



METRO

SOLID WASTE FACILITY LICENSE
No. L-026-16

LICENSEE:	FACILITY NAME AND LOCATION:
McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222 Telephone: (503) 659-4240 Fax: (503) 659-0237	McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222 Telephone: (503) 659-4240 Fax: (503) 659-0237
OPERATOR:	PROPERTY OWNER:
McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222 Telephone: (503) 659-4240 Fax: (503) 659-0237	Dan McFarlane and Marjorie McFarlane Telephone: (503) 659-4240 Fax: (503) 659-0237

This license replaces and supersedes the provisions of Metro Solid Waste Facility License No. L-026-13A. Metro grants this license to the Licensee named above. The Licensee is authorized to operate and maintain a solid waste facility and to accept the solid waste and perform the activities authorized by and subject to the conditions stated in this license.

ISSUED BY METRO

Roy W. Brower

Solid Waste Compliance and Cleanup Director

Date



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1.0	ISSUANCE	
1.1	Licensee	McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222
1.2	Contact	Dan McFarlane, President
1.3	License number	Metro Solid Waste Facility License Number L-026-16
1.4	Term	The license term is from July 1, 2016, to June 30, 2021, unless amended, suspended, or revoked under Section 11.0.
1.5	Renewal	The Licensee may apply for a license renewal as provided in Metro Code Section 5.01.
1.6	Facility name and mailing address	McFarlane's Bark, Inc. 13345 SE Johnson Road Milwaukie, OR 97222
1.7	Operator	McFarlane's Bark, Inc.
1.8	Facility legal description	Tax Lot 00202-00400-00802-00803 Section 05, Township 25, Range 2E, W.M. City of Milwaukie, State of Oregon
1.9	Property owner	Dan McFarlane and Marjorie McFarlane
1.10	Permission to operate	The property owner is the owner/operator of the facility.

2.0	CONDITIONS AND DISCLAIMERS	
2.1	Guarantees	This license does not vest any right or privilege in the Licensee to receive specific quantities of solid waste at the direction of Metro during the term of the license.
2.2	Non-exclusive license	This license must not in any way limit Metro from granting other solid waste licenses within Metro's boundaries.
2.3	Property rights	This license does not convey any property rights in either real or personal property.
2.4	No recourse	The Licensee will have no recourse whatsoever against



		Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this license or because of the enforcement of the license or in the event Metro determines that the license or any part thereof is invalid.
2.5	Indemnification	Licensee must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses related to or arising out of the granting of this license or the Licensee's performance of or failure to perform any of the obligations under the license or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors.
2.6	Binding nature	This license is binding on the Licensee. The Licensee is liable for all acts and omissions of the Licensee's contractors and agents.
2.7	Waivers	To be effective, a waiver of any terms or conditions of this license must be in writing and signed by the Chief Operating Officer ("COO").
2.8	Effect of waiver	Waiver of a term or condition of this license does not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.9	Choice of law	The license must be construed, applied, and enforced in accordance with the laws of the State of Oregon.
2.10	Enforceability	If a court of competent jurisdiction determines that any provision of this license is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this license shall not be affected.
2.11	License not a waiver	This license does not relieve any owner, operator, or the Licensee from the obligation to obtain all required permits, licenses, or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.12	License not limiting	This license does not limit the power of a federal, state, or local agency to enforce any provision of law relating to the facility.
2.13	Definitions	Unless otherwise specified, all other terms are as defined in



	Metro Code Chapter 5.00.
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3.0 AUTHORIZATIONS	
3.1	General conditions on acceptable materials The Licensee is authorized to accept at the facility only the solid wastes described in Section 3.0. The Licensee is prohibited from knowingly receiving any solid waste not authorized in this section.
3.2	General conditions on activities The Licensee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0.
3.3	Acceptance of yard debris The Licensee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The Licensee may accept yard debris for processing, composting, the production of mulch, and use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO.
3.4	Acceptance of land clearing debris The Licensee is authorized to accept land-clearing debris (e.g. brush and stumps). The Licensee may accept land clearing debris for processing, composting, use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO.
3.5	Acceptance of untreated wood The Licensee is authorized to accept source-separated, untreated and unpainted wood waste (e.g. untreated lumber and wood pallets). The Licensee may accept untreated wood waste for processing, composting, for use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO.
3.6	Acceptance and management of painted wood and preservative treated wood <ol style="list-style-type: none">1. The Licensee is authorized to accept painted and treated wood waste, other than creosote-treated wood waste, for grinding and reloading to authorized facilities for use as hogged fuel or other useful purpose as described in an operating plan and approved in writing by the COO.2. The Licensee shall not incorporate painted or treated wood into compost feedstocks, mulch, animal bedding, or any other product unless otherwise described in an operating plan and approved in writing by the COO.



		<p>3. Painted and treated wood waste shall be kept separated at all times from yard debris and untreated wood waste destined for composting or mulch. Signs must clearly describe the different locations for painted and treated wood waste from other composting feedstock.</p>
3.7	Production of hogged fuel	<p>1. The Licensee is authorized to accept and grind only yard debris, land clearing debris, untreated wood, painted wood, and treated wood for delivery to facilities with industrial boilers for use as hogged fuel.</p> <p>2. Licensee is prohibited from mixing any other solid waste with the wood wastes described above for the production of hogged fuel.</p>
3.8	Acceptance of inert materials	<p>The Licensee is authorized to accept inert materials such as concrete, asphalt, rock and clean dirt for processing and reuse.</p>

4.0	LIMITATIONS AND PROHIBITIONS	
4.1	Pile height limitation	<p>The Licensee must not stockpile or store yard debris, wood waste, compost, or other landscaping products in piles greater than 30 feet in height.</p>
4.2	Prohibited waste	<p>The Licensee is prohibited from receiving, processing, reloading or disposing of any solid waste not authorized in this license. The Licensee must not knowingly accept or retain any material amounts of the following types of wastes: non-putrescible or putrescible waste other than that specifically allowed in Section 3.0, special wastes as defined in Metro Code Chapter 5.02, creosote-treated wood or timbers, materials contaminated with or containing asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; any waste prohibited by the Oregon Department of Environmental Quality ("DEQ").</p>
4.3	Source-separated residential yard debris mixed with food waste	<p>The Licensee must not knowingly accept or retain source-separated residential yard debris mixed with food waste from municipal curbside collection programs.</p>



4.4	No disposal of recyclable materials	The Licensee must not dispose of source-separated recyclable materials to a disposal site.
4.5	Limits not exclusive	This License must not be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this license document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

5.0	OPERATING CONDITIONS	
5.1	Qualified operator	<ol style="list-style-type: none">1. The Licensee must, during all hours of operation, provide an operating staff employed by the facility, and qualified and competent to carry out the functions required by this license and to otherwise ensure compliance with Metro Code Chapter 5.01.2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this license and the relevant procedures contained within the facility's operating plan (see Section 6.0).3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is inadvertently received.
5.2	Fire prevention	The operator must provide fire prevention, protection, and control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the processing area.
5.3	Adequate vehicle accommodation	The Licensee must: <ol style="list-style-type: none">1. Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. Access roads shall be maintained to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.2. Take reasonable steps to notify and remind persons delivering solid waste to the facility that all inbound and outbound vehicles must not:



		<ul style="list-style-type: none">a. Park or queue on public streets, roads, or easement areas except under emergency conditions or as provided by local traffic ordinances; andb. Obstruct access to adjacent properties and businesses. <p>3. Post signs to inform customers not to queue on public roadways.</p> <p>4. Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site tarping and untarping of loads that does not obstruct access to adjacent properties and businesses.</p>
<p>5.4</p>	<p>Managing prohibited wastes</p>	<ul style="list-style-type: none">1. The Licensee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when inadvertently received.2. The Licensee must maintain a load-checking program to prevent the acceptance of waste that is prohibited by the license. This program must include at a minimum:<ul style="list-style-type: none">a. Visual inspection. As each load is tipped, a qualified operator shall visibly inspect the load to prevent the acceptance of waste that is prohibited by the license.b. Containment area. The Licensee must provide a secured or isolated containment area for the storage of prohibited wastes that are inadvertently received. The Licensee must ensure containment areas are covered and enclosed to prevent leaking and contamination.c. Record maintenance. The Licensee must maintain records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste in the operating record and make the records available for review by Metro.3. Upon discovery, the Licensee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes that the Licensee inadvertently receives shall be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by the DEQ or local government. Putrescible waste not authorized in Section 3.0 of this license that is inadvertently received shall be suitably contained and removed from the site and transported to



		an appropriate destination within 24-hours of receipt.
5.5	Storage and exterior stockpiles	<p>The Licensee must:</p> <ol style="list-style-type: none">1. Manage, contain, and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards;2. Maintain storage areas in an orderly manner and keep the areas free of litter;3. Manage stockpiles to ensure that they remain within the authorized volumes and pile heights;4. Position exterior stockpiles within footprints identified on the facility site plan or operating plan; and5. Not stockpile recovered or source-separated materials for longer than 180 days (6 months).
5.6	Dust, airborne debris, and litter	<ol style="list-style-type: none">1. The Licensee must operate the facility in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and will prevent its migration beyond property boundaries.2. The Licensee must:<ol style="list-style-type: none">a. Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit.b. Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.c. Maintain and operate all access roads, receiving, processing (including grinding), storage, and reload areas in such a manner as to minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site.d. Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation.e. Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud, gravel or other debris off-site. Provide access to



		<p>the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Chapter 5.09.</p>
5.7	Odor	<ol style="list-style-type: none">1. The Licensee must operate the facility in a manner that prevents the generation of odors that are detectable off-site.2. The Licensee must maintain and follow procedures in the operating plan for minimizing odor at the facility.
5.8	Vectors (e.g., birds, rodents, insects)	<ol style="list-style-type: none">1. The Licensee must operate the facility in a manner that is not conducive to harborage of rodents, birds, insects, or other animals capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.2. If vectors are present or detected at the facility, the Licensee must implement vector control measures.
5.9	Noise	<p>The Licensee must operate the facility in a manner that prevents the creation of noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.</p>
5.10	Water quality	<p>The Licensee must operate the facility consistent with an approved DEQ stormwater management plan (or equivalent), and must:</p> <ol style="list-style-type: none">a. Operate and maintain the facility to minimize contact of solid wastes with storm water runoff and precipitation; andb. Dispose of or treat water contaminated by solid waste onsite in a manner complying with local, state, and federal laws and regulations.
5.11	Access control	<p>The Licensee must control public access to the facility as necessary to prevent unauthorized entry and dumping.</p>
5.12	Signage	<p>The Licensee must post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible,</p>