

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 1/17/2017 **Approx Start Time:** 10:30 **Approx Length:** 30 minutes

Presentation Title: Renew Franchise: County Garbage & Recycling Transfer Station

Department: DTD Resource Conservation & Solid Waste

Presenters: Rick Winterhalter (Sr. Analyst)

Other Invitees: Eben Polk (Supervisor), Scott Caufield (Division Manager), Barb Cartmill (DTD Director)

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Accept the recommendation of the Solid Waste Commission to renew the franchise for operating the Clackamas County Garbage & Recycling Transfer Station.

EXECUTIVE SUMMARY:

The County owned Clackamas County Garbage & Recycling Transfer Station (CCTS) is located at 19600 Canyon Valley Rd., approximately 1 ½ miles east of Sandy on Hwy 26. The site is legally established non-conforming use on approximately 2 acres of the 24 acre county owned property. The transfer station is in operation for the public and to dispose of their garbage and recyclables. The garbage delivered to the transfer station is consolidated and delivered to an approved landfill for disposal. Recyclables are delivered to appropriate processing facilities for marketing.

The transfer station site was initially established as an open burn dump, operated by the County in the 1960's. In the early 1970s the County closed the dump and began operating the site as a transfer station. Since that time the County issued contracts and then a franchise for outside parties to perform the daily operation of the transfer station while the County assumed the role of providing policy direction, oversight and fee regulation.

Currently, the County has a Transfer Station Franchise Agreement with Waste Management of Oregon, Inc. to operate the Transfer Station. The franchise term ends January 31, 2017. County Code states: "*The term for a Transfer Station Franchise shall be ten (10) years, unless upon recommendation of the Commission, the Board may adjust the term of the franchise as deemed necessary due to the cost of land, equipment, or facilities.* The Code further states: *Franchises... shall be renewable unless grounds exist for refusal to renew ...*". Waste Management has performed the duties of operating the transfer station in accordance with the current agreement and operations plan. According to the DEQ the operator has performed within the parameters of DEQ Permit #121.

During 2016 approximately 27,480 private vehicles visited the site, delivering 5,000 tons of garbage, 1,000 tons of recyclables, 2,000 tires, and 2,000 gallons of used motor oil. The user survey conducted at the site, at the beginning of this franchise term, revealed an extremely high level of customer satisfaction. Throughout this term staff has received very few customer complaints and all have been resolved.

The current franchisee has the expertise necessary to ensure the environmental integrity of the covered dump is maintained. The current franchisee has maintained the property in accordance with the current agreement. Additionally, they have made changes to the site and operations to achieve the safety of the customer and improve operational efficiencies.

Franchise fees and all required reports have been submitted on time. The current franchisee has complied with staff's requests for information whether specified in the franchise agreement or not.

The attached franchise agreement is still applicable and is being reviewed to ensure contacts are current. The DEQ permit 121 and Operations Plan are included in that attachment. Also attached is a more detailed account of activities at the transfer station.

FINANCIAL IMPLICATIONS:

The transfer station is supported by Board approved user fees. The County collects a franchise fee on gross revenues. Renewal will not affect this revenue stream.

LEGAL/POLICY REQUIREMENTS:

ORS 459 and 459A authorize the County to franchise solid waste collection, disposal and transfer services. County Code Chapter 10.03.200, 210 addresses the franchising of transfer stations ensuring the public receives the services required and the County's franchisee is able to provide those services safely, efficiently and earn a reasonable return.

PUBLIC/GOVERNMENTAL PARTICIPATION:

The County's Solid Waste Commission met on January 4, 2017 to discuss this transfer station franchise renewal and make a recommendation to the Board of Commissioners.

OPTIONS:

1. Accept recommendation of the Solid Waste Commission to renew the Clackamas County Garbage & Recycling Transfer Station Franchise with Waste Management of Oregon, Inc. for a ten year period ending January 1, 2027.
2. Extend the franchise for a shorter length of time and research other options for managing the transfer station operation.

RECOMMENDATION:

Accept the Solid Waste Commission's unanimous recommendation to renew the Clackamas County Garbage & Recycling Transfer Station Franchise with Waste Management of Oregon, Inc. for a ten year period ending January 1, 2027.

ATTACHMENTS:

- *Transfer station history*
- *Franchise Agreement*
- *Survey Map*
- *DEQ permit/Operations Plan*

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Rick Winterhalter @ 503-742-4466

Fiscal Impact Form

RESOURCES:

Is this item in your current work plan and budget?

- YES
 NO

START-UP EXPENSES AND STAFFING (if applicable):

Not Applicable

ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):

Not Applicable

ANTICIPATED RESULTS:

COSTS & BENEFITS:

| Costs: | | | | | | | |
|---------------------------------------|------|-------|------------------|----------------|-------------------|----------------|-------|
| | Item | Hours | Start-up Capital | Other Start-up | Annual Operations | Annual Capital | TOTAL |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Total Start-up Costs | | | | | | | |
| Ongoing Annual Costs | | | | | | | |
| Benefits/Savings: | | | | | | | |
| | Item | Hours | Start-up Capital | Other Start-up | Annual Operations | Annual Capital | TOTAL |
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| Total Start-up Benefit/Savings | | | | | | | |
| Ongoing Annual Benefit/Savings | | | | | | | |

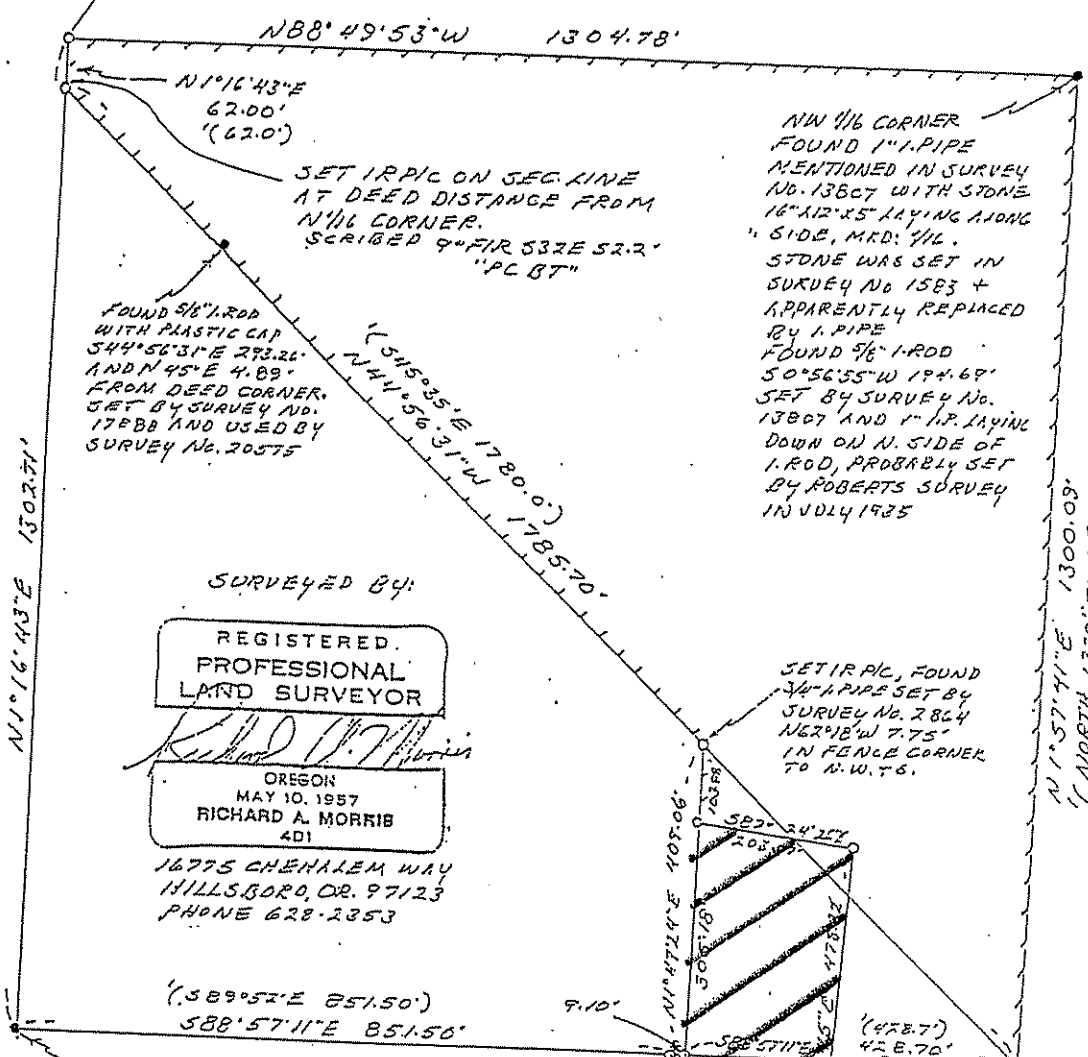
CLACKAMAS COUNTY
IN
SECTION 20, T.2S.1. E.W.M.
CLACKAMAS COUNTY, OREGON
SEPT. 20, 1988 SCALE 1"=200'

WARRENTON
THE PURPOSE OF THIS SURVEY WAS
TO SET CORNERS AND RE-RECORD
TITLE BOUNDARIES AS SHOWN, AND
TO SET CORNERS OF AREA TO BE LEASED.
THIS SURVEY DISAGREES WITH SURVEY Nos
2864, V-39, 17888 AND 20575 BECAUSE
THEY WERE ALL BASED ON THE WRONG
POINT AT THE CW 1/4 CORNER OF SEC.
20. BEARINGS BASED ON SURVEY No. V-39

**EXHIBIT A
SURVEY MAP OF TRANSFER STATION**

- LEGEND**
- = FOUND MONUMENT AS NOTED
 - = IRPIC = SET 5/8" X 3/8" IRON ROD WITH YELLOW PLASTIC CAP MKD: MORRIS #15401
 - () = DEED BOOK 459 PAGE 41 RECORD
 - = MKD: LINE WITH PINK PLASTIC RIBBON AND PAINTED TREE BLAZES

N 1/4 CORNER SECS. 19420
STONE MISSING (POSITION IN A CLEARED FIELD)
FOUND 30" ROTTED FIR STUMP S40°E 103.62'
AS CALLED FOR IN SURVEY No. 1583, SCRIBE
MKS. BT REMAINING.
SET IRPIC AT CORNER POINT AND DROVE 6" STEEL
FENCE POST S.E. 0.5'



SURVEYED BY:
**REGISTERED
PROFESSIONAL
LAND SURVEYOR**
Richard A. Morris
OREGON
MAY 10, 1957
RICHARD A. MORRIS
401

16775 CHEHALEM WAY
HILLSBORO, OR. 97123
PHONE 628-2353

1/4 CORNER TO SECS. 19420
FOUND STONE WITH "X" IN TOP
N.W. CORNER OF HOUSE
BEARS EAST 10.2'
STONE MENTIONED IN
SURVEY No. 1583, V39, 20575 +
2864

SET IRPIC
FOUND 1 BOLT
SET BY SURVEY
No. V-39 S127°W
4.01' IN FENCE
CORNER TO E-W.N.

CORNER NOT SET
FOUND 1 BOLT
N66°44'W 0.87'
SET BY SURVEY
No. V-39

CW 1/4 CORNER
FOUND STAKE
5' X 12" X 1" MKD:
1/4 GN.W. SIDE
& ROTTED STUMP
REMAINS OF
30" FIR MKD:
BY SURVEY
No. 1583
FOUND 1-1/2"
N86°54'W 0.14'
MENTIONED
IN SURVEYS
No. V-39, 2864,
17888



State of Oregon
Department of
Environmental
Quality

Permit Evaluation

Oregon Department of Environmental Quality
Northwest Region Office
2020 SW 4th Avenue, Suite 400
Portland OR 97201

January 22, 2014 and updated February 26, 2014

To: File SWDP# 121, Clackamas County Garbage and Recycling Transfer Station
Clackamas County

From: Shari Harris-Dunning, Project Manager
Natural Resource Specialist 3 – ER/Bend

Subject: Solid Waste Permit Evaluation Report
Clackamas County Garbage and Recycling Transfer Station
Solid Waste Disposal Permit #121
Solid Waste Permit Renewal

Background

The Clackamas County Garbage and Recycling Transfer Station (CCGR) has been a permitted transfer station since 1972, when it replaced an open dumpsite at the same location. Waste Management of Oregon Inc. (WM) has operated CCGR since 1997. A Land Use Compatibility Statement (LUCS) was initially signed by Clackamas County Planning Department on January 15, 2007.

A permit renewal application was signed by a WM representative, on July 18, 2013 and received by DEQ (via email) on August 2, 2013. An updated LUCS, signed on July 17, 2013 by the Clackamas County Planning Department, was included.

The current permit expires on January 31, 2014. Regardless of the original expiration date of the permit, permit #121, per OAR 340-093-0070(6), continues to be effective and enforceable until DEQ takes final action on the renewal application.

The Site

CCGR is located at 19600 SE Canyon Valley Road, Sandy OR 97055. The site is approximately 38 acres with a working area of about 5 acres of which 3.5 acres are paved. The facility accepts putrescible and non-putrescible waste for disposal at a landfill and source separated and other recyclables for recovery. The public has access to the facility. Clackamas County owns the property and WM operates the facility.

Entrance to the facility is controlled through the main gate on Canyon Valley Road. The main gate is open only during business hours. Access roads are all weather roads with appropriate signage.

The surrounding property is predominantly rural residential and undeveloped forest land.

General Facility Operations

WM operates the facility. Solid waste is brought to the facility in WM trucks and by private citizens. Waste is then transferred to containers for transportation to a landfill.

The facility is gated to control in-bound and out-bound vehicular traffic. The gate is open during business hours only. The scale attendant, on-site personnel and posted signs direct traffic to the proper location for disposal and recycling as well as identifying the exit route.

There is a public depot for the collection of recyclable materials including glass, newspaper, metals, white goods, tires, batteries and covered electronic devices (CEDs). Used oil is collected by an oil recycler.

There are two buildings at CCGR that house the scale house/office and the equipment maintenance shop. The current hours are Thursday – Monday, from 9:00 am-5:00pm. Hours are posted on a sign at the front gate.

Collection vehicles and customers enter the facility through the main entrance and proceed to the inbound load inspection area. At the inspection area the scale attendant inquires with the driver about the type of material being delivered in order to begin the waste screening process.

When customers enter the facility to dispose of solid waste, the waste is screened for content. Load size is determined using volumetric measurement. Customers are charged based on the type and volume of waste delivered. Commercial loads are subject to scaled weights.

Signs and handbills at the CCGR gate list unacceptable materials. Unaccepted materials include:

- Hazardous waste
- Liquid waste
- Asbestos-Friable and Non-Friable
- Infectious waste
- Explosives
- Large dead animals

CCGR holds a NPDES 1200-Z Industrial Storm water Discharge Permit and follows the provisions and regulations in the permit. Stormwater is collected from the site through a series of drainage ways and catch basins. Stormwater is then processed through an oil/water separator and a bio-swale before being discharged onto the ground surface. There is no leachate collection/separation/treatment at CCGR.

Potential Environmental Risks

Transfer station facilities typically have limited environmental concerns because solid waste and recyclables are only temporarily stored on site rather than buried. This facility accepts no hazardous wastes. Access to the facility is controlled by a perimeter fence and gated entrances.

Customers enter the site, stop at scale house for load measurement and are directed to the loading deck where a spotter guides the customers to a tip area. Customers tip into one of two garbage boxes and then exit. All recyclables are stored in boxes.

Compliance and Permitting History

- June 30, 1972 DEQ issued a temporary Solid Waste Disposal Permit (SWDP)
- March 8, 1973 DEQ issued SWDP #121 to the facility
- March 31, 1976 DEQ renewed SWDP #121
- December 23, 1981 DEQ renewed SWDP #121
- April 1, 1991 DEQ renewed SWDP #121
- January 24, 1997 DEQ renewed SWDP #121
- December 18, 2006 DEQ conducted a compliance inspection (no violations were observed)
- April 12, 2007 DEQ renewed SWDP #121
- January 26, 2009 DEQ conducted a compliance inspection (no violations were documented)
- August 2, 2013 DEQ received (via email) a permit renewal application; an updated LUCS, signed on July 17, 2013, was included.

CCGR is currently in compliance with SWDP #121.

Permit Discussions

The proposed renewal of a Solid Waste Disposal Site Permit will cover a maximum period of ten years. Significant conditions included in the draft permit are summarized below:

- Section 1 describes waste disposal limitations.
- Section 2 describes storage management and recycling.
- Section 3 describes minimum monitoring and reporting requirements.
- Section 4 describes special conditions.
- Section 5 describes facility, operations, special waste plans.
- Section 6 describes general operations.
- Section 7 describes standard conditions.
- Section 8 describes due dates summary

Conclusions

WM has submitted an application to renew the Solid Waste Disposal Permit for CCGR Transfer Station. The transfer station has SWDP #121, which will expire on January 31, 2014.

DEQ received a permit renewal application on August 2, 2013. Per OAR 340-093-0070(6), if DEQ receives a complete renewal application before the permit expiration date, the permit does not expire until DEQ takes final action of the permit renewal application. Permit #121 continues to be in effect and enforceable.

The draft permit requires the Solid Waste Permit to be renewed in November 2023. The draft permit requires the Transfer Station to be operated in accordance with DEQ rules.

Public Notice

DEQ issued a public notice on January 22, 2014 requesting public comment on the draft DEQ solid waste renewal permit for CCGR. DEQ mailed the notice to property owners within one quarter mile of the facility. DEQ also provided public notice through email. Subscribers of DEQ's email notification list received a message about the proposed permit issuance and the chance to comment. The comment period closed at 5 p.m. on February 24, 2014.

DEQ received one comment from Clackamas County advising of a minor typographical error. There were no other comments.

Recommendation

DEQ should correct the typo and issue the permit as written.



State of Oregon
Department of
Environmental
Quality

**SOLID WASTE DISPOSAL SITE PERMIT:
TRANSFER STATION**

**Oregon Department of Environmental Quality
2020 SW 4th Avenue #400
Portland OR 97201
Telephone (Information): (503)229-5263**

**Issued in accordance with the provisions of Oregon Revised Statute Chapter 459;
Oregon Administrative Rules 340, Divisions 90, 93, 95, 96 and 97; and subject to the land
use compatibility statement referenced below.**

| ISSUED TO: | FACILITY NAME AND LOCATION: |
|--|--|
| Waste Management 3205 SE Minter Bridge Rd. Hillsboro, OR 97123 | Clackamas County Garbage & Recycling Transfer Station 19600 SE Canyon Valley Rd Sandy, OR 97055 Sec 20, T2S, R5E, W.M. Clackamas County |

| PROPERTY OWNER: | OPERATOR: |
|--|--|
| Clackamas County 902 Abernathy Rd Oregon City, OR 97045-1100 | Waste Management 3205 SE Minter Bridge Rd. Hillsboro, OR 97123 |

- ISSUED IN RESPONSE TO:**
- An application for renewal of a solid waste disposal site permit received on August 2, 2013.
 - A Land Use Compatibility Statement received on January 23, 2007 and an updated Land Use Compatibility received on August 2, 2013.

The determination to issue this permit is based on findings and technical information included in the permit record.

ISSUED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Audrey M O'Brien
Audrey O'Brien, Solid and Hazardous Waste Programs Manager
Northwest Region

2/26/2014
Date

Permitted Activities

Until this permit expires or is modified or revoked, the permittee is authorized to establish, operate and maintain a solid waste transfer station in conformance with the requirements, limitations, and conditions set forth in this document including all attachments.

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1.0 WASTE DISPOSAL LIMITATIONS

- 1.1 This permit authorizes the facility to accept solid waste as defined in Oregon Revised Statutes 459.005 with the following limitations:
- a. Unless otherwise approved in writing by DEQ the permittee must not accept the following wastes. The following wastes are prohibited from being disposed with municipal solid waste or transferred to a landfill for disposal:
 - i. Hazardous wastes – Reference: 40 CFR 258.20 (b) and OAR 340-101 to 340-102;
 - ii. Liquid waste. Definition: Liquid wastes are wastes that do not pass the paint filter test performed in accordance with EPA Method 9095;
 - iii. Friable Asbestos Material as defined in OAR 340-248-0010;
 - iv. Non-friable asbestos-containing material unless a DEQ approved Special Waste Management Plan is in place;
 - v. Infectious wastes. Exception: Sharps may be accepted when handled in accordance with OAR 340-093-0190(1)(d)(B);
 - vi. Large dead animals;
 - vii. Sewage sludges, septic tank pumping, chemical or vault toilet pumpings;
 - viii. Whole automobile bodies; and
 - ix. Explosives.
 - b. Unless otherwise approved in writing by DEQ the permittee must not knowingly accept the following wastes or mix the following wastes in with municipal solid waste or transfer the following wastes to a landfill for disposal. The following wastes may be collected for storage, management, and recycling if the permittee updates the Operations Plan:
 - i. Lead-acid batteries;
 - ii. Source Separated recyclable material;
 - iii. Large home or industrial appliances;
 - iv. Used Oil that does not contain PCBs
 - v. Covered electronic devices:
 - Computer monitors having a viewable area greater than four (4) inches diagonally;
 - Televisions having a viewable area greater than four (4) inches diagonally;
 - Desktop computers; or
 - Portable computers; and
 - vi. Whole tires.

These wastes must be stored and managed to prevent spills, fires or impacts to waters of the state.

Prior to acceptance of wastes identified in 1.1.a or 1.1.b, the permittee must update the Operations Plan and include a Special Waste Management Plan (SWMP) if needed and demonstrate that the materials are not hazardous waste, as defined by state and federal regulations, or otherwise a threat to human health or waters of the state. DEQ must approve the updated Operations Plan and Special Waste Management Plan (SWMP) before the permittee can accept any of these waste types.

- 1.2 Any solid wastes discovered at the Transfer Station that appear to be prohibited waste must be isolated or removed as soon as practicable. The permittee must, within 48 hours, notify DEQ of the discovery. Non-putrescible, non-hazardous prohibited waste must be transported to a disposal site authorized to accept such waste within 90 days, unless otherwise approved or restricted by DEQ. Putrescible, non-hazardous prohibited wastes must be removed as soon as practicable; any storage of putrescible wastes must be approved by DEQ.

If discovered wastes are hazardous or suspected to be hazardous, the permittee must, within 48 hours, notify DEQ and initiate procedures to identify and remove the waste. Hazardous wastes must be removed within 90 days, unless otherwise approved by DEQ. Temporary storage and transportation must be carried out in accordance with the rules of DEQ.

2.0 STORAGE, MANAGEMENT AND RECYCLING

- 2.1 As stipulated in OAR 340-090-0070, Principal Recyclable Material, the permittee must provide a place for receiving the following recyclable materials:
- a. Newspaper;
 - b. Ferrous scrap metal;
 - c. Non-ferrous scrap metal;
 - d. Used motor oil;
 - e. Corrugated cardboard and kraft paper;
 - f. Aluminum;
 - g. Container glass;
 - h. Hi-grade office paper;
 - i. Tin cans, and
 - j. Yard debris
- 2.2 The place for receiving recyclable materials must be located at the Transfer Station or at another location more convenient to the population served by the Transfer Station. The recycling center must be available to every person whose solid waste enters the disposal site.
- 2.3 All source separated recyclable materials must be reused or recycled except for used oil, which may be collected and burned for energy recovery.
- 2.4 The permittee must not landfill or dispose of any of the recyclable materials identified in section 2.1. However, if the source separated material is determined by DEQ to be in a condition which makes the material unusable or not recyclable then it may be disposed. This determination must be made after consultation with DEQ.
- 2.5 Upon request by DEQ or disposal site users, the permittee must provide recycling information that includes the following:
- a. The location of the recycling center at the disposal site or another location;
 - b. The hours of operation of the recycling center;
 - c. Instructions for correct preparation of accepted source separated recyclable material;
 - d. The material accepted for recycling; and
 - e. Reasons why people should recycle.

- 2.6 A sign must be prominently displayed at the Transfer Station or an approved location which indicates:
- The availability of recycling at the disposal site or another location;
 - The materials accepted at the recycling center; and
 - The hours of operation of the recycling center (if different than disposal site hours).

Note: the sign must indicate the recycling center location, if not at the disposal site.

- 2.7 All recyclable materials, except car bodies, white goods and other bulky items, must be stored in containers unless otherwise approved by DEQ. The storage area must be maintained in an orderly manner and kept free of litter. Recyclable materials must be removed at sufficient frequency to avoid creating nuisance conditions.
- 2.8 The permittee is authorized to accept up to 100 whole tires for storage and management removal. If the permittee maintains a contract with a waste tire carrier to remove tires from the site the facility is authorized to accept up to 2,000 waste tires for storage and removal.
- 2.9 Salvaging and recycling are to be conducted in a controlled and orderly manner.

3.0 MINIMUM MONITORING AND REPORTING REQUIREMENTS

- 3.1 The permittee must collect information on the source and volumes (i.e., pounds, tons, cubic yards) of solid waste transferred from the site. The permittee must submit this information on an approved form along with the required annual **Solid Waste Compliance Fee** as outlined in the Oregon Administrative Rules each year this permit is in effect and in accordance with the annual invoice sent by DEQ.

This submittal must be sent to:

Oregon Department of Environmental Quality
Land Quality Division - Solid Waste Program
811 SW Sixth Ave
Portland OR 97204
(503) 229-5913

- 3.2 The permittee must collect and submit to the Wasteshed Representative information about the amount of each material recovered for recycling or other beneficial purpose **by January 25 of each year.**

4.0 SPECIAL CONDITIONS

- 4.1 The permittee must not conduct open burning at the facility unless specifically authorized in writing by DEQ.
- 4.2 The permittee must immediately clean up any spill of oil or hazardous material in accordance with the DEQ approved operations plan. In addition to notifying the appropriate DEQ office, if the spill is of a reportable quantity the permittee must immediately report the spill to the Oregon Emergency Response System (OERS), at 1-800-452-0311.
- Reportable quantities include:
- Any amount of oil spilled to waters of the state;

- b. Oil spills on land in excess of 42 gallons;
- c. 200 pounds (25 gallons) of pesticide residue; or
- d. Spills of hazardous materials that are equal to, or greater than, the quantity listed in the Code of Federal Regulations, 40 CFR Part 302 (List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002. For a complete list of hazardous materials required to be reported, please refer to OAR 340-142-0050.

5.0 FACILITY, OPERATIONS, SPECIAL WASTE PLANS

- 5.1 Submit all plans required by this section to DEQ at:
- Oregon Department of Environmental Quality
Northwest Region Solid Waste Program
2020 SW 4th Avenue #400
Portland OR 97201
Telephone: (503)229-5263

Section A – Facility Design and Construction Plans

- 5.2 At least six (6) months prior to the anticipated construction date for new facility design, the permittee must submit engineering design plans to DEQ for review and approval. The design plans must be prepared and stamped by a qualified Professional Engineer with current Oregon registration and specify and/or provide the following:
- a. All applicable performance criteria, construction material properties and characteristics, dimensions, and slopes; and
 - b. The design basis and all relevant engineering analyses and calculations.
- 5.3 The permittee must construct all improvements according to DEQ approved plans and specifications including any DEQ imposed conditions of approval and any future DEQ approved amendments to the plans and specifications. Prior to construction, the permittee must submit construction documents for DEQ approval. The construction documents must:
- a. Be consistent with the applicable DEQ-approved design plan(s), including accurate translation of design specifications into construction documents
 - b. Define the construction project team
 - c. Specify material and workmanship requirements to guide the Constructor in executing work and furnishing products
 - d. Include a Construction Quality Assurance (CQA) plan that describes how the project team will monitor the quality of materials and the Constructor's work performance and assure compliance with project specifications and contract requirements
 - e. Include a Health and Safety Plan (HASP) to address any soil disturbances, excavations or other activity that may potentially create risk exposures from the closed contaminated Astoria landfill.
- 5.4 When construction is nearly complete, the permittee must notify DEQ so that an inspection can be made before the facility is placed into operation.
- 5.5 Within ninety (90) days of completing construction, the permittee must submit to DEQ a Construction Certification Report and "as constructed" facility plans. The report must be prepared by a qualified independent party to document and certify that the construction of all required components and structures complies with this permit and the DEQ-approved

design specifications. The "as constructed" facility plans must note any changes from the original approved plans and must be completed and submitted to DEQ.

Section B – Operations Plan

- 5.6 The Operations Plan must describe the proposed method of operation of the facility in accordance with all regulatory and permit requirements.
- 5.7 The permittee must revise the Operations Plan as necessary to keep it current and reflective of current facility conditions and procedures. The plan must describe procedures for dealing with cleanup of an oil or hazardous materials spill. The plan must also include the procedure for reporting the spill to the Oregon Emergency Response System (OERS) at 1-800-452-0311. All revisions of the Operations Plan must be submitted to DEQ for approval.

Section C - Special Waste Management Plans

- 5.8 Individual Special Waste Management Plans are required as part of the Operations Plan, for certain waste materials that, because of their nature, can be potentially hazardous to human health or the environment and require careful handling at transfer facilities.

The plan must address, among other things, procedures for identification, receipt, handling, storage, spill clean-up and transport for reuse, recovery or disposal of the material at an appropriately permitted facility.

Special wastes requiring individual Plans include but are not limited to:

- a. Non-friable asbestos containing materials;
- b. Electronic Waste
- c. Infectious Waste
- d. Septage; and
- e. Sewage sludge and grits.

Note: Special Waste Management Plans are only required if the facility chooses to accept special solid wastes. Reference: Guidance on Special Waste Management Plans can be found in OAR 340-093-0190(1) and OAR 340-094-0040(11)(b)(J) and in Section 9.5 of DEQ's *Solid Waste Guidance Municipal Solid Waste Landfills*, dated September 1, 1996.

6.0 GENERAL OPERATIONS

Section A - Facility Operations:

- 6.1 All facility activities are to be conducted in accordance with the provisions of this permit.
- 6.2 All waste collection and disposal must be operated in a manner which will prevent discharges, health hazards, and nuisance conditions.
- 6.3 The permittee must display this permit, or a photocopy thereof, where it can be readily referred to by operating personnel.
- 6.4 All solid waste transfer vehicles and devices operated by the permittee, and using public roads, must be constructed, maintained, and operated so as to prevent leaking, shifting, or spilling of solid waste while in transit.

- 6.5 Roads from the facility property line to the active operational area must be constructed and maintained to deter, to the maximum extent practical, traffic hazards, dust and mud, and to provide reasonable all-weather access for vehicles using the site.
- 6.6 Equipment of adequate size and design to properly operate the facility must be available at all times. In the event of an equipment breakdown, alternative equipment must be provided, unless an exemption from DEQ is granted in writing.
- 6.7 The area(s) for unloading of solid waste must be clearly defined by signs, fences, barriers, or other devices.
- 6.8 Public access to the facility must be controlled as necessary to prevent unauthorized entry and dumping.
- 6.9 The permittee must post signs at the facility which are clearly visible and legible, providing the following information:
 - a. Name of facility;
 - b. Emergency telephone number;
 - c. Days and hours of operation;
 - d. Authorized and prohibited wastes;
 - e. Solid waste permit number; and
 - f. Operator's address.

Section B - Environmental Health and Safety:

- 6.10 Litter that results from facility operation must be controlled such that the entire disposal site and adjacent lands are maintained virtually free of litter at all times. Any debris from the facility must be retrieved and properly disposed of as soon as possible that operational day.
- 6.11 The permittee must control air emissions, including dust, malodors, air toxics, etc. related to disposal site construction, operation, and other activities, and comply with DEQ air quality standards including applicable visible emissions and nuisance requirements in OAR 340-208.
- 6.12 The permittee must manage and monitor stormwater in accordance with all federal and state requirements. If applicable, the permittee must update and implement their Storm Water Pollution Control Plan (SWPCP) consistent with site conditions and their NPDES stormwater permit requirements. In addition, the permittee must keep a current copy of the SWPCP in the facility Operating Record.
- 6.13 The permittee must divert surface and storm water drainage around or away from waste handling and storage areas and must maintain surface water diversion ditches or structures in a serviceable condition and free of obstructions and debris at all times. The permittee must report to DEQ any significant malfunctions or damage and complete repairs within sixty (60) days of discovery of the problem.
- 6.14 The permittee must operate the facility in a manner that deters leachate production to the maximum extent practicable. Leachate must be collected and removed to prevent malodors, public health hazards, and discharge to public waters.
- 6.15 The permittee must provide rodent and insect control measures as necessary to prevent vector production and sustenance.
- 6.16 The permittee must remove all waste from the Transfer Station at least as often as necessary to prevent malodors, unsightliness and attraction of insects or other vectors.

- 6.17 The permittee must clean all transfer containers as needed to maintain a sanitary operating environment, and to prevent malodors, unsightliness, and attraction of insects.
- 6.18 Fire protection must be provided in accordance with plans approved in writing by DEQ and in compliance with pertinent state and local fire regulations. Fires must be immediately and thoroughly extinguished and reported to DEQ within 24 hours.
- 6.19 The permittee must investigate and respond to all complaints it receives regarding facility operations by doing the following:
 - a. Contact the complainant within 24 hours to discuss the problem;
 - b. Keep a record of the complaint, name and phone number of the complainant (when possible), date complaint was received and date of, and response by, the facility operator; and
 - c. Immediately initiate procedures at the facility, when possible, to resolve the problem identified by the complainant.

For odor, litter or dust complaints, the permittee must report to DEQ as soon as complaints are received at the facility from five (5) different businesses and/or individuals about a given event or if an odor event lasts longer than 24 hours without resolution or mitigation.

7.0 STANDARD CONDITIONS

Section A – Responsibility of Permittee

- 7.1 Issuance of this permit as authorized by Oregon Revised Statutes 459.245 (2) does not relieve the permittee from the responsibility to comply with any applicable federal, state or local laws or regulations including Oregon Revised Statutes, Chapters 459, 459A, 465 and 466; and Oregon Administrative Rules, Chapter 340.
- 7.2 The issue date of this permit is the date this document is signed. The expiration date of this permit is November 30, 2023. An application for a permit renewal is required if a permittee intends to continue operation beyond the permitted period. A complete renewal application must be filed at least 180 days before the existing permit expires.
- 7.3 The authorization to accept solid waste will terminate at the time of site closure. After that time no solid waste may be accepted without written authorization by DEQ.
- 7.4 The permittee must apply for a modification to this permit if there is a significant change in facility operations or a deviation from activities described in this document. The permittee must not implement any change in operations that requires a permit modification prior to receiving approval from DEQ.
- 7.5 At any time in the life of the permit, DEQ or the permittee may propose changes to the permit.
- 7.6 Conditions of this permit are binding upon the permittee. The permittee is liable for all acts and omissions of the permittee's contractors and agents and must at all times maintain legal control of the disposal site property.
- 7.7 The permittee must allow representatives of DEQ access to the disposal facility at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data and carrying out other necessary functions related to this permit.

- 7.8 The permittee must report to DEQ any changes in either ownership of the disposal site property or of the name and address of the permittee or operator within ten (10) days of the change.
- 7.9 The permittee must operate the facility in accordance with the approved Operations Plan, including any amendments, approved by DEQ. All plans required by this permit become part of the permit by reference once approved by DEQ.
- 7.10 The permittee must at all times maintain and properly operate all waste collection and disposal facilities to achieve compliance with the terms and conditions of this permit.
- 7.11 In the event the permittee is unable to comply with all the conditions of this permit because of a breakdown of equipment or facilities, an accident caused by human error or negligence, or any other cause such as an act of nature, the permittee must:
 - a. Immediately take action to stop, contain, and correct the problem.
 - b. Immediately notify DEQ's Regional office, so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.
 - c. Within 5 days of the time the permittee becomes aware of the circumstances, the permittee must submit to DEQ a detailed written report describing the breakdown, corrective action taken, steps taken to prevent a recurrence, and any other pertinent information.
- 7.12 Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.
- 7.13 The permittee must keep copies of all records and reports for five years from the date created.
- 7.14 Upon request, the permittee must make all records and reports related to the permitted facility available to DEQ.

Section B- Property Rights, Liability & Permit Actions

- 7.15 The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws, or regulations.
- 7.16 The Director of DEQ may, at any time before the expiration date, modify, suspend, or revoke this permit in whole or in part, in accordance with Oregon Revised Statutes 459.255, for reasons including but not limited to the following:
 - a. Violation of any terms or conditions of this permit or any applicable statute, rule, standard, or order of the Environmental Quality Commission;
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - c. A significant change in the quantity or character of solid waste received or in the operation of the disposal site;
 - d. Changes in state or federal rules which should be incorporated into the permit.
- 7.17 This permit must not be transferred to a third party without prior written approval from DEQ. Such approval may be granted by DEQ only after a permit modification application

is submitted to and approved by DEQ and that the transferee agrees in writing to fully comply with all the terms and conditions of this permit and the rules of the Commission.

- 7.18 Violations of any permit condition or any incorporated plan may subject the permittee to civil penalties of up to \$25,000 for each day of each violation. ORS 459.995 (1)(a).

8.0 DUE DATES SUMMARY

- 8.1 The permittee must comply with any event driven schedules identified below as well as any compliance schedules for routine reporting requirements identified elsewhere in this permit.

| <u>Urgent</u> Activity | Permit Section | Due Date |
|---|----------------|---|
| Discovery of prohibited waste: isolate or remove immediately: notify DEQ. | 1.2 | Within 48 hrs. |
| Spills: Notify OERS of reportable quantities of a spill | 4.2 | Immediately |
| Fires: notify DEQ | 6.18 | Within 24 hrs |
| Unable to comply with permit conditions: notify DEQ | 7.11 | Within 5 days |
| <u>Annual</u> Activity | | |
| Annual Solid Waste Compliance fee: submit to DEQ | 3.1 | July 31 |
| Material Recovery Survey Data: submit to DEQ | 3.2 | January 25 |
| <u>As Needed</u> Activity | | |
| Change in ownership, contact information or operator: notify DEQ | 7.8 | Within 10 days |
| Landfill Gas Monitoring Workplan | 4.3 | Within 90 days of permit issuance |
| Facility Design and Construction Plans including a Health and Safety Plan to address any soil disturbances. | 5.2 | 6 months prior to activity |
| Construction Certification report | 5.5 | Within 90 days of completing construction |
| Revised Operations Plan | 5.6 | As needed |
| Complaints | 6.19 | As needed |
| Surface or stormwater diversion ditches | 6.13 | Within 60 days of discovery |
| Keep copies of records and reports | 7.13 | For five years from date created |

CCGR OPERATIONS PLAN

Clackamas County Garbage and Recycling Transfer Station

**19600 SE Canyon Valley Rd; Sandy OR 97055
(503) 668-8885**

**Waste Management of Oregon, Inc.
District Manager: William Carr
Site Lead: Tom Nino
(503) 849-3955**

December 2016

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Attachment 1: Site Layout

Acronyms and Abbreviations

| | |
|----------|---|
| ACM | Asbestos Containing Material |
| C&D | Construction and Demolition Debris |
| CED | Covered Electronic Device |
| DEQ | Oregon Department of Environmental Quality |
| EAP | Emergency Action Plan |
| MRF | Materials Recovery Facility |
| Ops Plan | Operations Plan |
| PM | Preventative Maintenance |
| POTW | Publicly Owned Treatment Works |
| PPE | Personal Protective Equipment |
| SPCCP | Spill Prevention, Control and Countermeasure Plan |
| CCGR | Clackamas County Garbage and Recycling |
| SWDP | Solid Waste Disposal Permit |
| SWPCP | Stormwater Pollution Control Plan |
| WM | Waste Management |
| CFC | Chlorofluorocarbons |

PLAN REVIEW AND REVISION RECORD

Review Page

In accordance with the Clackamas County Garbage and Recycling Transfer Station referred to as (CCGR) in the Operations Plan (Ops Plan). Amendments to the Ops Plan will be documented below when significant change in the CCGR design, construction and/or operations occurs.

| Review | Date | Update or Amendment Required | Name (Print) |
|--------|---------|--|--------------|
| 1. | 8/8/13 | (Y)-Updated to reflect current operations and permit renewal | Dale Zoucha |
| 2. | 12/8/16 | Updated to reflect current operations and personnel | William Carr |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |

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| 1.0 | INTRODUCTION |
| 1.1 Purpose of the Operations Plan | <p>The purpose of the Operations Plan (Ops Plan) is to establish procedures for accepting and processing waste loads and recyclables that are brought into the Clackamas County Garbage and Recycling Transfer Station</p> <p>This document is supplemented with other permits, documents, reports and training material as needed.</p> |
| 1.2 Regulatory Requirements | <p>Per Section 7.0 of the OR Department of Environmental Quality (DEQ) Solid Waste Disposal Site Permit (#121) this plan will include but is not limited:</p> <ul style="list-style-type: none"> • A description of the method of operation of the facility in accordance with all regulatory and permit requirements. <p>The Ops Plans will be submitted to DEQ if significant updates or modifications occur requiring the agencies approval.</p> |
| 1.3 Overview of Operations | <p>Collection vehicles and customers enter the facility through the main entrance and proceed to the inbound load inspection area. At the inspection area, the scale attendant inquires with the driver about the type of material being delivered in order to begin the waste screening process. The customer is then charged per load size and material type.</p> <p>Signs and CCGR personnel direct customers to the appropriate areas to unload the material. Drop boxes are labeled to ensure proper disposal and recycling of material.</p> |

| 2.0 | FACILITY DESCRIPTION |
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| 2.1 Site Location and Topography | <p>The facility is owned by Clackamas County and operated by Waste Management of Oregon, Inc. (WMO). WMO has operated the CCGR facility since 1997.</p> <p>CCGR is located at 19600 SE Canyon Valley Road, Sandy OR 97055. The transfer station is a legally established non-conforming use conducted on approximately 2 acres of the 24 acres, County owned, timber (TBR) zoned tax lot.</p> <p>The surrounding property is predominantly rural residential and undeveloped forestland. The topography of the area is hilly.</p> |
| 2.2 Facility Layout, Site Access, and Egress | <p>There are two permanent buildings at CCGR., referred to as the scale house and the equipment maintenance shop.</p> <p>Ingress and egress is controlled through the main gate located on Canyon Valley Road. The main gate is open only during business hours. Access roads are all weather roads with appropriate signage.</p> |
| 2.3 Storm and Sanitary Disposal | <p>CCGR operates under a National Pollutant Discharge Elimination System (NPDES) 1200-Z Industrial Stormwater Discharge Permit and follows the requirements and regulations outlined in the 1200-Z permit. A copy of the permit and Stormwater Pollution Control Plan (SWPCP) is maintained on-site.</p> <p>Stormwater is collected from the site through a series of engineered drainage ways and catch basins and conveyed to an oil/water separator and a bio-swale before being discharged through a defined stormwater outfall. See the CCGR SWPCP for more details.</p> <p>The office sanitary water is collected in an onsite septic tank and additional portable toilets are used by site personnel and customers. A third party contractor services the portable toilets and septic tank.</p> |
| 2.4 Leachate Management System | <p>There is no leachate collection system on site.</p> |
| 2.5 Surface water and Surface Drainage Control | <p>Surface water is collected on the paved area in a series of catch basins then collected and conveyed to an oil/water separator and a bio-swale before being discharged through the defined stormwater outfall.</p> <p>For more details, see the CCGR SWPCP.</p> |

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| 3.0 | General Facility Operations |
| 3.1 Hours of Operation | <p>The current hours are Thursday – Monday 9-5pm. Operating Hours are posted on a sign at the front gate.</p> <p>Hours of operation may change as business requires or due to inclement weather.</p> |
| 3.2 Access Control | The facility is gated to control in-bound and out-bound vehicular traffic. The gate is open during business hours only. The scale attendant, on-site personnel, and posted signs direct traffic to the disposal and recycling areas. Signage identifies the exit route. |
| 3.3 Reporting Requirements | <p>For requirements, please refer to:</p> <ul style="list-style-type: none"> • DEQ Solid Waste Disposal Site Permit #121 • DEQ National Pollution Discharge Elimination System Stormwater Discharge Permit 1200-Z, File No: 113303 |
| 3.4 Opportunity to Recycle | <p>CCGR provides a public drop-off area for acceptance of recyclable materials, covered electronic devices, cooking oil, appliances, tires, etc.</p> <p>Materials are sorted on site, by the public and when necessary by WM associates, to reduce contamination, and to simplify additional processing off site.</p> |
| 3.5 Litter Prevention and Control | <p>Material handling activities in general have the potential to be a source of litter. The following methods are used to minimize off-site litter:</p> <p>The operations are conducted inside of the perimeter litter fence, which minimizes the potential for off-site litter.</p> <p>The site and surrounding area is inspected for the presence of litter related to site activities on a routine basis.</p> <p>Litter is removed from the fence line, parking area, entrance, and from roadways used to access the facility as needed.</p> |
| 3.6 Vector Prevention and Control | In general, waste material is processed often enough as to not attract vectors. If needed, a vector control-company will be used to minimize any onsite vector populations. |
| 3.7 Dust, Noise, Odor Prevention and Control | <p>Because of the location and limited use of the transfer station, dust and noise are normally not a problem at CCGR. If material is dry enough to cause a dust issue, it is wetted. Equipment is maintained regularly to reduce noise.</p> <p>Odors are managed by regular removal and processing of accepted materials.</p> |
| 3.8 Truck Washing Facilities | Truck washing does not occur on the transfer station premises. |
| 3.9 Leachate Separation and Treatment | There are no leachate collection, separation or treatment operations being performed at CCGR. |

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| <p>3.10 Facility Operation Equipment</p> | <p>Adequate equipment is maintained on-site to process and dispose of all material received at the facility safely and efficiently.</p> <p>WM has a preventive maintenance program to minimize equipment “down-time” and costly repairs. This program contributes to efficient and safe equipment operation ensuring adequate equipment availability. Operations employees inspect the equipment daily, WM and third party mechanics repair and service equipment in accordance with WM’s scheduled preventative maintenance policies.</p> <p>Changes to the equipment types will be made as operational requirements dictate. Rental equipment is available as required to meet operational and maintenance needs.</p> |
| <p>3.11 Complaint Response Procedures</p> | <p>All complaints are noted in the ‘Complaint Log’ and the District Manager is notified. The District Manager will determine the level of response and take appropriate action.</p> |

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| 4.0 | Waste Handling Operations |
| 4.1 Waste Streams – Acceptable, Unacceptable, Special, Asbestos | <p>Acceptable Wastes:</p> <ul style="list-style-type: none"> • Solid waste as defined in Oregon Revised Statute 459.005. <p>Acceptable Wastes that cannot be knowingly mixed with solid waste or transferred to a landfill for disposal:</p> <ul style="list-style-type: none"> • Source separated recyclable material; • whole tires; • Large home or industrial appliances; • Lead acid batteries; • Used oil; • Cooking oil; • Covered Electronic Devices (CED's) <ul style="list-style-type: none"> – Computer monitors and televisions having a viewable area greater than four (4) inches diagonally; – Desktop computers; – Portable computers; – Computer peripherals such as keyboards, mice, etc. <p>Acceptable Recyclable Material:</p> <ul style="list-style-type: none"> • Newspaper; • Ferrous scrap metal; • Non-ferrous scrap metal; • Used motor oil; • Used cooking oil; • Corrugated cardboard and kraft paper; • Aluminum; • Container glass; • Hi-grade office paper; • Tin cans; • Yard debris; • CED's <p>Unacceptable Waste-The facility must not knowingly accept the following:</p> <ul style="list-style-type: none"> • Hazardous waste • Liquid waste that don't pass the paint filter test performed in accordance with EPA Method 9095; • Sewage sludges, septic tank pumpings, chemical or vault toilet pumpings; • Whole automobile bodies; • Friable asbestos material as defined by OAR 340-248-0010; • Non-Friable asbestos containing material unless a DEQ approved Special Waste Management Plan is in place; • Infectious waste, <u>Exception</u>: Sharps may be accepted when handled in accordance with OAR 340-093-0190(1)(d)(B); • Explosives; • Large dead animals. |

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| 4.2 Waste Receiving – Incoming Loads | When a customer enters the site to dispose of waste, the material is screened to determine if it meets the acceptance criteria for the facility and is assigned a waste type. The size of each load is determined by volumetric measurement and the customer is charged based on the type and volume of waste delivered. The scale attendant instructs the driver where to unload the waste material. Commercial loads are scaled and charged per the fee schedule. |
| 4.3 Load Checking | A scalehouse attendant or load inspector may inspect the in-bound loads as needed. A CCGR employee will visually inspect the offloading of wastes from a safe distance for suspicious/unacceptable material. |
| 4.4 Load Rejection Procedures | <p>If unacceptable wastes are identified before being unloaded the load is either rejected* or the unacceptable material is removed from the load before unloading and returned to the customer for removal from the site.</p> <p>If unacceptable material is identified after a load is unloaded, the unacceptable material is rejected and the customer is responsible for reloading the material for removal from the site.</p> <p>If unacceptable material is identified after a load is unloaded and the vehicle has left the site, the material will be isolated and/or cleaned-up, as needed depending on the unacceptable material type. If discovered, the unacceptable material will be sent to a disposal facility permitted to accept it and the DEQ will be notified.</p> <p>*If a load is rejected, the date, company and reason for rejection are noted in the 'Rejected Load Log'.</p> |
| 4.5 Load Storage and Processing | CCGR stores each separated material on site until a complete load is accumulated. When a container is full, it is scheduled for removal from the site. |
| 4.6 Waste Sorting and Recovery | The majority of waste is sorted by the customer as they deliver material to the site. CCGR employees may further sort materials, if necessary, by machine or hand to improve the marketability of the material. |
| 4.7 Process for Measuring Recovery | N/A- Material recovery calculations are not required at this site. |

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| <p>4.8 Waste Control</p> | <p>Signs and handbills at the CCGR gate list unacceptable materials. The scale attendant is trained to ask specific questions to determine if the load contains unacceptable wastes. If unacceptable wastes are identified after a load is unloaded, the material is reloaded onto the vehicle for removal from the site. CCGR employees will provide the customer the contact information for the appropriate disposal facility.</p> <p>If unacceptable material is identified after a load is unloaded and the vehicle has left the site the material will be isolated and/or cleaned-up, as needed depending on the type of unacceptable material. Material will then be appropriately handled and transported to a properly permitted disposal facility, for example:</p> <ul style="list-style-type: none"> • Liquids will be contained using absorbent material and/or booms to keep them from entering drains or running offsite uncontrolled. Once contained, depending on the volume and if suspicious or unknown liquids are identified the load will be rejected and a licensed remediation contractor will be dispatched for proper cleanup and disposal. • Suspected asbestos-containing material will be isolated and DEQ will be notified of the issue. If needed, the suspect material may then be inspected by a licensed asbestos abatement contractor. Loads identified as being asbestos containing will be isolated and if needed, removed by a licensed asbestos abatement contractor. <p>Credit account customers, will be notified regularly via letter or e-mail of the facilities operating requirements and the waste acceptance policies at CCGR.</p> <p>Annual load acceptance training is mandatory for all employees at CCGR.</p> <p>Used oil, cooking oil, lead acid batteries and covered electronic devices are placed in properly contained areas, covered and labeled.</p> |
| <p>4.9 Covered Electronic Devices</p> | <p>CED's are accepted at the site at no charge in order to promote recycling of these items. Signage at the covered acceptance area and site personnel educate customers ensuring proper acceptance of CEDs.</p> <p>CCGR will handle CEDs with care to prevent breakage. If CEDs are broken upon receipt they will not be accepted and the customer will be referred to an appropriate facility. If CEDs are found in a disposal area, CCGR will remove the CED if it can be done safely. If removal is determined to be unsafe it will be documented and the landfill operator notified. If CEDs are damaged after delivery, they are isolated with similarly damaged CEDs and prepared for shipment to the processor.</p> <p>CEDs ready for shipment are staged in an isolated and covered area until shipped.</p> |

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| | <p>CEDs are removed from the site by a third-party vendor. CCGR staff contacts the vendor when a sufficient amount of CED's are ready for shipping.</p> |
| <p>4.10 Cooking Oil</p> | <p>Cooking oil is accepted at CCGR as a convenience to the customer and to promote recycling and recovery of this material.</p> <p>Cooking oil will be accepted and controlled by CCGR staff to ensure proper handling. The cooking oil holding tank consists of one or more 55 gallon drums located in a covered drop box accessible to CCGR staff only and segregated from the used motor oil to ensure cross contamination does not occur.</p> <p>If a customer is delivering used oil for recycling site staff will verify the type (either motor oil or cooking oil) Cooking oil will be given to CCGR personnel, who in turn, will handle the material appropriately and deposit it in the holding tank/drums.</p> <p>Cooking oil is removed from the site by a 3rd party vendor. CCGR staff notifies the vendor when a sufficient amount of cooking oil is ready for shipment.</p> |

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| 5.0 | Inspection and Maintenance Schedule |
| Maintenance Schedule | Site vehicles and equipment are inspected each workday and maintained in accordance with WM's preventative maintenance policies. |
| Maintenance Location | The majority of maintenance will be completed in the covered and enclosed CCGR maintenance facility. |
| Fueling | As needed, a third-party vendor fills an on-site diesel tank. CCGR personnel maintains the on-site equipment as needed. Affected employees are trained in spill prevention and containment procedures. Spill kits are staged in key locations on site. |

| 6.0 | Contingency Program |
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| 6.1 Safety Program | WM has an in-depth safety program that includes training and inspections. In accordance with WM corporate guidance, the operations staff is trained on various safety topics at least monthly. Safety training is documented and maintained on site. The district manager, as well as the regional safety manager are available to respond to and address any safety hazards. |
| 6.2 Emergency Agencies and Phone Numbers | <p>All emergency agencies including fire, police and medical services can be reached by calling: 911</p> <p>For additional information, see the CCGR Emergency Action Plan (EAP).</p> <p>For all emergency events, the DEQ and the County must be notified within 24 hours of identifying the event. This includes but is not limited to;</p> <ul style="list-style-type: none"> • Fires; • Natural Disasters; • Temporary Closure; • Any condition where the EAP is activated, see site specific EAP for details. |
| 6.3 Emergency Access | The front gate is open during business hours. After hours, the gate is accessible with an emergency access key. |
| 6.4 Personal Protective Equipment | WM supplies PPE for all employees, including but not limited to: high visibility vest, hardhat, safety-toe boots, safety glasses and gloves. Other PPE is supplied as needed. |
| 6.5 On Site Emergency Equipment | On site emergency equipment includes, but is not limited to, fire extinguishers, operational equipment, fire hose, spill kit and communication devices (telephones/radios). |
| 6.6 Spill Prevention and Response Procedures | <p>If a spill occurs, or is discovered, CCGR staff will act to contain the spill before it spreads off site and/or to any local water body. The facility Environmental Protection Specialist (EP Specialist) and District Manager will be notified immediately. CCGR operations staff and the Site Lead have been trained on spill management.</p> <ul style="list-style-type: none"> • Reportable spills include: Any amount of oil to waters of the state; • Oil spills on land in excess of 42 gallons; • Hazardous materials that are equal to, or greater than, the quantity listed in the Code of Federal Regulations, 40 CFR Part 302(List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002 <p>If a reportable spill occurs, CCGR will immediately report the spill to the Oregon Emergency Response System (OERS), phone number 1-800-452-0311.</p> <p>When reporting a spill, CCGR will provide basic spill information:</p> <ul style="list-style-type: none"> • Type of material spilled; • Estimated quantity; • Detailed location of spill; |

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| | <ul style="list-style-type: none"> • Names and phone number. <p>Some oil or hazardous material spills will require a separate notification to the National Emergency Response Center at 1-800-424-8802. The Web site at www.epa.gov/oilspill/oilreqs.htm will have current information necessary to determine if CCGR needs to report to the federal system.</p> <p>If a spill occurs, actions to take are:</p> <ul style="list-style-type: none"> • Move away or upwind from the spill if you detect an odor and are unsure it's safe. • Avoid contact with liquids and fumes • Keep non-emergency people out of the area • Wear protective clothing • Control and contain the spill • Clean up what you can immediately • Contact DEQ to confirm the appropriate disposal site for contaminated materials. • Remove the cleanup materials to a facility (such as solid or hazardous waste landfill or recycling center). Save receipts, which may be needed for documentation. • Continue with any long-term cleanup. • File a report to DEQ. The form is available at: http://www.deq.state.or.us/wmc/documents/SpillReportform.pdf |
| 6.7 Asbestos Waste Abatement Procedures | <p>An entry gate sign notifies haulers that CCGR does not accept any form of asbestos containing waste material (ACM).</p> <p>If bagged/labeled asbestos is left at CCGR, DEQ will be notified and if necessary a licensed third party asbestos abatement contractor may be dispatched to remove the material.</p> <p>If there is a release of asbestos-containing material or suspect material, then these following steps shall be followed:</p> <p>a) Employee</p> <ul style="list-style-type: none"> i) Notify EP Specialist and District Manager immediately. ii) Prevent access to the spill area using barricades or other obstructions. iii) Stay upwind of spill, but identify release quantity & potential receptors. iv) If possible, remotely wet down area. v) Await arrival of certified asbestos abatement workers. <p>b) District Manager</p> <ul style="list-style-type: none"> i) Contact local asbestos abatement contractor certified in accordance with ODEQ regulations to identify suspect materials, to sample asbestos, and to abate asbestos. Internal and agency emergency notification procedures are |

| | |
|--|---|
| | <p>located in the Emergency Action Plan.</p> <ul style="list-style-type: none"> ii) Contact the EP Specialist. iii) Notify the DEQ and County as required iv) Coordinate activities with third party asbestos abatement contractor. v) Keep all unapproved personnel out of the response location until cleanup is completed. vi) Insure the third party asbestos abatement company cleans all equipment that may have been contaminated by the release. <p>The Waste Management Environmental Protection Specialist or District Manager will notify ODEQ of the rejection of asbestos containing waste once the Abatement contractor has determined it to be asbestos containing.</p> <p>CCGR will prohibit a load from entry if it is determined to contain asbestos material. Site personnel will log this in the rejected load log and obtain as much detail regarding the material and customer. Notify the EP Specialist and District Manager who will then notify the DEQ.</p> |
| 6.8 Prohibited Waste Disposal Procedures | <p>If prohibited waste are discovered at CCGR after the hauler has left the site, the District Manager will determine the needed response. Depending on the waste type, it may be isolated and hauled off at a later date or a third-party contractor may be brought in to clean up and /or transport the waste to the appropriate disposal facility.</p> |

| 7.0 | Job Description and Training |
|--|--|
| 7.1 Description of Personnel Duties | <p>CCGR employment needs vary during the year.</p> <ul style="list-style-type: none"> • Scale attendant – weigh, measure, and track incoming and outgoing loads, conduct financial transactions, direct traffic, answer phones and public questions, gather data for reports, archive files, office organization. • Equipment operators – operate mobile equipment including, but not limited to, excavators, backhoes, front end loaders, rolloff truck and forklift. Sort material, direct traffic and perform site maintenance. • Mechanics – maintain mobile equipment and assist with building and site maintenance. • Day labor - sort material, site maintenance, litter patrol, measure loads. • Site lead – help direct employees and material flow, safety training and inspections, employee training, direct traffic, assist with site and environmental maintenance and coordinate transportation needs. • District manager - direct employees and material flow, safety training and inspections, employee training, responsible for site and environmental maintenance, interaction with regulators and off site WM personnel. • Environmental Protection Specialist – Oversees environmental permits and compliance for the transfer station. |
| 7.2 Personnel Training | <p>All employees are trained on basic safety and their job duties upon hiring. WM continually trains on safety and job/site requirements including site environmental issues.</p> <p>All training is documented and filed.</p> |

FRANCHISE NO. CCGRTS-4-17

DATE ISSUED: _____

EXPIRATION DATE: JANUARY 1, 2027

**SOLID WASTE
TRANSFER STATION FRANCHISE
ISSUED BY
CLACKAMAS COUNTY
150 BEAVERCREEK RD.
OREGON CITY, OREGON 97045
(503) 742-4466**

ISSUED TO: Waste Management of Oregon, Inc.

NAME OF FACILITY: Clackamas County Garbage & Recycling Transfer Station

ADDRESS: 19600 S.E. Canyon Valley Road, Sandy, OR 97055

LEGAL DESCRIPTION: T2S, R5E, Section 20, Tax Lot 800, WM

NAME OF OPERATOR: Waste Management of Oregon, Inc.

PERSON IN CHARGE: William Carr, Sr. District Manager-Disposal

ADDRESS: 7227 NE 55th Avenue, Portland, OR 97218

TELEPHONE NUMBER: 971-261-4008

INDEX

EXHIBITS

- EXHIBIT A. TRANSFER STATION SURVEY MAP
- EXHIBIT B. DEPARTMENT of ENVIRONMENTAL QUALITY
SOLID WASTE DISPOSAL PERMIT NUMBER 121
- EXHIBIT C. SPECIAL OPERATING CONDITIONS
- EXHIBIT D. PERFORMANCE BOND

SOLID WASTE TRANSFER STATION FRANCHISE AGREEMENT

This FRANCHISE AGREEMENT (“Franchise”) is made and entered into between WASTE MANAGEMENT OF OREGON, INC. (“Franchisee”) and CLACKAMAS COUNTY (“County”). The parties shall be collectively referred to herein as the “Parties” and individually as a “Party”, unless specifically identified otherwise. This Franchise shall constitute a "transfer station franchise" within the meaning of the Clackamas County Code Chapter 10.03 (the “Code”), and the terms of this Franchise shall be enforceable under the Code as "rules or regulations" promulgated thereunder. The terms of this Franchise shall also constitute a legally enforceable contract between the parties, subject to all the rights and responsibilities of the County or Franchisee under the Code, including the provisions for enforcement, suspension, modification, revocation of, or refusal to renew a franchise.

RECITALS

WHEREAS the County owns the Clackamas County Garbage & Recycling Transfer Station, as more specifically defined herein;

WHEREAS the Franchisee has been operating the Clackamas County Garbage & Recycling Transfer Station pursuant to Franchise Agreement No. STS-1-90 dated May 9, 1990, and as thereafter amended; and

WHEREAS the Parties wish to extend and restate the Franchise Agreement pursuant to the terms and conditions provided herein;

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties mutually agree, represent, and warrant as follows:

ARTICLE I DEFINITIONS

1. Transfer Station. The “Transfer Station” is the solid waste transfer facility owned by the County and located at 19600 S.E. Canyon Valley Road, Sandy, Oregon 97055. The location of the Transfer Station is shown on the attached survey map (**Exhibit A**) and more specifically described by the following legal description:

Beginning at an iron rod on the East and West centerline of Section 20, Township 2 South, Range 5 East Willamette Meridian, said iron rod being South 88°57'11" East 851.50 feet from the quarter section corner on the west line of said Section 20; thence South 1°02'49" East 195.50 feet to an iron rod; thence South 88°57'11" East 186.99 feet to an iron rod; thence North 4°22'45" East 478.32 feet to an iron rod; thence North 82°24'26" West 203.07 feet to an iron rod; thence South 1°47'24" West 305.18 feet to an iron rod; thence North 88°57'11" West 9.10 feet to the point of beginning, containing 2.185 acres.

2. Acceptable Wastes. “Acceptable Wastes” are defined as:

2.1. "Solid wastes" as defined under ORS 459.005, but excluding those solid wastes specifically identified under Section 3 (Prohibited Wastes).

3. Prohibited Wastes. "Prohibited Wastes" are defined as:

3.1. Non-digested sewage sludges, septic tank pumpings, chemicals, liquids, infectious waste, medical wastes, explosives and other materials which may be hazardous or difficult to manage unless specifically authorized in writing by Clackamas County and the Department of Environmental Quality;

3.2. "Hazardous wastes" as defined under ORS 466.005 and under federal law, including the federal Resource Conservation & Recovery Act, 42 U.S.C. §§ 6901 et seq.

4. Allowable Expenses. Allowable expenses shall not exceed the fair market value of like services; shall be known and measurable; shall be calculated in accordance with Generally Accepted Accounting Principles (GAAP); and shall be reasonably and prudently incurred by the Franchisee in the course of performing its obligations under this Franchise. Allowable expenses may include, but not be limited to:

4.1. Labor costs, including operational and supervisory labor, payroll taxes, workers' compensation, and benefits;

4.2. Vehicle and equipment expenses, including vehicle registration fees, motor fuel, oil, tires, rental charges and/or operating lease payments and repairs and maintenance;

4.3. Expenses of maintaining other capital assets, including rental charges and/or operating lease payments and repair and maintenance;

4.4. Utilities;

4.5. Disposal costs;

4.6. The Franchise Fee assessed pursuant to Article III, Section 1, and all other surcharges, taxes or fees (other than state or federal income taxes), which are imposed upon the Franchisee or levied by federal, state or local government in connection with Franchisee's provision of services under this Franchise;

4.7. The costs of complying with all laws, regulations or orders applicable to the obligations of the Franchisee under federal, state or local law, as now or hereafter amended;

4.8. Performance bonds and insurance in at least the amounts and coverages required by the County;

4.9. Administrative expenses related to data processing, billing and supplies, finance and accounting, Franchise administration, human resource and labor management, rate analysis, and regulatory compliance;

4.10. Expenses incurred in compiling, preparing, and submitting all reports and information required pursuant to Article VII.

4.11. Training and worker safety expenses;

4.12. Promotion and public education costs;

4.13. Depreciation and amortization of properly allocated capital assets, including any necessary stand-by or back-up equipment used on a regular and ongoing basis in the provision of services under this Franchise over standardized economic useful lives of the various assets.

4.14. Outside professional fees and costs;

4.15. Interest expense that is not in excess of market rates ordinarily charged for the various types of financing required for purchases or leases; and

4.16. Direct write-off charges for bad debts.

5. Gross Revenue. “Gross Revenue” is defined as:

5.1. Gross billings by the Franchisee to customers for services provided under this Franchise; and

5.2. The allocated gain on the sale of fixed assets, the depreciation or amortization from which, was an Allowable Expense; and

5.3. Refunds, sales proceeds or other reimbursements for any other expense that was an Allowable Expense; and

5.4. Proceeds from the sales of recycled material collected within the Franchise.

6. Income. “Income” is defined as Gross Revenue minus Allowable Expenses.

7. Return on Revenue. “Return on Revenue” is defined as the quotient of Income divided by Gross Revenue.

ARTICLE II AUTHORITY TO OPERATE

During the Term (as defined below) of this Franchise, Franchisee is hereby authorized to operate and maintain the Transfer Station for the purpose of accepting and disposing of solid waste in accordance with the terms and conditions of this Franchise and in accordance with the provisions specified in the Solid Waste Disposal Site Permit No. 121 (**Exhibit B** attached hereto) issued by the Oregon Department of Environmental Quality (“DEQ”).

ARTICLE III COMPENSATION – RATES, FEES, AND OTHER COSTS

1. Franchise Fee. Franchisee will pay a franchise fee (the “Franchise Fee”) to the County as determined by order of the Board of County Commissioners. Franchisee shall have the option, within 30 days from the initial imposition of the Franchise Fee or increase in the Franchise Fee, to cancel this Franchise and discontinue service with 90 days written notice. The Franchise Fee is payable to the County on or before the end of each month following the end of each calendar quarter.

2. Fees. The Franchisee is authorized to charge users of the Transfer Station only those fees that shall be determined by the Clackamas County Board of Commissioners.

3. Fee Adjustments. If the result of a financial review (Clackamas County Code 10.03.340) reveals the Return on Revenue is outside the range of 8%-12%, the fees (**Section 2.**

of this article) may be adjusted to produce a targeted Return on Revenue of 10% when applied to the revenues and expenses presented in the financial review.

The Franchisee may, at any time, request an increase in fees if the Return on Revenue, for a twelve month period, falls below 8% as determined by a financial review. The franchisee will bear the County's cost of the review if the request is made at a time other than the regularly scheduled review as described in Article VII.

4. Utilities. Franchisee will pay for all utilities or services used at the Transfer Station.

ARTICLE IV TERM AND TERMINATION

1. Term. The Term of this Franchise shall commence upon the date that all Parties have executed this Agreement, as evidenced by the signatures below, and shall terminate on January 31, 2027.

2. County's Right to Terminate. The County shall have the right to terminate this Franchise pursuant to Section 10.03.270 and Section 10.03.280 of the County Code.

3. Notice of Default and Right to Cure. Notwithstanding the above, the County shall only terminate this Franchise if the County has given written notice to the Franchisee of the County's intent to terminate the Franchise, including the reasons for such termination, and the Franchisee has failed to cure such breach within thirty (30) days after receipt of written notice of the County's intent to terminate.

4. Return of Premises. Upon termination of this Franchise, Franchisee shall immediately quit and deliver the Transfer Station (including all improvements or additions which have not been removed within a reasonable amount of time) to the County peaceably, quietly and in good order and clean condition, normal wear and tear excepted.

ARTICLE V IMPROVEMENTS

Franchisee may erect such buildings or structures on the County-owned land described in this Franchise as necessary for the operation of the Transfer Station or other solid waste collection functions. Franchisee must comply with all applicable land-use and construction regulations in the construction of any such structures, and shall be responsible for obtaining any necessary permits. Upon termination of the Franchise, any such buildings or structures shall become the sole property of the County if they are not removed from the premises within a reasonable amount of time. Franchisee is aware that the Transfer Station may constitute a pre-existing nonconforming use under current zoning regulations and that land-use approval may, therefore, be required before expanding the use of the Transfer Station.

ARTICLE VI SPECIAL OPERATING CONDITIONS

Franchisee shall comply with the Special Operating Conditions attached hereto as **Exhibit C**. The Special Operating Conditions may be revised from time-to-time by the Parties without the requirement to amend this Franchise.

**ARTICLE VII
MINIMUM REPORTING REQUIREMENTS**

At a minimum, the Franchisee shall collect, summarize, and submit to the County the following information concerning the Transfer Station operations:

| Data | Reporting Frequency |
|--|----------------------------|
| Tons of solid waste deposited by commercial collection vehicles. | Monthly |
| Number of commercial collection vehicles. | Monthly |
| Tons of solid waste deposited by private vehicles | Monthly |
| Number of private vehicles including cars, pickups, trailers and other small hauling vehicles. | Monthly |
| Unusual occurrences affecting disposal site operation. | Each Occurrence |
| Significant construction activities. | Each Occurrence |
| Tons of source separated recyclables by type. | Monthly |
| Counts of batteries, tires, appliances with freon, uncovered loads, gallons of oil. | Monthly |
| Daily transactions by type (inbound/outbound) | Monthly |
| Financial Review – submitted on forms provided or approved by the County for a twelve month period | Every two years |

**ARTICLE VIII
INDEMNIFICATION**

The Franchisee agrees to indemnify, save harmless and defend the County, the Solid Waste Commission and their officers, commissioners and employees (collectively, the “Indemnitees”) from and against all claims and action, and all expenses incidental to the investigation and defense thereof, to the extent caused by, or arising from or in connection with the breach of any representations, covenants or warranties of the Franchisee set forth in this Franchise, or any negligent actions or omissions or willful misconduct of the Franchisee, its employees, officers, owners, directors or agents in the performance of this Franchise, or the violation of any law, ordinance or regulation. Such indemnity shall exclude Damages to the extent they arise as a result of any negligent actions or omissions or willful misconduct of the Indemnitees.

ARTICLE IX INSURANCE

1. Amount. Franchisee shall maintain throughout the term of this Franchise the following types of coverage with limits that are required by appropriate regulatory agencies or the following, whichever are greater:

- Commercial General Liability (bodily injury and property damage), \$1,000,000 combined single limit per occurrence;
- Automobile Liability, \$500,000 combined single limit per occurrence;
- Employer's Liability, \$1,000,000 per occurrence; and
- Workers' Compensation, statutory limit.

2. Other Requirements. Franchisee shall name County as an additional insured under the Franchisee's Commercial General Liability and Automobile Liability insurance policies, but only to the extent of the Franchisee's indemnity obligation set forth above. Upon request, Franchisee shall provide to County certificates evidencing such insurance. Such coverage and policies shall not be canceled, modified or revoked without providing County thirty (30) days advance written notice.

3. Performance Bond. The Franchisee shall furnish to the County a Performance Bond (**Exhibit D**) in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000.00) or any other amount as deemed appropriate by the Director as security for the faithful performance and payment of all obligation under the Franchise Agreement. This Performance Bond shall remain in effect for the duration of the Franchise Agreement.

ARTICLE X FORCE MAJEURE

If either Party is prevented from or delayed in performing its duties under this Franchise by circumstances beyond its control, whether or not foreseeable, including, without limitation, fires, typhoons, hurricanes, severe weather, floods, volcanic eruptions, pandemics, quarantines, war, civil disturbances, acts of terrorism, labor disputes, acts of God, or threats of such circumstances, or any future laws, rules, regulations, orders, or acts of any local, state, federal, or provincial government ("Force Majeure"), then the affected Party shall be excused from performance hereunder during the period of such disability. The Party claiming Force Majeure shall promptly notify the other Party when it learns of the existence of a Force Majeure condition and when the Force Majeure condition has terminated. Notwithstanding anything in this Franchise to the contrary, the term "Force Majeure" does not include and a Party shall not be excused from performance under this Franchise for events relating to increased costs, including, without limitation, increased costs of fuel, labor, insurance or other expenses of performing the Services hereunder.

**ARTICLE XI
GENERAL CONDITIONS**

1. Compliance with Laws. Franchisee shall comply with all applicable federal, state, and local laws, regulations, ordinances, permits, orders, and other requirements applicable to operation of the Transfer Station, including, but not limited to, all Environmental Laws. Without limiting the generality of the foregoing, the Franchisee shall comply with all conditions of Solid Waste Permit Number 121 issued by the Oregon Department of Environmental Quality (DEQ), including all amendments thereto. Franchisee shall also be responsible for submitting a timely application for the renewal Solid Waste Permit Number 121.

2. Communications with Regulatory Agencies. The Franchisee shall submit a duplicate copy to the County of any material information submitted to, or required by the Department of Environmental Quality pertaining to the Solid Waste Permit for the Transfer Station.

3. Authorized representatives from the County shall be permitted access to the Transfer Station at all reasonable times for the purpose of making inspections and carrying out other necessary functions relating to this Franchise. Access to inspect is authorized:

- a. during all working hours without notice.
- b. at other reasonable times with notice.
- c. at any time without notice where, at the discretion of the County, such notice would defeat the purpose of the entry.

4. Notice. Any notice required or permitted hereunder shall be in writing (including, without limitation, by facsimile transmission) and sent to the address shown below:

| | | | |
|----------------------|--|------------|---|
| If to COUNTY: | 150 Beaver creek Rd. Oregon City, OR 97045 | Copy to: | 150 Beaver creek Rd. Oregon City, OR 97045 |
| Attention: | Rick Winterhalter | Attention: | Nancy Davis |
| If to FRANCHISEE: | 7227 NE 55 th Ave Portland, OR 97218 | Copy to: | _____ _____ |
| Attention: | William Carr | Attention: | _____ _____ |

5. Successors and Assigns. Neither Party shall assign this Franchise without the prior written consent of the other Party, except that Franchisee may assign this Franchise to any subsidiary, parent or affiliated Franchisee without the County's consent, provided, however, that Franchisee has provided written notice to County of such assignment. If this Franchise is assigned as provided above, it shall be binding on and shall inure to the benefit of the Parties hereto and their respective successors and assigns. Franchisee may subcontract any of its obligations under this Franchise only with prior approval by the Board of County Commissioners, and such approval shall not be unreasonably withheld. If approved, the Franchisee shall remain responsible for compliance with this Franchise.

6. No Liens. Franchisee will not permit any liens to be placed on the Transfer Station or property where the Transfer Station is located.

7. Legal Fees. In the event any legal action is taken by either Party against the other Party to enforce any of the terms and conditions of this Franchise, it is agreed that the unsuccessful Party to such action shall pay to the prevailing Party therein all court costs, reasonable attorneys' fees and expenses incurred by the prevailing Party.

8. Entire Agreement; Amendment. This Franchise constitutes the entire agreement among the Parties concerning the subject matter hereof and supersedes all previous correspondence, communications, agreements and understandings, whether oral or written among the Parties. This Franchise may not be modified, in whole or in part, except in writing signed by all the Parties.

9. No Third Party Beneficiaries. This Franchise is made solely and specifically among and for the benefit of the parties hereto, and their respective successors and assigns, and no other person will have any rights, interest, or claim hereunder or be entitled to any benefits under or on account of this Franchise, whether as a third party beneficiary or otherwise.

10. Headings. The Headings used in this Franchise are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope of this Franchise nor the intent of any provision thereof.

11. Construction. In case any one or more of the provisions contained in this Franchise shall for any reason be held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provision in this Franchise and this Franchise shall be construed as if the invalid illegal, or unenforceable provision had never been contained in it.

12. Governing Law. This Franchise, and all amendments or supplements thereto, shall be governed by and construed in accordance with the laws of the State of Oregon and the Clackamas County Code.

* * *

IN WITNESS WHEREOF, the Parties enter into this Franchise. Each person signing this Franchise represents and warrants that he or she has been duly authorized to enter into this Franchise by the Party on whose behalf it is indicated that the person is signing.

CLACKAMAS COUNTY

**WASTE MANAGEMENT OF
OREGON, INC.**

By: _____
Name: Jim Bernard
Chair,
Title: Board of County Commissioners
Date: _____

By: _____
Name: Adam Winston
Title: Vice President
Date: _____

EXHIBIT A
SURVEY MAP OF TRANSFER STATION

EXHIBIT B
SOLID WASTE DISPOSAL SITE PERMIT NO. 121

EXHIBIT C

SPECIAL OPERATING CONDITIONS

1. Hours of Operation. Except as provided herein, the Transfer Station shall, at a minimum, be open during the hours of 9:00 a.m. to 5:00 p.m., five days per week; Saturday and Sunday shall be two of the five days.

1.1. The Franchisee may, in its reasonable discretion, temporarily close the Transfer Station or change the hours or days of operation if the Franchisee determines that inclement weather or other conditions interfere with the safe and effective operation of the Transfer Station. In the event of a closure or change in the hours and days of operation, the Franchisee shall notify the County of such closure or change.

1.2. The County may, in its reasonable discretion, require the Franchisee to close the Transfer Station or change the hours or days of operation if the County determines that such closure or change is reasonably necessary to ensure compliance with this Franchise.

2. Refusal of Service. The Franchisee may refuse service to any customer if the customer refuses to pay for service in accordance to the rates established by the Board or the customer refuses to follow the facility rules. The number of customers refused service shall be reported to the County.

3. Temporary Closures. In the event that the Transfer Station is to be closed for an indefinite period of time during the effective period of this franchise, the Franchisee shall provide the County with written notice of the proposed time schedule and closure procedures at least ninety (90) days prior to closure or as soon as practicable if it is not possible to provide 90 days advance notice. In addition to notice to the County, the Franchisee shall provide at least thirty (30) days written notice of the proposed closure to any franchisees using the Transfer Station. This requirement shall not apply to any order, foreclosure or restriction of use by any public agency, public body or court having jurisdiction.

4. Access. The Franchisee shall control unauthorized public access to the Transfer Station by using fences, natural terrain, features of the site, or other measures as necessary to preclude unauthorized entry, dumping, or other vandalism. The Franchisee shall report any vandalism, theft, or damage to the Clackamas County Sheriff's Office and to the Department of Transportation and Development (Community Environment Division).

5. Signage. The Franchisee shall post signs at the Transfer Station that clearly state the Transfer Station rules and the applicable disposal rates. The Franchisee shall also maintain a clearly visible and legible sign at the entrance to the Transfer Station. Such sign shall at a minimum, include the following information:

- Name of the Facility
- Hours of Operation

6. Tires. Whole tires may be accepted and shall be stored in a separate area of the disposal site behind a gated chain link fence or other approved enclosure. Normally no more than 300 whole waste tires shall be stored at the site at any time. Franchisee shall comply with

all Department of Environmental Quality Waste Tire Storage Requirements. Tires must be stored in such a manner as to prevent vector harborage.

7. Recycling Operations.

7.1. The site operator shall accept from the public, at a minimum, the same type of recyclable materials collected curbside outside of the Metro Urban Growth Boundary.

7.2. Salvaging of recyclables is authorized if controlled so as to not interfere with optimum disposal site operation and not create unsightly conditions or vector harborage.

7.3. Only the operator of the site, or such other authorized County Employees, representatives, or agent as agreed to in writing by the operator and County, shall be allowed to salvage through the waste for recycling purposes. There shall be no unauthorized salvaging or rummaging through the disposed waste or recyclables.

7.4. Storage areas for recyclable materials such as corrugated cardboard, newsprint, scrap metal, appliances and other recyclable materials shall be maintained in an orderly manner and recyclable materials shall be removed at sufficient frequency to avoid creating nuisance conditions, vector harborage, or safety hazards.

7.5. The Franchisee shall provide all the necessary on-site recycling containers for the public's convenience. All recycling containers or drop off areas shall be clearly and legibly identified with signs by recyclable types.

7.6. Franchisee shall provide to the users of the facility information about the opportunities to recycle at the facility.

8. Cleanliness & Maintenance.

8.1. Dust, malodors, and noise shall be controlled so as to comply with the Department of Environmental Quality rules pertaining to air pollution and noise control.

8.2. Access and on-site roads shall be maintained to prevent traffic hazards and excessive dust and shall provide for all weather passage of vehicles.

8.3. Rodent and insect control measures such as baiting and insecticide spraying shall be provided as necessary to prevent vector production and sustenance.

8.4. The Franchisee shall perform litter patrols as needed on site and along the entire length of Canyon Valley Road to minimize blowing paper and other material.

8.5. Franchisee shall maintain the buildings and grounds in a manner acceptable to the County. Except for damage due to an act of God all paved areas, including driveways, pads, and maneuvering areas, and the concrete walls and

guardrails shall be maintained in compliance with federal, state, and local safety standards.

9. Emergency Procedures.

9.1. In the event a breakdown of equipment, fire or other occurrences which causes a violation of any conditions of this Franchise, Department of Environmental Quality Disposal Permit, Solid Waste and Waste Management Ordinance or any subsequent contract, ordinance permit or amendments thereto, the Franchisee shall:

(a) Take immediate action to correct the unauthorized condition or operation.

(b) Immediately notify the County so that an investigation can be made to evaluate the impact and the corrective actions taken and, if applicable, determine additional action that must be taken.

9.2. If the County finds that there is a serious danger to the public health or safety as a result of the actions or inactions of the Franchisee, the County may take whatever steps are necessary to abate the danger without notice to the Franchisee.

10. No Fires. No burning of any materials shall be conducted or allowed at the Transfer Station site. Accidental fires shall be immediately extinguished and reported to the County.

11. Transfer Vehicles. All solid waste transfer vehicles and devices using public roads shall be constructed, maintained and operated so as to prevent leaking, sifting, spilling or blowing of solid waste while in transit.

12. Removal of Waste Materials.

12.1. Prohibited waste shall be contained and removed from the site within a reasonable amount of time and shall be transported to a disposal site authorized to accept said material.

12.2. Solid waste other than material for recycling or reuse shall be removed from the site a minimum of every seven (7) days and shall be transported to an authorized Department of Environmental Quality disposal facility.

EXHIBIT D
PERFORMANCE BOND