



600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov


SOLID WASTE FACILITY LICENSE

No. L-179-17

LICENSEE: Northwest Landscape Services 1800 NW Cornelius Pass Road Hillsboro, OR 97124 Tel (503) 568-8085 Harold Ruppert Harold@o2compost.com	FACILITY NAME AND LOCATION: Northwest Landscape Services 1800 NW Cornelius Pass Road Hillsboro, OR 97124 Tel (503) 568-8085 Harold@o2compost.com
OPERATOR: Northwest Landscape Services 1800 NW Cornelius Pass Road Hillsboro, OR 97124 Tel (503) 568-8085 Harold@o2compost.com	PROPERTY OWNER: Northwest Landscape Services Tom Dimeco PO Box 864 Woodinville, Washington 98072 Tel (425) 481 0919 www.nlswa.com

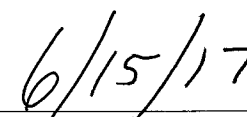
The licensee is authorized to accept solid waste and perform waste activities as authorized by and subject to the conditions stated in this license.

ISSUED BY METRO:



Roy W. Brower,

Solid Waste Information, Compliance, and Cleanup Director



Date

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1.0	ISSUANCE	
1.1	Licensee	Northwest Landscape Services 1800 NW Cornelius Pass Road Hillsboro, OR 97124 Tel (503) 486-5154
1.2	Licensee contact	Harold Ruppert Tel: 503-568-8085 E-mail: Harold@o2compost.com
1.3	License number	Metro Solid Waste Facility License No. L-179-17.
1.4	Term	The license term is June 15, 2017 to December 31, 2020 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 5.01.110.
1.6	Facility name and mailing address	Northwest Landscape Services 1800 NW Cornelius Pass Road Hillsboro, OR 97124
1.7	Operator	Brian Bural Northwest Landscape Services 1800 NW Cornelius Pass Road Hillsboro, OR 97124 Tel (503) 568-8085 brian@nlsua.com
1.8	Facility legal description	Tax lot 1N235AB00400, Township IN, Range 2W, Section 35AB, Washington County, State of Oregon
1.9	Property owner	Tom Dimeco PO Box 864 Woodinville, Washington 98072 Tel (425) 481 0919 www.nlsua.com
1.10	Permission to operate	The licensee is the property owner.

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 does 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, 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	The licensee must indemnify Metro, the Council, the Chief Operating Officer ("COO"), and any of their employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this license or the licensee's performance of or failure to perform any of its 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	The 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 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 performance of the same term or condition or any other term or condition.
2.9	Choice of law	The license will 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 complying 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 terms are as defined in Metro Code Chapter 5.00.

3.0	AUTHORIZATIONS	
3.1	General conditions on solid waste	The licensee is authorized to accept at the facility only the solid waste 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 and disposal of yard debris and soil infested with Japanese Beetle from the designated quarantine area	<ol style="list-style-type: none"> 1. The licensee is authorized to accept source-separated yard debris and soil generated from within Oregon Department of Agriculture's ("ODA's") designated Japanese Beetle quarantine area located within Washington County, Oregon. 2. The licensee may accept the waste described in this section for the purpose of consolidation and transfer to disposal. The licensee must not allow any of this waste to be used for composting, mulch, or any other landscaping or agricultural use. 3. The licensee must remove all yard debris and soil from the site within seven days of receipt.

4.0	LIMITATIONS AND PROHIBITIONS	
4.1	Prohibited waste	The licensee must not knowingly receive, process, reload, or dispose of any solid waste not authorized by this license. The licensee must not knowingly accept or retain any material amounts of the following types of waste: non-putrescible, putrescible waste, or special waste other than that specifically allowed in Section 3.0, 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").
4.2	Composting prohibited	This licensee must not keep yard debris on site long enough for more than negligible biological decomposition to begin. Yard debris must not be stored on-site for more than seven days.
4.3	No disposal of recyclable materials	Except as provided in Section 3.3, the licensee must not transfer source-separated recyclable materials to a disposal site.
4.4	Limits not exclusive	This license will 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 normal operating hours, 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. After hour access is limited to only the reload site through a combination lock. 3. Facility personnel, as relevant to their job duties and responsibilities, shall be familiar with the relevant provisions of this license and the relevant procedures contained within the facility's operating plan. 4. 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 licensee 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	<p>The licensee must:</p> <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: <ol 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; and b. Obstruct access to adjacent properties and businesses. 3. Post signs to inform customers not to queue on public roadways. <p>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>
5.4	Managing prohibited wastes	<ol 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: <ol style="list-style-type: none"> a) Visual inspection. When available during normal operating hours, a qualified operator shall visibly inspect the load and tip area to prevent acceptance of waste that is prohibited by the license. b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are

		<p>inadvertently received. Containment areas must be covered and enclosed to prevent leaking and contamination.</p> <p>c) Records maintenance. Records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste must be maintained in the operating record and be available for review by Metro.</p> <p>3. Upon discovery, the licensee must remove all prohibited or unauthorized waste or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such waste the licensee inadvertently receives must 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.</p>
5.5	Storage and exterior stockpiles	<p>The licensee must:</p> <p>a) Manage, contain, and remove at sufficient frequency stored materials and solid waste to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards;</p> <p>b) Maintain storage areas in an orderly manner and keep the areas free of litter;</p> <p>c) Position the exterior stockpiles within the footprints identified on the facility site plan or operating plan; and</p>
5.6	Dust, airborne debris and litter	<p>The licensee must operate the facility in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The licensee must:</p> <p>a) Take reasonable steps, including signage, to notify and remind persons delivering waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit;</p> <p>b) Maintain and operate all vehicles and devices transferring or transporting waste from the facility to prevent leaking, spilling or blowing of such material on-site or while in transit;</p>

		<p>c) Maintain and operate all access roads and receiving, processing, 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;</p> <p>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;</p> <p>e) Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; and</p> <p>f) Provide access to the facility for the purpose of uncovered load enforcement. The licensee must provide access to the facility to representatives of Metro, including law enforcement personnel on contract to Metro, for the purpose of making contact with individuals that they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Section 5.09.040.</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 establish 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 the harborage of rodents, birds, insects, or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another. 2. The licensee must implement vector control measures if vectors are present or detected at the facility.
5.9	Noise	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.

5.10	Water quality	<p>The licensee must operate the facility consistent with an approved DEQ storm water management plan, or equivalent and must:</p> <ul style="list-style-type: none"> a) Operate and maintain the facility to minimize contact of solid wastes with storm water runoff and precipitation; and b) Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state, and federal laws and regulations.
5.11	Access control	<ol style="list-style-type: none"> 1. The licensee must control access to the facility as necessary to prevent unauthorized entry and dumping. 2. The licensee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
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 must be easily and readily visible, and legible from off-site during all hours and shall contain at least the following information:</p> <ul style="list-style-type: none"> a) Name of the facility b) Address of the facility; c) Emergency telephone number for the facility; d) Operating hours during which the facility is open for the receipt of authorized waste; e) Metro's name and telephone number (503) 234-3000; f) A list of authorized and prohibited wastes; g) Vehicle / traffic flow information or diagram; h) Covered load requirements; and i) Directions not to queue on public roadways.
5.13	Complaints	<ol style="list-style-type: none"> 1. The licensee must respond to all nuisance complaints in a timely manner (including, but not limited to, blowing debris, fugitive dust, odors, noise, traffic and vectors), and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the

		<p>conditions that caused the complaint.</p> <p>2. If the facility receives a complaint, the licensee must:</p> <ul style="list-style-type: none"> a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and b) Log all such complaints as provided in the operating plan. Each log entry must be retained for one year and made available for inspection by Metro.
5.15	Access to license document	The licensee must maintain a copy of this license on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.

6.0	OPERATING PLAN	
6.1	Plan compliance	The licensee must operate the facility in accordance with an operating plan approved in writing by the COO. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this license. The licensee may amend or revise the operating plan from time to time, subject to written approval by the COO.
6.2	Plan maintenance	The licensee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The licensee must submit amendments and revisions of the operating plan to the COO for written approval prior to implementation.
6.3	Access to operating plan	The licensee must maintain a copy of the operating plan on the facility's premises and in a location where facility personnel and Metro representatives have ready access to it.
6.4	Procedures for inspecting loads	<p>The operating plan must include:</p> <ul style="list-style-type: none"> a) Procedures for inspecting incoming loads for the presence of prohibited wastes; and b) A set of objective criteria for accepting and rejecting loads.

6.5	Procedures for processing and storing of loads	<p>The operating plan must include procedures for:</p> <ul style="list-style-type: none"> a) Processing authorized solid wastes; b) Reloading and transfer of authorized solid wastes; c) Managing stockpiles to ensure that they remain within the authorized limits; d) Storing authorized solid wastes; and e) Minimizing storage times and avoiding delay in processing of authorized solid wastes.
6.6	Procedures for managing prohibited wastes	<ol style="list-style-type: none"> 1. The operating plan must include procedures for managing, reloading, and transporting to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. 2. In addition, the operating plan must include procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
6.7	Procedures for odor prevention	<p>The operating plan must include procedures for preventing objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include:</p> <ul style="list-style-type: none"> a) A management plan that will be used to monitor and manage all odors of any derivation including malodorous loads delivered to the facility; and b) Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.
6.8	Procedures for dust prevention	<p>The operating plan must establish procedures for preventing dust from blowing off-site. The plan must include:</p> <ul style="list-style-type: none"> a) A management plan that will be used to monitor and manage dust of any derivation; and b) Procedures for receiving and recording dust complaints, immediately investigating any dust complaints to determine the cause of dust emissions, and remedying promptly any dust problem at the facility.

6.9	Procedures for emergencies	The operating plan must include procedures to be followed in case of fire or other emergency.
6.10	Procedures for nuisance complaints	<ol style="list-style-type: none"> 1. For every nuisance complaint (for example odor, dust, vibrations, litter) received, the licensee must record: <ol style="list-style-type: none"> a) The nature of the complaint; b) The date the complaint was received; c) The name, address, and telephone number of the person making the complaint; and d) Any actions taken by the operator in response to the complaint (whether successful or unsuccessful). 2. The licensee must make records of such information available to Metro upon request. The licensee must retain each complaint record for a period of not less than one year.
6.11	Closure protocol	<p>The operating plan must include protocol for closure and restoration of the site in the event of a cessation of operations including:</p> <ol style="list-style-type: none"> a) Short-term closure (duration of time that is more than seven consecutive days but less than 30 consecutive days in length); and b) Long-term closure (duration of time that is 30 consecutive days or more in length).

7.0	FEES AND RATE SETTING	
7.1	Annual fee	The Licensee must pay an annual license fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the license fee at any time by action of the Metro Council.
7.2	Rates not regulated	The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro.
7.3	Metro fee and tax imposed on disposal	<ol style="list-style-type: none"> 1. The yard debris and soil received by the licensee under authority of this license is exempt from the Metro regional system fee as authorized under Metro Special Exemption Permit No. SEP-178-17. 2. The yard debris and soil received by the licensee under authority of this license is exempt from the Metro excise tax

		<p>as provided in Metro Code Section 7.01.050(a) (17).</p> <p>3. The licensee is liable for payment of the Metro Regional System Fee, as provided in Metro Code Title V, and the Metro Excise Tax, as provided in Metro Code Title VII, on all other solid waste delivered to a disposal site.</p>
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8.0	RECORD KEEPING AND REPORTING	
8.1	Record keeping requirements	The license must keep and maintain complete and accurate records of the amount of all solid waste that the licensee receives, reloads, and disposes under authority of this license for at least one year after this license expires.
8.2	Reporting requirements	The licensee must transmit to Metro the records required under Section 8.0 no later than fifteen days following the end of each month in the form and format prescribed by Metro.
8.3	DEQ submittals	The licensee must provide Metro with copies of all correspondence, exhibits, or documents submitted to ODA and DEQ relating to the terms or conditions of the DEQ solid waste permit or this license within two business days of providing such information to ODA and DEQ.
8.4	Copies of enforcement actions provided to Metro	The licensee must send to Metro, upon receipt, copies of any notice of violation or noncompliance, citation, or any other similar enforcement actions issued to the licensee by any federal, state, or local government other than Metro, and related to the operation of the facility.
8.5	Unusual occurrences	<ol style="list-style-type: none"> 1. The licensee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. 2. If a breakdown of the licensee's equipment occurs that will substantially impact the ability of the facility to remain in compliance, or create off-site impacts, the Licensee shall notify Metro within 24 hours. 3. The licensee must report any facility fires, accidents, emergencies, and other significant incidents to Metro at (503) 234-3000 within 12 hours of the discovery of their

		occurrence.
8.6	Changes in ownership	The licensee must notify the COO within 10 days if the licensee leases, assigns, mortgages, sells, or otherwise transfers control of the facility, whether whole or in part, to another person as provided in Metro Code Section 5.01.120.

9.0	INSURANCE REQUIREMENTS	
9.1	General liability	The licensee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than \$1,000,000 per occurrence. The policy must include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. Contractor's coverage will be primary with respect to Metro.
9.2	Automobile	The licensee must carry automobile bodily injury and property damage liability insurance with a combined single limit of \$1,000,000.
9.3	Additional insureds	Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSUREDS on the Commercial General Liability and automobile insurance policies.
9.4	Worker's Compensation Insurance	The licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law and must comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. The licensee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the licensee has no employees and will perform the work without the assistance of others, a certificate to that effect may be provided in lieu of the certificate showing current Workers' Compensation.
9.5	Notification	The Licensee must give at least 30 days prior written notice to the COO of any lapse or proposed cancellation of insurance coverage.

10.0	ENFORCEMENT	
10.1	Generally	Metro will enforce this license as specified in Metro Code Chapter 5.01.
10.2	Authority vested in Metro	The power and right to regulate, in the public interest, the exercise of the privileges granted by this license is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against licensee.
10.3	No Enforcement Limitations	This license may not be construed to and does not limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative rules adopted pursuant to Metro Code Chapter 5.01, nor does this license limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the district, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the licensee's operation of the facility.
10.4	Penalties	Each violation of a license condition is being punishable by penalties as established in Metro Code Chapter 5.01. Each day that a violation continues constitutes a separate violation.

11.0	AMENDMENT, SUSPENSION, AND REVOCATION	
11.1	Amendment	At any time during the term of the license, either the COO or the licensee may propose amendments to this license. The COO has the authority to approve or deny any such amendments provided that the activities authorized in the amended license do not require a Metro Solid Waste Facility Franchise under Metro Code Chapter 5.01. When applicable, the licensee must comply with Metro Code Section 5.01. No amendment pursuant to this section is effective unless it is in writing and executed by the COO.
11.2	Amendment, suspension or revocation by Metro	The COO may, at any time before the expiration date, amend, suspend, or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:

		<ul style="list-style-type: none"> a) Violation of the terms or conditions of this license, Metro Code, or any applicable statute, rule, or standard; b) Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license; c) Failure to disclose fully all relevant facts; d) A significant release into the environment from the facility; e) A significant change in the character of the material received or in the operation of the facility; f) Any change in ownership or control, excluding transfers among subsidiaries of the licensee or licensee’s parent corporation; g) A request from the local government stemming from impacts resulting from facility operations; h) Compliance history of the licensee; and i) At any time before the expiration date, revoke this license upon request of the licensee or in the event of a long term closure of the facility as described in Section 6.11(b).
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12.0	GENERAL OBLIGATIONS	
12.1	Compliance with the law	<p>The licensee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Metro Code Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. Such applicable laws, rules, regulations, ordinances, orders and permits include, without limitation, all laws, rules, regulations, ordinances, orders and permits adopted or made applicable during the term of this license. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed to be part of this license as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the license document, as well as any existing at the</p>

		time of the issuance of the license but not cited or attached, and permits or conditions issued or modified during the term of the license.
12.2	Deliver waste to appropriate destinations	The licensee must ensure that all waste transferred from the facility goes to an appropriate destination as provided under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
12.3	Right of inspection and audit	<ol style="list-style-type: none"> 1. Authorized representatives of Metro may take photographs, collect samples of materials, and perform any inspection or audit as the COO deems appropriate. The licensee must allow authorized representatives access to the premises of the facility during business hours with or without notice or at such other times upon giving reasonable advance notice (not less than 24 hours). 2. Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public records Law. 3. Subject to the confidentiality provisions in Section 12.4 of this license, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, records, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of the licensee that are directly related to the operation of the facility.
12.4	Confidential information	The licensee may identify as confidential any reports, books, records, maps, plans income tax returns, financial statements, contracts and other similar written materials of the licensee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The licensee must prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five days of Metro's receipt of a request for disclosure of information identified by the licensee as confidential, Metro shall provide the licensee with written notice of the request. The licensee will have three days

		<p>within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. The licensee is responsible for any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. This Section 12.0 does not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose such information.</p>
<p>12.5</p>	<p>Compliance by agents</p>	<p>The licensee is responsible for ensuring that its agents and contractors comply with this license.</p>