Officer may deem necessary to protect public health, safety and welfare, if the Chief Operating Officer finds that the purpose and intent of the particular requirement can be achieved without compliance and that compliance with the particular requirement:

7.2.3.A.1 Is inappropriate because of conditions beyond the control of the applicant, or licensee requesting the variance; or

7.2.3.A.2. Due to special physical conditions or causes, will be rendered extremely burdensome or highly impractical.

7.2.3.B A variance must be requested by a license applicant, or a licensee, in writing and state in a concise manner facts to show cause why such variance should be granted. The Director of the Solid Waste and Recycling Department may make such investigation as the Director deems necessary and shall make a recommendation to the Chief Operating Officer to approve or deny the variance coincident with any recommendation made on approval or denial of any license application; or, upon a request for variance from an existing licensee, within 60 days after receipt of the variance request.

7.2.3.C A request for a variance shall not substitute for an application that would otherwise be required under Section 5.01.045 of the Metro Code.

7.2.3.D If the Chief Operating Officer denies a variance request, the Director of the Solid Waste and Recycling Department shall notify the person requesting the variance of the right to a contested case hearing pursuant to Code Chapter 2.05.

7.2.3.E If a request for a variance is denied, no new application for this same or substantially similar variance shall be filed for at least six months from the date of denial.

7.3 Specific Performance Goals, Performance Standards and Operating Conditions

This section identifies issue specific facility performance goals and the corresponding performance standards and operating conditions (license or franchise requirements).

7.3.1 Material Recovery

7.3.1.A Specific Performance Goal

7.3.1.A.1 Facilities that perform material recovery must be designed and operated to achieve the level of material recovery from mixed non-putrescible waste as specified in Metro Code.

7.3.1.A.2 Facility design and operations shall ensure that unprocessed mixed non-putrescible wastes and recyclables are protected from contamination from other solid wastes or degradation from wind and precipitation.

7.3.1.B Design requirement (to be addressed in application)

7.3.1.B.1 Describe how material recovery will be conducted at the facility. For example:

7.3.1.B.1.a waste sources (e.g. commercial, residential), expected incoming tonnage, and characteristics, and expected tons recovered, including commodities, and tons of waste to be disposed;

7.3.1.B.1.b the material recovery methods and equipment to be used on site (e.g., sorting lines, hand picking, magnets, etc.) ; and

7.3.1.B.1.c the general markets for the materials recovered at the facility (subject to confidential information provisions in Section 2 X).

7.3.1.B.2 Submit a proposed facility design providing asphalt or concrete surfaces and a roofed building that is enclosed on at least three sides for the tipping floor, processing (sorting) areas, storage and reloading areas.

7.3.1.C Performance Standards and Operating Requirements

7.3.1.C.1 The facility shall perform material recovery on mixed non-putrescible wastes. Recovery must be performed at no less than the minimum level stipulated in Metro Code Chapter 5.01 (at least 25% by weight of non-putrescible waste accepted at the facility).

7.3.1.C.2 Source-separated recyclable materials, including source-separated yard debris or wood wastes brought to the facility shall not be mixed with any other solid wastes.

7.3.1.C.3 Source-separated recyclable materials may not be disposed of by incineration or landfilling.

7.3.1.C.4 All mixed non-putrescible waste tipping, storage, sorting and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are

moved under cover prior to processing, or reloading within 12 hours of receipt, or by the end of the business day, whichever is earlier.

- 7.3.1.C.5 Mixed non-putrescible solid waste shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with source-separated recyclable materials, including wood waste, yard debris and other recyclables.

7.3.2 Reloading non-putrescible waste

7.3.2.A Specific Performance Goal

7.3.2.A.1 Non-putrescible waste reload facilities shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to a Metro authorized processing facility is conducted rapidly and efficiently.

7.3.2.A.2 Facility design and operations shall ensure that unprocessed non-putrescible wastes and recyclables are protected from contamination from other solid wastes or degradation from wind and precipitation.

7.3.2.B Design requirement (to be addressed in application)

7.3.2.B.1 Submit a facility design that supports the rapid and efficient reloading of solid waste. Describe the equipment and methods that will be used.

7.3.2.B.2 Submit a proposed design providing asphalt or concrete surfaces and a roofed structure, that is enclosed on at least three sides for the tipping floor, storage and reloading areas.

7.3.2.C Performance Standards and Operating Requirements

7.3.2.C.1 All mixed non-putrescible waste must be reloaded and transferred to a Metro authorized facility that conducts material recovery.

7.3.2.C.2 All unprocessed mixed non-putrescible waste must be removed from the site within 48 hours after it has been received.

7.3.2.C.3 All mixed non-putrescible waste tipping, storage and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover prior to reloading, within 12-hours of receipt, or by the end of the business day, whichever is earlier.

7.3.3 Dust, airborne debris and litter

7.3.3.A Specific Performance Goal

7.3.3.A.1 Minimize and mitigate the generation of dust, airborne debris and litter on-site and prevent its migration beyond property boundaries.

7.3.3.B Design requirement (to be addressed in application)

7.3.3.B.1 Submit a proposed design providing a roofed structure enclosed on at least three sides for the tipping floor, processing (sorting)

areas, and reloading areas. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover for processing within 12-hours of receipt or the end of the business day whichever is earlier.

7.3.3.B.2 Describe control measures to prevent fugitive dust, airborne debris and litter. The design shall provide for shrouding and dust prevention for the receiving area, processing area, reload area, and all dry processing equipment and all conveyor transfer points where dust is generated.

7.3.3.B.3 Provide a discussion of any additional facility design measures and procedures for the control of dust, windblown materials, airborne debris, litter and for the handling of the waste in the case of major processing facility breakdown.

7.3.3.C Performance Standards and Operating Requirements

7.3.3.C.1 The facility shall be operated in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and shall prevent its migration beyond property boundaries. The facility shall:

Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit.

7.3.3.C.2 Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.

Maintain, and operate all access roads, receiving, processing (including grinding), storage, and reload areas in such a manner as to minimize and mitigate dust and debris from being generated on-site and prevent such dust and debris from blowing or settling off-site.

7.3.3.C.3 Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation.

7.3.3.C.4 All mixed non-putrescible waste tipping, storage, sorting and reloading activities must occur on an impervious surface (e.g. asphalt or concrete) and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover prior to processing within 12-hours of receipt.

7.3.3.C.5 Mixed non-putrescible waste and processing residual may not be stored unless it is on an impervious surface (e.g. asphalt or concrete) within a covered building or alternatively, inside water tight covered or tarped containers or within covered or tarped transport trailers.

7.3.3.C.6 On-site facility access roads shall be maintained to prevent or control dust and to prevent or control the tracking of mud off-site.

7.3.4 Facility capacity

7.3.4.A Specific Performance Goal

7.3.4.A.1 The operational capacity of the facility or site shall not be exceeded.

7.3.4.B Design requirement (to be addressed in application)

7.3.4.B.1 Provide engineering plans/reports and specifications to document that the size and configuration of the facility grounds, building and equipment, including the facility layout, drainage structures, building design, and major facility equipment, processing systems and storage areas are of sufficient capacity to accommodate seasonal throughput of all materials that will be delivered to and generated by the facility.

7.3.4.C Performance Standards and Operating Requirements

7.3.4.C.1 Applicable standards are addressed in other sections.

7.3.5 Storage and exterior stockpiles

7.3.5.A Specific Performance Goal

7.3.5.A.1 Stored materials and solid wastes shall be suitably managed, contained and removed at sufficient frequency to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards.

7.3.5.B Design requirement (to be addressed in application)

7.3.5.B.1 The facility site plan shall identify stockpile footprints, the type of materials and the maximum height of each material stockpile.

7.3.5.B.2 The facility design must include processing systems and storage areas of sufficient capacity to accommodate seasonal throughput of all materials that are delivered to and generated by the facility.

7.3.5.C Performance Standards and Operating Requirements

7.3.5.C.1 Exterior stockpiles shall be positioned within footprints identified on the facility site plan. Stored materials and solid wastes shall be suitably managed, contained and removed at sufficient frequency to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards. Storage areas must be maintained in an orderly manner and kept free of litter.

7.3.5.C.2 Materials may not be stockpiled for longer than 180 days (6 months). Exceptions may be granted provided the facility has received written authority to store materials for longer periods of time based on a demonstrated need and the materials will be used productively and provided that such stockpiles will not create nuisances, health, safety or environmental problems.

7.3.5.C.3 Mixed non-putrescible waste or processing residual may not be stored on-site unless it is on an impervious surface (e.g. asphalt or concrete) within a covered building or alternatively, inside water tight covered or tarped containers or within covered or tarped

transport trailers.

- 7.3.5.C.4 All non-putrescible waste processing residual shall at all times be kept physically separated from, and shall not be mixed or allowed to commingle at any time with, other source-separated recyclable or recovered materials, including wood waste, yard debris and other recyclables.

7.3.6 Fire prevention

- 7.3.6.A Specific Performance Goal
 - 7.3.6.A.1 Provide adequate fire prevention, protection, and control measures.
- 7.3.6.B Design requirement (to be addressed in application)
 - 7.3.6.B.1 Submit proof of compliance with local and state fire codes. Stockpiles shall be located, sized and configured as required by local fire authorities.
 - 7.3.6.B.2 Identify water sources for fire suppression and layout that allows for isolation of potential heat sources.
- 7.3.6.C Performance Standards and Operating Requirements
 - 7.3.6.C.1 The operator shall provide fire prevention, protection, and control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the processing area.

7.3.7 Qualified operator

- 7.3.7.A Specific Performance Goal
 - 7.3.7.A.1 Provide a qualified operator on-site during all hours of operation to carry out the functions required by the license and operating plan.
- 7.3.7.B Design requirement (to be addressed in application)
 - 7.3.7.B.1 Not applicable.
- 7.3.7.C Performance Standards and Operating Requirements
 - 7.3.7.C.1 The facility shall, during all hours of operation, provide a qualified and competent operating staff.
 - 7.3.7.C.2 Facility personnel, as relevant to their job duties and responsibilities, shall be familiar with the relevant provisions of the license and the relevant procedures contained within the facility's operating plan.
 - 7.3.7.C.3 A qualified operator must be an employee of the facility with training and authority to reject prohibited loads and properly manage prohibited waste that is inadvertently received.

7.3.8 Prohibited waste

- 7.3.8.A Specific Performance Goal
 - 7.3.8.A.1 Prevent the acceptance of prohibited waste, including but not

limited to putrescible waste, hazardous waste and asbestos.

- 7.3.8.A.2 Prohibited waste shall be properly managed and disposed when inadvertently received.
- 7.3.8.B Design requirement (to be addressed in application)
 - 7.3.8.B.1 Designate a load checking area on the facility site plan and a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated.
 - 7.3.8.B.2 Containment areas shall be covered and enclosed and constructed to prevent leaking and contamination.
- 7.3.8.C Performance Standards and Operating Requirements
 - 7.3.8.C.1 The facility shall provide qualified operators on-site during all hours of operation.
 - 7.3.8.C.2 The facility shall not accept prohibited waste, including but not limited to putrescible waste, hazardous waste and asbestos. Prohibited loads must be rejected upon discovery. Prohibited waste shall be properly managed and disposed when inadvertently received.
 - 7.3.8.C.3 The facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by the license. This program must include at a minimum:
 - 7.3.8.C.3.a Visual inspection. Ensure that as each load is tipped, it is visually inspected by a qualified operator to prevent the acceptance of waste that is prohibited by the license; and
 - 7.3.8.C.3.b A secured or isolated containment area for the storage of prohibited wastes that are inadvertently received. Containment areas shall be covered and enclosed to prevent leaking and contamination.
 - 7.3.8.C.4 Records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste shall be maintained in the operating record and be available for review by Metro.

7.3.9 Measurement of waste

- 7.3.9.A Specific Performance Goal
 - 7.3.9.A.1 All non-putrescible waste and source-separated recyclable materials shall be accurately weighed when they are received, transferred to market or intra-facility, and transported from the facility.
- 7.3.9.B Design requirement (to be addressed in application)
 - 7.3.9.B.1 The location of scales shall be designated on the facility site plan.
- 7.3.9.C Performance Standards and Operating Requirements
 - 7.3.9.C.1 The facility operator shall weigh all non-putrescible waste and source-separated recyclable material when it is received, transferred to market or intra-facility, and transported from the facility.

7.3.9.C.2 The scale used to weigh all solid waste shall be licensed by the state of Oregon (Weights and Measures Act).

7.3.10 Transaction records and reporting

7.3.10.A Specific Performance Goal

7.3.10.A.1 Maintain complete and accurate transaction records on the weights and types of all solid wastes and recyclable materials received, recovered, reloaded, removed or disposed from the facility.

7.3.10.B Design requirement (to be addressed in application)

7.3.10.B.1 Not applicable.

7.3.10.C Performance Standards and Operating Requirements

7.3.10.C.1 Record transmittals. Records required shall be transmitted to Metro no later than fifteen days following the end of each month in electronic format prescribed by Metro.

7.3.10.C.2 Hauler account number listing. Within 5 business days of Metro's request, licensee shall provide Metro with a computer listing that cross references the incoming hauler account number with the hauling company's name and address.

7.3.10.C.3 Transactions to be based on scale weights. Except for minimum fee transactions for small, light-weight loads, the licensee shall record each transaction electronically based on actual and accurate scale weights using the licensee's on-site scales.

7.3.10.C.4 For all solid waste the licensee is authorized to receive, including all non-putrescible waste, source-separated recyclables, inert materials, and yard debris, the licensee shall keep and maintain accurate records of the amount of such materials the licensee receives, recovers, recycles, reloads, and disposes.

7.3.10.C.5 The licensee shall keep and maintain complete and accurate records of the following for all transactions:

7.3.10.C.5.a Ticket Number (should be the same as the ticket number on the weight slips);

7.3.10.C.5.b Account Number or Business Name: Incoming hauler account number on all incoming transactions and outgoing destination account number on all outgoing transactions. For incoming cash commercial customers, incoming hauler business name for all incoming commercial cash transactions;

7.3.10.C.5.c Material category: Code designating the following types of material (more detail, such as differentiating yard debris, is acceptable): (1) incoming source-separated recyclable materials by type; (2) incoming mixed dry waste; (3) outgoing recyclable materials by type; (4) outgoing mixed dry waste;

- 7.3.10.C.5.d Origin: Code designating the following origin of material: (1) from inside Metro boundaries; (2) from within Multnomah, Clackamas and Washington Counties but outside Metro boundaries; and (3) from out-of-state;

Any load containing any amount of waste from within the Metro region shall be reported as if the entire load was generated from inside the Metro region.

If the Licensee elects to report all loads delivered to the facility as being generated from inside the Metro region, then the Licensee is not required to designate the origin of loads in (d)(2) and (3) above.
- 7.3.10.C.5.e Date the load was received at, transferred within, or transmitted from the facility;
- 7.3.10.C.5.f Time the load was received at, transferred within, or transmitted from the facility;
- 7.3.10.C.5.g Indicate whether Licensee or Franchisee accepted or rejected the load;
- 7.3.10.C.5.h Net weight of the load;
- 7.3.10.C.5.i The fee charged to the generator of the load.

7.3.11 Access control

- 7.3.11.A Specific Performance Goal
 - 7.3.11.A.1 Control access and prevent unauthorized pedestrian and vehicular traffic and illegal dumping.
- 7.3.11.B Design requirement (to be addressed in application)
 - 7.3.11.B.1 Control pedestrian and vehicular access to the proposed facility by means of fencing, gates which may be locked, natural barriers or security guards.
- 7.3.11.C Performance Standards and Operating Requirements
 - 7.3.11.C.1 Access to the facility shall be controlled as necessary to prevent unauthorized entry and dumping.
 - 7.3.11.C.2 A gate or other suitable barrier shall be maintained at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.

7.3.12 Adequate vehicle accommodation

- 7.3.12.A Specific Performance Goal
 - 7.3.12.A.1 Provide and maintain access roads to allow the orderly egress and ingress of vehicular traffic.
- 7.3.12.B Design requirement (to be addressed in application)
 - 7.3.12.B.1 Access roads shall be provided from the public highways or roads,

to and within the facility site and shall be designed and maintained to prevent traffic congestion and traffic hazards.

7.3.12.B.2 Adequate on-site area at the facility's entrance, scales, loading and unloading points and exit points shall be provided to allow the number and types of vehicles expected to use the facility during peak times to safely queue off the public roads and right-of-way.

7.3.12.C Performance Standards and Operating Requirements

7.3.12.C.1 Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. Access roads shall be maintained to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.

7.3.12.C.2 Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles shall not park or queue on public streets or roads except under emergency conditions or in accordance with local traffic ordinances.

7.3.12.C.3 Signs shall be posted to inform customers not to queue on public roadways.

7.3.12.C.4 Adequate off-street parking and queuing for vehicles shall be provided, including adequate space for on-site tarping and untarpping of loads.

7.3.13 Water contaminated by solid waste and solid waste leachate

7.3.13.A Specific Performance Goal

7.3.13.A.1 Provide pollution control measures to protect surface and ground waters from contamination from solid waste.

7.3.13.B Design requirement (to be addressed in application)

7.3.13.B.1 Submit a DEQ approved stormwater management plan (or equivalent) with pollution control measures to protect surface and ground waters, including runoff collection and discharge and equipment cleaning and washdown water.

7.3.13.C Performance Standards and Operating Requirements

7.3.13.C.1 The facility shall be operated consistent with an approved DEQ stormwater management plan (or equivalent), and shall:

Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and

7.3.13.C.2 Dispose of or treat water contaminated by solid waste generated onsite in a manner complying with local, state, and federal laws and regulations.

7.3.13.C.3 All mixed non-putrescible waste tipping, storing, sorting and reloading activities must occur on an asphalt or concrete surface and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles (i.e., 30-foot tippers) may tip wastes outside, provided the tipped wastes are moved under cover for processing within 12-hours of receipt or by the end of the business

day whichever is earlier.

7.3.14 Vectors (e.g.: birds, rodents, insects)

7.3.14.A Specific Performance Goal

7.3.14.A.1 Prevent the attraction or harborage of rodents, birds, insects and other vectors.

7.3.14.B Design requirement (to be addressed in application)

7.3.14.B.1 Describe facility design features that will prevent vectors.

7.3.14.C Performance Standards and Operating Requirements

7.3.14.C.1 The facility shall be operated in a manner that is not conducive to the harborage of rodents, birds, insects or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.

7.3.14.C.2 If vectors are present or detected at the facility, vector control measures shall be implemented.

7.3.15 Nuisance complaints

7.3.15.A Specific Performance Goal

7.3.15.A.1 Respond to all nuisance complaints in a timely manner, and keep a record of such complaints, and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.

7.3.15.B Design requirement (to be addressed in application)

7.3.15.B.1 Not applicable.

7.3.15.C Performance Standards and Operating Requirements

7.3.15.C.1 The facility operator shall respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and shall keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.

7.3.15.C.2 If the facility receives a complaint, the operator shall:
Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and log all such complaints as provided by the recordkeeping and reporting standards. Each log entry shall be retained for one year and shall be available for inspection by Metro.

7.3.16 Noise

7.3.16.A Specific Performance Goal

7.3.16.A.1 Prevent excessive noise that creates adverse off-site impacts.

7.3.16.B Design requirement (to be addressed in application)

- 7.3.16.B.1 Identify noise abatement design features on the facility site plan, if proposed.
- 7.3.16.C Performance Standards and Operating Requirements
 - 7.3.16.C.1 The facility shall be operated in a manner that prevents the creation of noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.
- 7.3.17 Odor**
 - 7.3.17.A Specific Performance Goal
 - 7.3.17.A.1 Prevent odors that create off-site impacts.
 - 7.3.17.B Design requirement (to be addressed in application)
 - 7.3.17.B.1 Identify odor abatement design features on the facility site plan, if proposed
 - 7.3.17.C Performance Standards and Operating Requirements
 - 7.3.17.C.1 The facility shall be operated in a manner that prevents the generation of odors that create off-site impacts. Odors from the facility shall not be detectable off-site.
 - 7.3.17.C.2 The Licensee shall establish and follow procedures in the operating plan for minimizing odor at the facility.
- 7.3.18 Signage**
 - 7.3.18.A Specific Performance Goal
 - 7.3.18.A.1 Have signage that identifies the facility, shows the required information, and is posted in locations as required.
 - 7.3.18.B Design requirement (to be addressed in application)
 - 7.3.18.B.1 Identify where the sign(s) will be located on the facility site plan.
 - 7.3.18.C Performance Standards and Operating Requirements
 - 7.3.18.C.1 The Licensee shall post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, and legible from off-site during all hours and shall contain at least the following information:
 - 7.3.18.C.1.a General facility information to include:
 - Name of the facility
 - Address of the facility;
 - Emergency telephone number for the facility;
 - Operating hours during which the facility is open for the receipt of authorized waste;
 - Fees and charges;
 - Metro's name and telephone number (503) 234-3000;
 - A list of authorized and prohibited wastes;

Directions not to queue on public roadways.

7.3.18.C.1.b Vehicle / traffic flow information or diagram.

7.3.18.C.1.c Covered load requirements.

7.3.19 Operating plan

7.3.19.A Specific Performance Goal

7.3.19.A.1 Develop, keep and abide by a Metro approved operating plan.

7.3.19.B Design requirement (to be addressed in application)

7.3.19.B.1 Not applicable.

7.3.19.C Performance Standards and Operating Requirements

7.3.19.C.1 Plan compliance-The Licensee must operate the facility in accordance with an operating plan approved by the Manager of the Metro Solid Waste Regulatory Affairs Division. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this license. The operating plan may be amended from time to time, subject to approval by the Manager of the Metro Solid Waste Regulatory Affairs Division.

7.3.19.C.2 Plan maintenance-The Licensee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The Licensee must submit revisions of the operating plan to the Manager of the Metro Solid Waste Regulatory Affairs Division for written approval prior to implementation.

7.3.19.C.3 Access to operating plan-The Licensee shall maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.

7.3.19.C.4 The operating plan shall establish:

7.3.19.C.4.a Procedures for inspecting loads
Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes;
A set of objective criteria for accepting and rejecting loads; and
An asbestos testing protocol for all material that appears as if it may contain friable asbestos.

7.3.19.C.4.b Procedures for processing and storage of loads
Processing authorized solid wastes,
Reloading and transfer of authorized solid wastes,
Managing stockpiles.
Storing authorized solid wastes; and
Minimizing storage times and avoiding delay in processing of authorized solid wastes.

7.3.19.C.5 Procedures for managing prohibited wastes

7.3.19.C.5.a The operating plan shall establish procedures

for managing, reloading, and transporting to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan shall establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.

7.3.19.C.6 Procedures for odor prevention

The operating plan shall establish procedures for preventing all objectionable odors from being detected off the premises of the facility. The plan must include:

7.3.19.C.6.a A management plan that will be used to monitor and manage all odors of any derivation including malodorous loads delivered to the facility; and

7.3.19.C.6.b Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.

7.3.19.C.7 Procedures for dust prevention

The operating plan shall establish procedures for preventing the production of dust from blowing or falling off the premises of the facility. The plan must include:

7.3.19.C.7.a A management plan that will be used to monitor and manage dust of any derivation; and

7.3.19.C.7.b Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.

7.3.19.C.8 Procedures for emergencies

The operating plan shall establish procedures to be followed in case of fire or other emergency.

7.3.19.C.9 Procedures for nuisance complaints

For every nuisance complaint (e.g. odor, dust, vibrations, litter) received, the Licensee shall record:

7.3.19.C.9.a The nature of the complaint;

7.3.19.C.9.b The date the complaint was received;

7.3.19.C.9.c The name, address and telephone number of the person or persons making the complaint; and

7.3.19.C.9.d Any actions taken by the operator in response to the complaint (whether successful or

unsuccessful).

- 7.3.19.C.9.e Records of such information shall be made available to Metro upon request. The Licensee shall retain each complaint record for a period of not less than two years.

7.3.20 Pre-Operating conditions (for new construction or new authorizations)

7.3.20.A Specific Performance Goal

- 7.3.20.A.1 The facility shall not be permitted to accept solid waste until it has demonstrated that construction is complete and the facility will likely be able to comply with all license conditions.

7.3.20.B Performance Standards and Operating Requirements

- 7.3.20.B.1 The facility may not accept any solid waste until the Director of the Solid Waste and Recycling Department has approved in writing that:

- 7.3.20.B.1.a The facility construction is complete according to plans submitted by the facility and approved by Metro. Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.

- 7.3.20.B.1.b The storm water management system must be constructed and in proper working order in accordance with the plans submitted to Metro and approved by the DEQ. Any amendments or alterations to such plans must be approved by the Director of the Solid Waste and Recycling Department.

- 7.3.20.B.1.c An adequate operating plan has been submitted and approved by the Director of the Solid Waste and Recycling Department.

- 7.3.20.B.2 Such written approval shall be based upon the Licensee's compliance with license provisions, including the Director's inspection of the facility and the documents submitted to the Director by the Licensee. Prior to the required construction inspection, the Licensee shall submit to the Director of the Solid Waste and Recycling Department "as constructed" facility plans which note any changes from the original plans submitted to Metro.

- 7.3.20.B.3 When construction is complete or nearly complete, the Licensee shall notify the Director of the Solid Waste and Recycling Department so that an inspection can be made before acceptance of any solid waste.

7.3.21 General Recordkeeping and Reporting

7.3.21.A Specific Performance Goal

- 7.3.21.A.1 Maintain complete and accurate records and report such information to Metro.

- 7.3.21.B Performance Standards and Operating Requirements
 - 7.3.21.B.1 DEQ submittals. Licensee shall provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this license within two business days of providing such information.
 - 7.3.21.B.2 Copies of enforcement actions provided to Metro. Licensee shall send to Metro, upon receipt, copies of any notice of violation or non-compliance, citation, or any other similar enforcement actions issued to licensee by any federal, state, or local government other than Metro, and related to the operation of the facility.
 - 7.3.21.B.3 Unusual occurrences. Licensee shall keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. If a breakdown of the operator's equipment occurs that will substantially impact the ability of the facility to remain in compliance, or create off-site impacts, the operator shall notify Metro within 24-hours. The licensee shall report any facility fires, accidents, emergencies, and other significant incidents to Metro at (503) 234-3000 within 12 hours of the discovery of their occurrence.
 - 7.3.21.B.4 Nuisance complaints. For every nuisance complaint (e.g. odor, noise, dust, vibrations, litter) received, the licensee shall record: a) the nature of the complaint, b) the date the complaint was received, c) the name, address and telephone number of the person or persons making the complaint; and d) any actions taken by the operator in response to the complaint (whether successful or unsuccessful). Records of such information shall be maintained on-site and made available to Metro upon request. The licensee shall retain each complaint record for a period not less than one year.
 - 7.3.21.B.5 Changes in ownership. The licensee must, in accordance with Metro Code Section 5.01.090, submit a new license application to Metro if the licensee proposes to transfer ownership or control of (1) the license, (2) the facility property, or (3) the name and address of the operator.

7.4 General Administrative and Legal Obligations for Operating

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

7.4.1 Compliance by agents

- 7.4.1.A Operating Requirement (license / franchise provision)

7.4.1.A.1 Compliance by agents. The Licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this license.

7.4.2 Compliance with law

7.4.2.A Operating Requirement (license / franchise provision)

7.4.2.A.1 Compliance with law. The Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility shall be deemed part of this license as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the license document, as well as any existing at the time of the issuance of the license but not cited or attached, and permits or conditions issued or modified during the term of the license.

7.4.3 Confidential information

7.4.3.A Operating Requirement (license / franchise provision)

7.4.3.A.1 Confidential information. The Licensee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the Licensee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. Licensee shall prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro shall treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five (5) days of Metro's receipt of a request for disclosure of information identified by Licensee as confidential, Metro shall provide Licensee written notice of the request. Licensee shall have three (3) days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. Licensee shall pay any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. Nothing in this Section 13.0 shall limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, such representatives agree to continue to treat such information as confidential and make good faith

efforts not to disclose such information.

7.4.4 Deliver waste to appropriate destinations

7.4.4.A Operating Requirement (license / franchise provision)

7.4.4.A.1 Deliver waste to appropriate destinations. The Licensee shall ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.

7.4.5 Enforcement

7.4.5.A Operating Requirement (license / franchise provision)

7.4.5.A.1 Generally. Enforcement of the license shall be as specified in Metro Code.

7.4.5.A.2 Authority vested in Metro. The power and right to regulate, in the public interest, the exercise of the privileges granted by this license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against Licensee.

7.4.5.A.3 No Enforcement Limitations. Nothing in this license shall be construed to limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor shall this license be construed or interpreted so as to limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the Licensee's operation of the facility.

7.4.6 Indemnification

7.4.6.A Operating Requirement (license / franchise provision)

7.4.6.A.1 Indemnification. The Licensee shall indemnify and hold Metro, its employees, agents and elected officials harmless from any and all claims, damages, actions, losses and expenses including attorney's fees, or liability related to or arising out of or in any way connected with the Licensee's performance or failure to perform under this license, including patent infringement and any claims or disputes involving subcontractors.

7.4.7 Modifications

7.4.7.A Operating Requirement (license / franchise provision)

7.4.7.A.1 Modification. At any time during the term of the license, either the Chief Operating Officer or the Licensee may propose amendments or modifications to this license. The Chief Operating Officer has the authority to approve or deny any such amendments or modifications provided that the activities authorized in the amended or modified license do not require a Metro Solid Waste

Facility Franchise under Metro Code Chapter 5.01. No amendment or modification pursuant to this section shall be effective unless in writing and executed by the Chief Operating Officer.

7.4.7.A.2 Modification, suspension or revocation by Metro. The Chief Operating Officer may, at any time before the expiration date, modify, suspend, or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:

- 7.4.7.A.2.a Violation of the terms or conditions of this license, Metro Code, or any applicable statute, rule, or standard;
- 7.4.7.A.2.b Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license;
- 7.4.7.A.2.c Failure to disclose fully all relevant facts;
- 7.4.7.A.2.d A significant release into the environment from the facility;
- 7.4.7.A.2.e Significant change in the character of solid waste received or in the operation of the facility;
- 7.4.7.A.2.f Any change in ownership or control, excluding transfers among subsidiaries of the Licensee or Licensee's parent corporation;
- 7.4.7.A.2.g A request from the local government stemming from impacts resulting from facility operations.
- 7.4.7.A.2.h Compliance history of the Licensee.

7.4.8 Right of inspection and audit

7.4.8.A Operating Requirement (license / franchise provision)

7.4.8.A.1 Right of inspection and audit. Authorized representatives of Metro may take photographs, collect samples of materials, and perform such inspection or audit as the Chief Operating Officer deems appropriate, and shall be permitted access to the premises of the facility at all reasonable times during business hours with or without notice or at such other times upon giving reasonable advance notice (not less than 24 hours). Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the confidentiality provisions in Section 13.5 of this license, Metro's right to inspect shall include the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of Licensee that are directly related to the operation of the Facility.

7.4.9 Insurance

7.4.9.A Operating Requirement (license / franchise provision)

- 7.4.9.A.1 General liability. The Licensee shall carry broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy shall be endorsed with contractual liability coverage.
- 7.4.9.A.2 Automobile. The Licensee shall carry automobile bodily injury and property damage liability insurance.
- 7.4.9.A.3 Coverage Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- 7.4.9.A.4 Additional insureds. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS.
- 7.4.9.A.5 Worker's Compensation Insurance. The Licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Licensee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
- 7.4.9.A.6 Notification. The Licensee shall give at least 30 days written notice to the Director of the Solid Waste and Recycling Department of any lapse or proposed cancellation of insurance coverage.

7.4.10 Financial assurance

- 7.4.10.A Operating Requirement (license / franchise provision)
 - 7.4.10.A.1 Financial assurance The Licensee shall maintain financial assurance in an amount adequate for the cost of the facility's closure and in a form approved by Metro for the term of the license, as provided in Metro Code section 5.01.060(c)(4).

