



**Disposal Site Advisory Committee**  
**AGENDA**  
**July 27, 2022**  
**6:00 pm**

To join virtually: <https://global.gotomeeting.com/join/972646029>

You can also dial in using your phone.  
United States: [+1 \(786\) 535-3211](tel:+17865353211)

**Access Code:** 972-646-029

- I. 6:00 p.m., 5 Minutes – Call to Order/Introductions/Announcements ..... Chair
- II. 6:05 p.m., 5 Minutes – Approval of the Minutes..... Chair
- III. 6:10 p.m., 20 Minutes – Community Member Comments .....Chair  
*Anyone can bring up news, information, questions to discuss with the Committee.*
- IV. 6:30 p.m., 10 Minutes –DSAC/SWAC Work Group Representatives..... Chair  
*As an outcome of Oregon Consensus Assessment, the BOC has directed SWAC/DSAC to select two members to be recommended for appointment to the Solid Waste Process Work Group at the 7/27 meeting.*
- V. 6:40 p.m., 5 Minutes – Priorities and Intentions..... Chair  
*A new thing: let’s share our individual priorities among the issues before us.*
- VI. 6:45 p.m., 5 Minutes – Bylaws: Recommend Changes .....Chair  
*Decision on whether or not to recommend the changes proposed during our working session earlier this month to the Commissioners.*
- VII. 6:50 p.m., 10 Minutes – Coffin Butte 2021 Landfill Annual Report..... Chair, Republic  
*This annual report is now out, so we can review and ask questions about it.*
- VIII. 7:00 p.m., 15 Minutes – DSAC 2021 Landfill Issues: Annual Report to DEQ..... Chair, Staff



*DSAC owes DEQ a summary report. Let's receive the 2021 complaint logs from Republic and staff, and discuss then act on drafting this report listing last year's input from the public about landfill issues and complaints.*

- IX. 7:15 p.m., 15 Minutes – Accelerating Information Flows to DSAC/SWAC ..... Chair, Staff  
*Let's investigate how to get information as promptly as possible, so that we can pass on advice and recommendations to the Commissioners and reports to DEQ in a more timely way.*
- X. 7:30 p.m., 5 Minutes – Member Requests..... Chair
- XI. 7:45 p.m., 5 Minutes – Agenda items for next DSAC meeting..... Chair
- XII. 7:50 p.m., 5 Minutes – Wrap Up and Adjourn..... Chair

**DSAC (next regular meeting on Wed Oct 26, 6 pm)**

- Community Concerns: Meeting focused on Public Feedback  
*Discussion and action about a special session focused entirely on receiving public concerns about the disposal site. (May be a special session before the regular meeting)*
- Independent Audit into Landfill Waste  
*What's going into the disposal site? Discussion and action about recommending an independent audit.*
- Transfer Station Discussion  
*Discussion and action about planning this facility.*
- Dumpstoppers  
*An initiative under development to counter illegal dumping. Staff will update us on progress.*



## COMMUNITY DEVELOPMENT DEPARTMENT

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# BENTON COUNTY

## Disposal Site Advisory Committee (DSAC)

### April 27, 2022 **DRAFT** Minutes

Members Present: Ken Eklund, John McEvoy, Deborah Gile, Joel Geier, Marge Popp, Chuck Gilbert, & Mark Yeager  
Republic Services Present: Broc Keinholz, Ian McNab, Julie Jackson  
Staff Present: Daniel Redick (Benton County Solid Waste and Water Quality Coordinator), Linda Ray (Benton County Community Development)

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#### Call to Order/Introductions

Vice Chair Ken Eklund called the meeting to order at 6:05 pm. There are two new members of DSAC; Chuck Gilbert & Mark Yeager. SWAC members took some time to introduce themselves.

#### Announcements

Vice Chair Eklund requested that the chat function be enabled for future meetings.

#### Approval of Minutes

Joel made a **MOTION** to approve the January 26th, 2022 minutes. Seconded by Debie, the **MOTION** was approved 7-0.

#### Community Member Comments

- Paul Nietfeld submitted a letter that included measurements on the landfill and the impacts on the community. He had three suggestions that are included in **(Exhibit A)**.
- Nancy Whitcombe asked DSAC to take input from community members around the landfill and include in an annual report that is sent to DEQ. She also suggested that DSAC plan a separate DSAC meeting that is dedicated to address those concerns.
- Kevin Kenaga addressed Ian McNab (Republic Services) and asked for an update on leachates and testing involved at the landfill. Ian responded that leachate is sent to waste water treatment centers in Corvallis and Salem. There are monthly reports sent to the City of Corvallis and Ian will make those available to DSAC.

#### DSAC Election of Officers

Due to the departure of previous DSAC Chair and Vice Chair, council members elected new officers. Mark made a **MOTION**, seconded by Marge to elect Ken Eklund be promoted from Vice Chair to Chair of DSAC. Members unanimously elected Ken as Chair of DSAC.

Joel made a **MOTION** to nominate Mark Yeager as Vice Chair, seconded by Marge and the vote was unanimous.

### **Discussion with Darren Nichols, Community Development Department Director**

Director Nichols gave a brief summary of the outreach by Oregon Consensus by sharing a recap of the process. He shared that Republic Services decided to withdraw their appeal on the Planning Commissions decision on December 7th to expand the landfill. Director Nichols approached the BOC to see if it would be helpful to have a third-party, facilitate us as a community to have further discussion on solid waste management and disposal including the Coffin Butte Landfill. The BOC supported this possibility to bring Oregon Consensus on board as a facilitator. Likely in June, Oregon Consensus will report back to the BOC by offering ideas on constructive collaboration going forward for the Benton County Community.

### **DSAC Bylaws**

Daniel explained that DSAC reviews the bylaws annual for discussion. Mark submitted written comments about the bylaws (**Exhibit B**). Chair Eklund encouraged members to review Mark's suggestions and give feedback.

### **Community Concerns Landfill Annual Report**

Chair Eklund stated that he would like to see DSAC review the annual report before it is sent on to DEQ. He also suggested hosting a separate meeting to invite public feedback on the landfill to gain more information for the report. Daniel confirmed that any public comments/complaints that come into the landfill is included in the annual report. Daniel will present the annual report to DSAC prior to submitting it on to DEQ.

### **Complaints Rundown: Current Landfill Issues**

Broc and Ian gave a brief update on construction of cells around the landfill and the process of transferring the old Camp Adair landfill debris and placing into lined cells. Chair Eklund asked Ian how DSAC is informed of complaints that come into Republic Services. Ian stated that those complaints would be included in their quarterly reports that are brought before DSAC.

### **Covanta Ash as Landfill Cover**

Ian shared a powerpoint (**Exhibit C**) with the committee that explained the Covanta Ash cover that is used at the landfill.

### **Member Requests**

Mark highlighted the suggestion for an independent audit of landfill waste. He expressed his concerns that DSAC meets quarterly, so he requested that it be moved to the SWAC agenda.

### **Agenda Items for next meeting**

- Dumpstoppers
- Community Concerns meeting scheduled
- Transfer Site discussion (could be on SWAC agenda)
- Independent Audit moved to SWAC agenda

### **Adjournment**

Mark made a **MOTION** to adjourn the meeting, seconded by Joel, the meeting at 8:57pm.

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# Exhibit A

Paul Nietfeld  
37049 Moss Rock Dr.  
Corvallis, OR 97330  
April 23, 2022

Benton County Disposal Site Advisory Committee (DSAC)

Dear Benton County Disposal Site Advisory Committee (DSAC):

With regard to the Coffin Butte landfill operated by Valley Landfills, Inc., in the interest of assisting the Benton County Board of Commissioners in disposal site management per the DSAC 2020 bylaws, I would like to propose the following:

1. Request approval from the Board of Commissioners to conduct a volumetric assessment of the Coffin Butte landfill. The purposes of this assessment would be
  - a. Provide independent verification of the volumetric information provided by the franchisee in the most recent annual report,
  - b. Establish a baseline reference from an independent expert for the tracking of intake volume from this point forward,
  - c. Determine the remaining space available in Cell 5 (current active cell), and
  - d. Determine the space available in Cell 6 (quarry) relative to the current governing Site Development Plan (2003 SDP).
2. Request approval from the Board of Commissioners to conduct a methane emission study of the Coffin Butte landfill. The purposes of this assessment would be
  - a. Measure current methane emissions from the landfill (escaping gas not processed by the current methane capture system),
  - b. Provide a basis for determining if such levels warrant corrective action and/or reporting to environmental quality agencies, and
  - c. Provide a baseline reference for methane emission levels that can be projected forward based on the expected intake volume over the remaining life of the landfill.
3. Request that the Board of Commissioners direct the Benton County Community Development Department evaluate the current impact of the Coffin Butte landfill on the community, using the 2001 Baseline report as a reference.

Sincerely,

Paul Nietfeld

# Exhibit B

## Questions and Comments Regarding SWAC and DSAC Bylaws

Mark Yeager, April 25, 2022

### **SWAC BYLAWS**

Article 3, Committees – 3(B) - who represents the Community Development Department in concurring with the creation of committees? Does this section need to state clearly that Committees cannot have membership that constitutes a quorum of the Council?

Article 4, Meetings – 4(C) – the notice requirement for work sessions (24 hours written or verbal) seems way too short. What could possibly constitute an emergency whereby the Council would have to meet in work session with on 24 hours' notice?

4(E) – What is the rationale for preventing the chair from voting if the chair's vote would result in a tie vote on a matter? If the Council is divided on a matter (and particularly when the full membership of the Council has not been appointed or is not present), it seems prudent to allow the Council to have a path for further discussion and debate, rather than one side prevailing. I do not see this language in Robert's rules, so I would appreciate some better understanding of the history and rationale of this provision.

4(H) – This section needs to be modified to reflect storage, access and availability of recordings of virtual meetings. Also, the last sentence refers to minutes being maintained by the Health Department – should that be Community Development Department?

### **DSAC BYLAWS**

Article 2, Function – the use of the term “permittee” in Section (1), and also throughout the document seems odd give this Committee's role in service to Benton County. I understand the ORS 459.320 uses the term “permittee,” but that is in the context of the ORS and is defined earlier in that ORS chapter.

Article 3, Membership – Section 1, second paragraph, is confusing because it refers to ex officio members including “a collection and a disposal franchise holder; a person holding a permit;” as if these are different people or entities. I understand that is prefaced by saying “Commissioners may appoint...” but it is not clear because it creates confusion – franchise holder vs a person holding a permit?

Article 4, Officers – the language again appears preventing the Chair from voting if his/her vote results in a tie. See my previous comment re: SWAC bylaws.

Article 5, Subcommittees – same comments as above in SWAC bylaws.

Article 7, Meetings – Section 2, Special Meetings – same comment that 24 hours' notice is too short.

Section 4, Voting – same language preventing Chair from voting in the event of his/her vote creating a tie. See comment above in SWAC bylaws. Section 7, Notice – why does DSAC only give 3 days' notice of meetings? Section 8, Minutes – storage, access, and availability of virtual meeting recordings needs to be specified here.

Exhibit C



# Covanta Ash

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April DSAC 2022

# Overview

- 01** Special Waste
- 02** Alternative Daily Cover (ADC)
- 03** Covanta Ash

## Special Waste:

Any solid, semi-solid and associated containers generated as a direct or indirect result of an industrial process or from the removal of contaminants(s) from the air, water or land. Any solid waste from a non-residential source that includes, but is not limited to any of the following: industrial process waste; pollution control waste; incinerator residues; sludges; contaminated soil, residue, debris, and articles from the cleanup of a spill or release of materials listed in this definition, and regulated asbestos-containing material as defined in 40 CFR 61.141.

**Special waste acceptance is highly regulated.**

- Coffin Butte only accepts non-hazardous waste that meets all state and federal criteria
- Special waste is subject to an approval process that includes laboratory testing
- Waste materials that do not meet state and federal acceptance criteria are rejected

# Special Waste Approval Process

**Special Waste Profile** 

Disposal Facility:  Waste Profile #:   
 Sales Rep #:

**I. Generator Information**

Generator Name:   
 Generator Site Address:   
 City:  County:  State:  Zip:   
 State ID/Reg No:  State Approval/Waste Code:  NAICS #:   
 Generator Mailing Address  (if different)   
 City:  County:  State:  Zip:   
 Generator Contact Name:  Email:   
 Phone Number:  Ext:  Fax Number:

**II. Billing Information**

Bill To:  Contact Name:   
 Billing Address:  Email:   
 City:  State:  Zip:  Phone:

**III. Waste Stream Information**

Name of Waste:   
 Process Generating Waste:   
 Type of Waste:  Physical State:  Method of Shipment:   
 Estimated Volume:  Volume Type:   
 Frequency:  Disposal Consideration:

**IV. Representative Sample Certification**

No Sample Taken  
 Sample Taken Type of Sample  --Select Sample Type--  
 Is the representative sample collected to prepare this profile and laboratory analysis, collected in accordance with U.S. EPA 40 CFR 261.20(c) guidelines or equivalent?  Yes  No  
 Sample Date:  Sample ID Numbers or SDS:

Remember to attach Laboratory Analytical Report (and/or Material Safety Data Sheet) including Chain of Custody and required parameters provided for this profile.

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**Special Waste Profile** 

**V. Physical Characteristics of Waste**

Characteristic Components (must equal 100%):  % By Weight (out of 100% - ranges acceptable):   
 1.    
 2.    
 3.    
 4.    
 5.

Color:  Odor (describe):  Does Waste Contain Free Liquids?  Yes  No % Solids:  pH:  Flash Point:  °F

Attach Laboratory Analytical Report (and/or Material Safety Data Sheet) including Chain of Custody and required parameters provided for this profile.

**RCRA Regulatory Questions**

1. Does this waste or generating process contain regulated concentrations of the following Pesticides and/ or Herbicides: Chlordane, Endrin, Heptachlor (and its epoxides), Lindane, Methoxychlor, Toxaphene, 2,4-D, or 2,4,5-TP Silvex as defined in 40 CFR 261.33?  Yes  No  
 2. Does this waste contain reactive sulfides (greater than 500 ppm) or reactive cyanides (greater than 250 ppm) (reference 40 CFR 261.23(a)(3)?  Yes  No  
 3. Does this waste contain regulated concentrations of Polychlorinated Biphenyls (PCBs) as defined in 40 CFR Part 761?  Yes  No  
 4. Does this waste contain concentrations of listed hazardous wastes defined in 40 CFR 261.31, 261.32, 261.33, including RCRA F-Listed Solvents?  Yes  No  
 5. Has this waste been delisted under 40 CFR 260.20 and 260.22? If yes, attach the final decision to delist the waste as published in the Federal Register.  Yes  No  
 6. Does this waste exhibit a Hazardous Characteristic as defined by Federal and/or State regulations? If yes, identify the applicable waste code and specify if the waste is hazardous as defined by Federal, State or both?  Yes  No  
 7. Does this waste contain regulated concentrations of 2,3,7,8-Tetrachlorodibenzo-dioxin (2,3,7,8-TCDD), or any other dioxin as defined in 40 CFR 261.31?  Yes  No  
 8. Is this a regulated Medical or Infectious Waste as defined by Federal and/or State regulations?  Yes  No  
 9. Is this a regulated Radioactive Waste as defined by Federal and/or State regulations?  Yes  No  
 10. Is this a solid waste that is not a hazardous waste in accordance with 40 CFR 261.4(b)? If yes, please provide the corresponding regulatory citation.  Yes  No

**Republic Services Waste Handling Questions**

1. Does this waste generate heat or react when contacted with water/moisture?  Yes  No  
 2. Does the waste contain sulfur or sulfur by-products?  Yes  No  
 3. Is this waste generated at a State or Federal Superfund cleanup site subject to regulation under CERCLA?  Yes  No  
 4a. Is this waste from a TSD facility, TSD-like facility or consolidator (i.e. multiple wastes/multiple generators)?  Yes  No  
 4b. If yes to the above question, please provide clarification.

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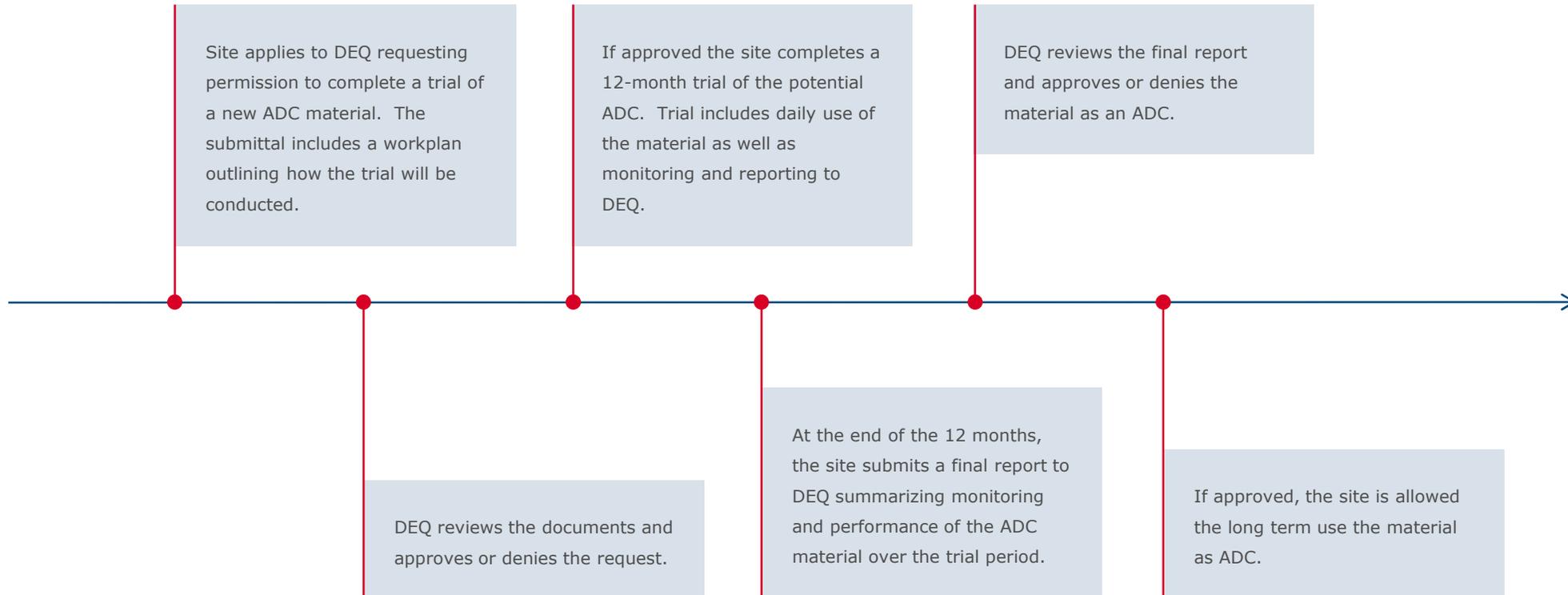
1. Generator submits special waste profile form with laboratory analytical report
2. Form and report are reviewed by our special waste team to determine if the material is acceptable
3. Initial and random loads are subject to onsite inspection to ensure the material matches the physical description in the profile
4. Profiles must be renewed every two years with new laboratory reports

## Alternative Daily Cover (ADC)

Daily cover is required by federal regulations to improve health and safety around a landfill. Traditionally, 6-inches of soil is used. ADC is the use of a material other than soil as daily cover for a landfill. ADC reduces the use of clean soil by reusing a material that would already be landfilled.

- ADC is special waste subject to our special waste approval process
- ADC materials must be approved by DEQ prior to use

# ADC Approval Process



# Covanta Ash ADC



- Non-hazardous special waste
- Approved for use as ADC by DEQ in 2015
- Generated by incineration of municipal solid waste at Covanta waste to energy facility
- After incineration water is added to the ash to cool it, resulting in material the consistency of wet concrete
- Ash is used up each day as ADC and is not stockpiled onsite
- Ash is covered by additional waste the following day



**Thank you**

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## Excerpt from 7/26/22 BOC Meeting Packet

### Benton County Solid Waste Situational Assessment Recommendations: DRAFT Implementation Plan

#### Background

At its July 19, 2022 meeting the Benton County Board of Commissioners heard recommendations from a third-party [Benton County Solid Waste Situational Assessment Report](#). Following the report the Board moved to adopt the recommendations and directed staff to return on July 26, 2022 with a proposed outline for implementing the recommendations. The following DRAFT implementation plan and timeline outlines necessary tasks to be completed by the County and stakeholders, and identifies rough initial estimates of time and resources where appropriate.

Central to the timeline is the recommendation that the Board of Commissioners maintain a central leadership role in this important work, from appointing Work Group members to reviewing work products and providing direction as needed. Also central to this proposal are the role of a temporary Work Group and the need for all work to be conducted at a single, publicly transparent table with the support of a third-party mediator/facilitator and County staff.

#### Overview of Work Group Meetings

- 8 meetings from August-through December (Two meetings per month, 1<sup>st</sup> and 3<sup>rd</sup> Thursdays)
  - o August goals: Work Group appointment, assembly and initial orientation
  - o September 1, 2022 – 1pm-5pm
  - o September 15, 2022 – 1pm-5pm
  - o October 6, 2022 – 1pm-5pm
  - o October 20, 2022 – 1pm-5pm
  - o November 3, 2022 – 1pm-5pm
  - o November 17, 2022 – 1pm-5pm
  - o December 1, 2022 – 1pm-5pm
  - o December 15, 2022 – 1pm-5pm
- Work Group to review and adjust the meeting schedule as needed based on needs of members
- Benton County to provide in-person and virtual meeting access options
- All Work Group meetings, materials and work products will be open and available to the public

#### Work Group Charge

1. “[Clarify] existing criteria and information requirements for the CUP process.” [Staff suggests rewording this as “Clarifying existing criteria and information requirements for *the land use review process for any proposed landfill expansion.*”]
2. Scope the necessary tasks to start a Long-Term Sustainable Materials Management Plan process.
3. Provide input on additional topics raised in the situation assessment.
  - a. Scope the necessary tasks to start planning for the reopening of the existing hauling agreement to be amended by July 1, 2024

- b. Clarify the differences, with BOC feedback, between the roles, responsibilities, and protocols of SWAC and DSAC, Appendix C, on these topics, and develop specific review criteria for the evaluation of CUP applications. Related Question: “Should SWAC and DSAC use the same review criteria as the Planning Commission and the BOC?”
  - c. Create a future timeline for discussing any needed changes to the Benton County Code flowing from any Workgroup recommendations.
4. Consider creating a public-facing document and community education campaign on these topics

### Preliminary Projected Timeline - Summary

The following DRAFT project outline proposes specific tasks, identifies the party primarily responsible for completion of the task and a proposed due date for completion of each task.

#	Task	Responsible Party	Deadline
<b><i>Begin Contracting Processes</i></b>			
1.1	Select and contract with Work Group Facilitator	BOC	8/2/22
1.2	Determine necessary RFP processes and draft scopes for CUP Land Use and Legal Review	Planning Official	8/25/22
1.3	Determine necessary RFP process(es) and draft scope for Sustainable Materials Management Planning	Benton County Staff	8/25/22
<b><i>Communications and Community Engagement</i></b>			
2.1	Create webpage for Work Group	Staff	ASAP
2.2	Public information strategy (TBD in consultation with PIO)	Staff and PIO	TBD
2.3	Public engagement strategy	Staff/consultant	TBD
<b><i>Fill vacancies on SWAC, DSAC, Planning Commission</i></b>			
3.1	Fill SWAC/DSAC and Planning Commission vacancies	BOC	ASAP
<b><i>Work Group Membership</i></b>			
4.1	Identify two neighboring jurisdictions to participate	BOC	7/26/22
4.2	SWAC/DSAC selects two members recommended for appointment	SWAC/DSAC	7/27/22
4.3	Planning Commission selects two members recommended for appointment	Planning Commission	8/2/22 (May require a special PC meeting)

4.4	Republic Services selects two members recommended for appointment – one national, one local	Republic Services	8/2/22
4.5	Staff requests DEQ participation	Staff, DEQ	8/2/22
4.6	Select Benton County staff to participate	County Administrator	8/2/22
4.7	Select members of the public or groups	BOC	8/9/22
4.8	Recruit, confirm Work Group Members	BOC	8/25/22
<b>Work Group Agendas and Priorities</b>			
5.1	Provide staff (and Work Group) with guidance and expectations for agenda development	BOC	8/16/22
5.2	Develop draft agendas/work group schedule and present to the BOC	Staff	8/23/22
5.3	Present the drafted agendas to the Work Group for further feedback and agreement	Staff	9/1/22
<b>Develop Common Understandings</b>			
6.1	Update online document library with all relevant information	Staff	ASAP
6.2	Draft a document (for review by the Work Group) outlining common understandings	Staff	8/25/22
<b>Budget</b>			
7.1	Determine Benton County resources to be used on the project implementation	BOC	7/26/22

### Detailed Implementation Plan

1. Begin Contracting Processes
  - a. Work Group Facilitator
    - i. BOC and Staff to decide and contract with Work Group Facilitator by 8/2/22.
    - ii. Anticipated facilitation hours required through 12/2022: 100-180 hours
  - b. Sustainable Materials Management Plan
    - i. Determine necessary RFP process by 8/25/22
    - ii. Draft scope for future review by Work Group by 8/25/22
    - iii. Staff to manage the contracting and planning process
    - iv. Updates to Work Group as appropriate (within work group meeting agendas)
  - c. CUP Planner
    - i. Determine necessary RFP process(es) by 8/25/22
    - ii. Draft scope by 8/25/22
    - iii. Planning Official to manage the contracting and planning process

- iv. Updates to Work Group as appropriate (within work group meeting agendas)
      - v. Retain additional subject matter experts as needed
    - d. CUP Legal Review
      - i. Determine necessary RFP process by 8/25/22
      - ii. Draft scope by 8/25/22
      - iii. Planning Official to manage the contracting and planning process
      - iv. Updates to Work Group as appropriate (within work group meeting agendas)
      - v. Retain additional subject matter experts as needed
- 2. Communications and community engagement
  - a. Create Work Group webpage, including but not limited to:
    - i. Situational Assessment Report
    - ii. BOC Meeting link
    - iii. Announcement of Work Group Formation
      - 1. Call for interested Work Group members to apply
      - 2. List of Work Group Members upon appointment
    - iv. Sign up for email alerts for updates to the webpage
      - 1. Staff to work with IT to enable this feature
    - v. Link to document library
  - b. Public information strategy (TBD in consultation with PIO)
  - c. Public engagement strategy (in-house or contracted)
- 3. Fill vacancies on SWAC, DSAC, Planning Commission
  - a. Benton County PIO to use various media outlets to recruit interested prospective members to join these groups, beginning on July 26, 2022, and continue until vacancies are filled.
  - b. BOC to review applicants and appoint members as appropriate, ASAP.
  - c. Vacancies to be filled by ASAP.
- 4. Work Group Membership
  - a. Eight Members of the Public, appointed by the BOC.
    - i. Examples of interests the BOC may want to include:
      - 1. landfill neighbors,
      - 2. service users,
      - 3. tribal interests,
      - 4. business,
      - 5. cities,
      - 6. OSU,
      - 7. Good Sam,
      - 8. non-profits, and
      - 9. other interests

- ii. BOC to provide staff with list of eight members of the public or groups which they would like represented, and direct staff to reach out with request to participate by 8/9/22
  - 1. As with any advisory body, consider the advantages of having a diversity of interests represented.
  - 2. The Board may choose to seek input from the other members on its appointments. (It is important the members appointed have subject matter familiarity and the time/interest necessary to meaningfully participate.)
- iii. Staff to report back to the BOC regarding responses by 8/16/22
- b. Two SWAC/DSAC Members
  - i. BOC decide if it is SWAC or DSAC that is sending members (DSAC has same membership with addition of one employee of Republic Services).
  - ii. Appointed by SWAC/DSAC. BOC to direct whether this appointment is by chair or by majority vote of committee by 7/26/22.
  - iii. Staff to ask SWAC/DSAC which two members it would like to appoint at the 7/27 meeting.
- c. Two Planning Commission Members
  - i. Appointed by the Planning Commission. BOC to direct whether this appointment is by chair or by majority vote of committee by 7/26/22.
  - ii. Staff to ask which two members it would like to appoint at the 8/16 meeting, or at earlier special meeting.
- d. Two Republic Services' (one local and one national) Members
  - i. Appointed by Republic Services to participate on
    - 1. Charge a. "Clarifying existing criteria and information requirements for the CUP process" and
    - 2. Charge c. i. "Scope the necessary tasks to start planning for the reopening of the existing hauling agreement to be amended by July 1, 2024."
    - 3. If the BOC wants Republic Services input on Charge b. "Scoping the necessary tasks to start a Long-Term Sustainable Materials Management Plan process," it should make them Ex Officio members and add other providers like Waste Management Inc., Ridwell, Recology, Rogue Disposal and Recycling, etc., as Ex Officio members. Another option is adding an organization like the Oregon Refuse & Recycling Association. (ORRA)
  - ii. Staff to ask which two members Republic Services would like to appoint by 8/2/22.
- e. DEQ as an Ex Officio Workgroup member.
  - i. Staff to ask DEQ to participate by 8/2/22.
- f. Two neighboring jurisdictions from outside the County, selected by the BOC, as Ex Officio Workgroup members, to liaison on the long-term solid waste planning topic only.
  - i. BOC to select neighboring jurisdictions to participate by 7/26/22, and direct staff to contact each and report back to BOC on responses by 8/2/22.

- g. Benton County Staff, picked by the County Administrator or his designee, participate as Ex Officio members.
  - i. County Administrator or designee to select Benton County staff to participate by 8/2/22.

5. Work Group Agendas and Priorities

- a. BOC to provide staff (and future Work Group) with guidance and expectations for agenda development by 8/16/22.
- b. Staff recommends the following topic order and general timeline:

<b>Work Group Topic</b>	<b>Meetings</b>
Develop "Common Understandings"	Sept 1
Clarify existing criteria and information requirements for the land use review process for any proposed landfill expansion	Sept 15, Oct 6
Develop specific criteria for SWAC evaluation of CUP applications.	Oct 6
Scope the necessary tasks to start a Long-Term Sustainable Materials Management Plan process	Oct 20, Nov 3
Scope the necessary tasks to start planning for the reopening of the existing hauling agreement to be amended by July 1, 2024	Nov 17
Clarify the differences, with BOC feedback, between the roles, responsibilities, and protocols of SWAC and DSAC, Appendix C, on these topics,	Dec 1
Create a future timeline for discussing any needed changes to the Benton County Code flowing from any Workgroup recommendations.	Dec 1
Finalize recommendations/report to BOC	Dec 15

- c. Staff to develop draft agendas/work group schedule and present to the BOC by 8/23/22, and present the drafted agendas to the Work Group by 9/1/22 for further feedback.

6. Develop Common Understandings

- a. Staff to draft a document (for review by the work group) outlining common understandings to include the following informational topics by 8/25/22:
  - i. A chronological history of Coffin Butte Landfill
    1. Size
    2. Specific locations
    3. CUP conditions
    4. Reporting requirements
    5. Rights
    6. Obligations
    7. Assumptions

8. Economics
9. Prior CUP/SWMP compliance
10. Best practices for jurisdictions hosting landfills
  - a. Typical terms
  - b. Issue sequencing, etc.
- ii. A Summary of the County's current rights and obligations to Republic Services, and vice versa, surrounding the
  1. landfill and
  2. hauling franchises,
  3. what can and cannot be conditions of any CUP (e.g. past compliance, compliance with future laws, codes, and policies, DEQ compliance, reopening, limitations on what can be brought into the County from where, required facilities and practices, reporting/compliance/financial monitoring requirements, etc.)
- iii. A Summary of the rights and obligations of other entities surrounding landfills, hauling, and sustainability initiatives, etc.
  1. Federal
  2. Tribal
  3. State
  4. Local Government
  5. Detailed summary of the step-by-step process and associated timing for the cross-jurisdictional approvals of landfill applications, (e.g. DEQ) including
    - a. what topics are within whose authority, and
    - b. whether, for example, the County can or should consider the topics it does not have permitting authority over when assessing the criteria outlined in Code section 53.215.
- b. Update online document library with all relevant information ASAP, including:
  - i. Regulatory submittals
  - ii. Franchise agreements
  - iii. Previous CUP documents

### **Budget**

At its meeting July 19, 2022, the Board discussed the need for and timeliness of making a substantial investment to address the short-term and long-term future of solid waste and disposal in the mid-Willamette Valley. Community Development staff have reached out to other jurisdictions with recent experience in solid waste planning and will bring as much information as possible to the Board's follow-up discussion on July 26, 2022.

In very general terms, the Board could approach funding in one of two ways:

1. The Board could attempt to itemize and anticipate the costs associated with each task on the proposed project list; or

2. The Board could determine that the size and complexity of the issues surrounding solid waste and disposal are substantial enough to warrant a dedicating a portion of the annual host franchise to this effort.
  - a. Using this latter method, the Board and staff would have a rough budget to work with and still maintain flexibility to adjust as needed using a step-wise approach to address this important issue.

Following is a very general list of anticipated project needs:

1. External Consultants:
  - a. Work Group Mediator/Facilitator
  - b. Land Use Review – Solid Waste Planner
  - c. Land Use Review - Outside Counsel
  - d. Sustainable Materials Management Planning – estimated \$300,000+ (over 2 years)
2. Benton County Staff and Communities:
  - a. Benton County Board of Commissioners
  - b. Work Group members
  - c. Solid Waste Program Coordinator – up to 400 hours
  - d. Key County department staff
  - e. Communities – staff, leadership
3. Materials preparation, printing, mailing
  - a. PIO communications
  - b. IT resources to bolster e-communications
4. Other costs?
  - a. TBD

# **Eklund Proposed Draft Bylaws**

## **BYLAWS**

### **DISPOSAL SITE ADVISORY COMMITTEE**

#### **ARTICLE 1**

##### **Name**

The name of this organization shall be the Disposal Site Advisory Committee (the "Committee").

#### **ARTICLE 2**

##### **Function**

The Committee shall assist the Benton County Board of Commissioners in the planning and implementation of disposal site management, including (but not limited to) the following:

1. Review with the Oregon DEQ permittee of the regional disposal site including, but not limited to, siting, operation, closure, and long-term monitoring of the regional disposal site; and
2. Provide a forum for community member comments, questions and concerns about the regional disposal site and promote a dialogue between the community and the owner or operator of the regional disposal site; and
3. Prepare an annual written report summarizing the local community member's concerns and the manner in which the owner or operator is addressing those concerns. The report shall be considered by the Department of Environmental Quality in issuing and renewing a solid waste permit.

#### **ARTICLE 3**

##### **Membership**

Section 1. Number and Selection: The Committee shall consist of eleven (11) members, appointed by the Board of Commissioners, as follows:

The ten (10) members of the Solid Waste Advisory Council; One (1) designated employee of the permittee.

The Board of Commissioners may appoint ex officio members entitled to participate in proceedings of the Committee but not to vote, including but not limited to: the Community Development Director or his/her designee; a collection and a disposal franchise holder; a person lawfully engaged in providing recycling or reuse service or the promotion or education for such service.

Section 2. Terms of Office: Terms for members of the Solid Waste Advisory Council shall be as governed by that Council's by-laws. Members may not serve more than two (2) successive terms; partial terms shall not be counted toward the successive term limit. The term of the designated employee of the permittee shall be 2 years. Terms begin on January 1 and end on December 31.

Section 3. Responsibilities: Committee members shall regularly attend meetings of the Committee and any meetings of the subcommittees to which they are appointed, and shall fulfill other duties as appointed by the Chair.

Section 4. Termination of Membership: The Board of Commissioners may remove Committee members as follows:

1. Failure to attend three or more consecutive regular committee meetings.
2. For cause following public hearing, for reasons including, but not limited to:
  - a. Commission of a felony;
  - b. Corruptness;
  - c. Intentional violation of open meetings law;
  - d. Failure to declare conflicts of interest;
  - e. Incompetence.
3. Without cause pursuant to Benton County Code chapter 3.035.

Section 5. Vacancies: The Board of Commissioners shall make appointments to fill vacancies as they occur. Such appointments shall be for the duration of the unexpired term of that position.

## **ARTICLE 4**

### **Officers**

The following officers shall be elected from the Committee membership during the first meeting of each calendar year:

Chair: The Chair shall have the responsibility of conducting all meetings and hearings in an orderly manner. The Chair may not initiate a motion, but may second, and shall vote on each issue after the question is called.

Vice Chair: The Vice Chair shall be responsible for conducting the meetings and hearings in the absence of the Chair.

## **ARTICLE 5**

### **Subcommittees**

Section 1. Creation of Subcommittees: The Committee shall have the power, with the concurrence of the Community Development Department, to create subcommittees with such responsibilities as the Committee directs. Any committee or subcommittee that contains a quorum of Committee members must comply with Oregon public meetings law.

Section 2. Naming of Subcommittees: The Chair, with the concurrence of the Community Development Department, shall appoint and charge each subcommittee with its responsibilities, shall appoint the members of the subcommittee, and shall appoint the chair of the subcommittee in the event the subcommittee consists of more than one person. The subcommittee chair shall be responsible for scheduling meetings, assigning specific tasks within the mandate of the subcommittee, and reporting to the Committee concerning the work of the subcommittee.

## **ARTICLE 6**

### **Advisors**

The Committee and the subcommittees may call on lay community members and professionals as advisors without voting rights to provide technical assistance, participate in deliberations, and attend meetings to the extent deemed appropriate by the Chair.

## **ARTICLE 7**

### **Meetings**

Section 1. Regular Meetings: Meetings shall be held quarterly, or more frequently when called by the Chair of the Committee or the Board of Commissioners.

Section 2. Special Meetings: Special meetings may be called by the Chair or by the Board of Commissioners by giving the members and the media written or verbal notice at least three (3) days before the meeting.

Section 3. Quorum: A quorum shall consist of a majority of the sitting members of the committee. All business conducted with a majority vote of the quorum shall stand as the official action of the Committee.

Section 4. Voting: Each Committee member shall have one vote.

Section 5. Staffing: Staff for recording the proceedings of the Committee shall be provided by the County.

Section 6. Agenda: The Chair, with the assistance of the Community Development Director, or his/her designee, shall prepare the agenda of items requiring Committee action, and shall add items of business as may be requested by individual Committee members and/or the Board of Commissioners.

Section 7. Notice: All members shall be given written notice of time, date, location, and purpose of the meetings at least seven (7) days before a regular Committee meeting, and written or verbal notice three (3) days before a special meeting. In the event a member is provided with less than seven (7) days written notice of a regular meeting, or less than three (3) days actual notice of a special meeting, and objects to the proceedings based on a lack of adequate notice, all business conducted at that meeting shall be reconsidered at the next regular meeting or at a special meeting called with adequate notice.

Section 8. Minutes: Minutes recording all motions and subsequent action including the number of yes or no votes on each issue shall be taken. In addition, all conflicts of interest shall be noted. Minutes and video recordings of all meetings shall be maintained by the Community Development Department, to be kept in the public record for the length of time prescribed by law.

## **ARTICLE 8**

### **Public Records and Meeting Law**

The Committee is a public body for the purposes of ORS Chapter 192, and is subject to the statutory procedures related to public records and meetings.

## **ARTICLE 9**

### **Parliamentary Procedure**

The current edition of Robert's Rules of Order shall govern the Committee where not inconsistent with these bylaws or any special rules of order the Committee shall adopt.

## **ARTICLE 10**

### **Conflict of Interest**

A conflict of interest shall be declared by any member who has a conflict of interest as defined by Oregon law prior to taking any action on the matter causing the conflict. Generally, conflicts of interest include situations where a member might use their official position to obtain financial gain or avoid financial detriment for themselves, family or business (ORS 244.020).

## **ARTICLE 11**

### **Bylaw Amendments**

These bylaws may be amended by the Board of Commissioners upon its own motion. Prior to an amendment, the Board of Commissioners may request a recommendation from the Committee which may recommend changes at any regular meeting of the Committee by a two-thirds vote of the sitting membership, provided that the recommended amendment has been submitted in writing to the Committee members no later than three days before the regular meeting.

# Eklund Proposed Draft Bylaws

## Annotated Changes

### BYLAWS

#### DISPOSAL SITE ADVISORY COMMITTEE

##### ARTICLE 1

###### Name

The name of this organization shall be the Disposal Site Advisory Committee (the "Committee").

##### ARTICLE 2

###### Function

The Committee shall assist the Benton County Board of Commissioners in the planning and implementation of disposal site management, including (but not limited to) the following:

1. Review with the Oregon DEQ permittee of the regional disposal site including, but not limited to, siting, operation, closure, and long-term monitoring of the regional disposal site; and
2. Provide a forum for community member comments, questions and concerns about the regional disposal site and promote a dialogue between the community and the owner or operator of the regional disposal site; and
3. Prepare an annual written report summarizing the local community member's concerns and the manner in which the owner or operator is addressing those concerns. The report shall be considered by the Department of Environmental Quality in issuing and renewing a solid waste permit.

**Commented [1]:** Mark Yeager notes: "The use of the term 'permittee' in Section (1), and also throughout the document seems odd give this Committee's role in service to Benton County. I understand the ORS 459.320 uses the term "permittee," but that is in the context of the ORS and is defined earlier in that ORS chapter."

**Commented [2]:** Text added. Rationale: "permittee" alone is confusing, as (a) "permittee" is also used elsewhere in the document to refer to holders of other permits; and (b) "permittee" implies that the County holds the disposal site permit (it does not).

##### ARTICLE 3

###### Membership

Section 1. Number and Selection: The Committee shall consist of eleven (11) members, appointed by the Board of Commissioners, as follows:

The ten (10) members of the Solid Waste Advisory Council; One (1) designated employee of the permittee.

The Board of Commissioners may appoint ex officio members entitled to participate in proceedings of the Committee but not to vote, including but not limited to: the Community Development Director or his/her designee; a collection and a disposal franchise holder; a person holding a permit; and a person lawfully engaged in providing recycling or reuse service or the promotion or education for such service.

Section 2. Terms of Office: Terms for members of the Solid Waste Advisory Council shall be as governed by that Council's by-laws. Members may not serve more than two (2) successive terms; partial terms shall not be counted toward the successive term limit. The term of the designated employee of the permittee shall be 2 years. Terms begin on January 1 and end on December 31.

Section 3. Responsibilities: Committee members shall regularly attend meetings of the Committee and any meetings of the subcommittees to which they are appointed, and shall fulfill other duties as appointed by the Chair.

Section 4. Termination of Membership: The Board of Commissioners may remove Committee members as follows:

1. Failure to attend three or more consecutive regular committee meetings.
2. For cause following public hearing, for reasons including, but not limited to:
  - a. Commission of a felony;
  - b. Corruptness;
  - c. Intentional violation of open meetings law;
  - d. Failure to declare conflicts of interest;
  - e. Incompetence.
3. Without cause pursuant to Benton County Code chapter 3.035.

Section 5. Vacancies: The Board of Commissioners shall make appointments to fill vacancies as they occur. Such appointments shall be for the duration of the unexpired term of that position.

## ARTICLE 4

### Officers

The following officers shall be elected from the Committee membership during the first meeting of each calendar year:

**Commented [3]:** Mark Yeager asks: "Section 1, second paragraph, is confusing because it refers to ex officio members including "a collection and a disposal franchise holder; a person holding a permit;" as if these are different people or entities. I understand that is prefaced by saying "Commissioners may appoint..." but it is not clear because it creates confusion – franchise holder vs a person holding a permit?"

**Commented [4]:** Mark Yeager asks: "Section 1, second paragraph, is confusing because it refers to ex officio members including "a collection and a disposal franchise holder; a person holding a permit;" as if these are different people or entities. I understand that is prefaced by saying "Commissioners may appoint..." but it is not clear because it creates confusion – franchise holder vs a person holding a permit?"

**Commented [5]:** Text deleted. Rationale: it's vague, confusing and unnecessary, as it seems to duplicate the text immediately following.

Chair: The Chair shall have the responsibility of conducting all meetings and hearings in an orderly manner. The Chair may not initiate a motion, but may second, and shall vote on each issue after the question is called. ~~However, in the event the Chair's vote shall create a tie vote, the Chair shall refrain from voting.~~

Vice Chair: The Vice Chair shall be responsible for conducting the meetings and hearings in the absence of the Chair.

## ARTICLE 5

### Subcommittees

Section 1. Creation of Subcommittees: The Committee shall have the power, with the concurrence of the Community Development Department, to create subcommittees with such responsibilities as the Committee directs. ~~Any committee or subcommittee that contains a quorum of Committee members must comply with Oregon public meetings law.~~

Section 2. Naming of Subcommittees: The Chair, with the concurrence of the Community Development Department, shall appoint and charge each subcommittee with its responsibilities, shall appoint the members of the subcommittee, and shall appoint the chair of the subcommittee in the event the subcommittee consists of more than one person. The subcommittee chair shall be responsible for scheduling meetings, assigning specific tasks within the mandate of the subcommittee, and reporting to the Committee concerning the work of the subcommittee.

## ARTICLE 6

### Advisors

The Committee and the subcommittees may call on lay community members and professionals as advisors without voting rights to provide technical assistance, participate in deliberations, and attend meetings to the extent deemed appropriate by the Chair.

## ARTICLE 7

### Meetings

Section 1. Regular Meetings: Meetings shall be held quarterly, or more frequently when called by the Chair of the Committee or the Board of Commissioners.

**Commented [6]:** Mark Yeager notes: "The language again appears preventing the Chair from voting if his/her vote results in a tie. See my previous comment re: SWAC bylaws."

**Commented [7]:** Text deleted. Rationale: (a) we could think of no reason that preventing the Chair from voting in this way leads to a reliably better outcome, as tie votes can lead to further discussion, compromise, refinement, etc., and also tie votes are a valid outcome in themselves; (b) this rule complicates matters unduly if the Council has decided on using a secret ballot; (c) this is a counterintuitive "exception" rule that is easy for citizen volunteers to overlook, which merely leads to frustration by technically invalidating decisions.

**Commented [8]:** Mark Yeager brings up the "same comments as above in SWAC bylaws." I've copied the SWAC comments accordingly.

**Commented [9]:** Text added. Rationale: It's good to state this explicitly here, because it's somewhat counterintuitive and thus a procedural stumbling-block that we can easily imagine a future Committee inadvertently tripping over.

Section 2. Special Meetings: Special meetings may be called by the Chair or by the Board of Commissioners by giving the members and the media written or verbal notice at least three (3) days before the meeting.

**Commented [10]:** Text changed. Rationale: "media" is a more commonly understood / more inclusive descriptor these days than "press."

Section 3. Quorum: A quorum shall consist of a majority of the sitting members of the committee. All business conducted with a majority vote of the quorum shall stand as the official action of the Committee.

**Commented [11]:** Text changed. Rationale: (a) 24 hours notice is too short for citizen volunteers, who have other lives going on; (b) we couldn't think of any circumstance (other than nefarious) why a Committee session would need to assemble on such short notice.

Section 4. Voting: Each Committee member shall have one vote. In the event the Chair's vote shall create a tie vote, the Chair shall refrain from voting.

**Commented [12]:** Mark Yeager asks: "What is the rationale for preventing the chair from voting if the chair's vote would result in a tie vote on a matter? If the Committee is divided on a matter (and particularly when the full membership of the Committee has not been appointed or is not present), it seems prudent to allow the Committee to have a path for further discussion and debate, rather than one side prevailing. I do not see this language in Robert's rules, so I would appreciate some better understanding of the history and rationale of this provision." We haven't gotten any more information from staff

Section 5. Staffing: Staff for recording the proceedings of the Committee shall be provided by the County.

Section 6. Agenda: The Chair, with the assistance of the Community Development Director, or his/her designee, shall prepare the agenda of items requiring Committee action, and shall add items of business as may be requested by individual Committee members and/or the Board of Commissioners.

**Commented [13]:** Text deleted. Rationale: (a) we could think of no reason that preventing the Chair from voting in this way leads to a reliably better outcome, as tie votes can lead to further discussion, compromise, refinement, etc., and also tie votes are a valid outcome in themselves; (b) this rule complicates voting unduly – i.e., it creates situations where the Chair votes but then that vote is discarded; (c) this is a counterintuitive "exception" rule that is easy for citizen volunteers to overlook, which merely leads to frustration by technically invalidating decisions.

Section 7. Notice: All members shall be given written notice of time, date, location, and purpose of the meetings at least seven (7) days before a regular Committee meeting, and written or verbal notice three (3) days before a special meeting. In the event a member is provided with less than seven (7) days written notice of a regular meeting, or less than three (3) days actual notice of a special meeting, and objects to the proceedings based on a lack of adequate notice, all business conducted at that meeting shall be reconsidered at the next regular meeting or at a special meeting called with adequate notice.

**Commented [14]:** Mark Yeager asks: "why does DSAC only give 3 days' notice of meetings?"

**Commented [15]:** Text changed. Rationale: (a) we could think of no reason that the notification period for regular meetings be this short; (b) as a practical matter, since regular DSAC meetings are typically held in sync with SWAC meetings, the notification period is ...

Section 8. Minutes: Minutes recording all motions and subsequent action including the number of yes or no votes on each issue shall be taken. In addition, all conflicts of interest shall be noted. Minutes and video recordings of all meetings shall be maintained by the Community Development Department, to be kept in the public record for the length of time prescribed by law.

**Commented [16]:** Text changed, to align with text change in Section 2.

**Commented [17]:** Text changed, to align with text change in sentence above.

**Commented [18]:** Text changed, to align with text change in Section 2.

**Commented [19]:** Mark Yeager notes: "storage, access, and availability of virtual meeting recordings needs to be specified here."

**Commented [20]:** Daniel: we want to add a mention here that video records exist and are kept for a year. Maybe something like "The Community Development Department shall maintain a video record of all ...

**Commented [21]:** Text added. Rationale: we feel the bylaws should explicitly contain reference to the video recordings, which are often much more useful when researching past deliberations and decisions.

## ARTICLE 8

### Public Records and Meeting Law

The Committee is a public body for the purposes of ORS Chapter 192, and is subject to the statutory procedures related to public records and meetings.

## ARTICLE 9

### Parliamentary Procedure

The current edition of Robert's Rules of Order shall govern the Committee where not inconsistent with these bylaws or any special rules of order the Committee shall adopt.

## ARTICLE 10

### Conflict of Interest

A conflict of interest shall be declared by any member who has a conflict of interest as defined by Oregon law prior to taking any action on the matter causing the conflict. Generally, conflicts of interest include situations where a member might use their official position to obtain financial gain or avoid financial detriment for themselves, family or business (ORS 244.020).

## ARTICLE 11

### Bylaw Amendments

These bylaws may be amended by the Board of Commissioners upon its own motion. Prior to an amendment, the Board of Commissioners may request a recommendation from the Committee which may recommend changes at any regular meeting of the Committee by a two-thirds vote of the sitting membership, provided that the recommended amendment has been submitted in writing to the Committee members no later than three days before the regular meeting.

**Commented [22]:** I think a one-sentence summary of what constitutes a "conflict of interest" should be included here.

**Commented [23]:** Daniel: I'm looking for a brief summary, something that can help a citizen volunteer (a) better understand the gist of what COIs are, and point them to resources where they can find out more. Maybe something like "Generally, conflicts of interest include situations where a member might use their official position to obtain financial gain or avoid financial detriment for themselves, family or business (ORS 244.020)."

**Commented [24]:** Text added. Rationale: it would help citizen volunteers (a) better understand the gist of what COIs are, and (b) point them to resources where they can find out more

# DRAFT 2021 Community Member Concerns Staff Report



## 2021 Coffin Butte Landfill Community Member Concerns Annual Staff Report DRAFT

*Prepared By:* Daniel Redick, Benton County Community Development Department, Solid Waste Program

*Preparation Date:* July 20, 2022

The duties of Benton County's Disposal Site Advisory Committee (DSAC) are outlined in Oregon state law—specifically in ORS 459.325, which includes the requirement that “the committee shall prepare an annual written report summarizing the local citizens’ concerns and the manner in which the owner or operator is addressing those concerns”, which will be considered by the Department of Environmental Quality as part of issuing and renewing a solid waste permit. Note that DEQ has not requested these reports from Benton County staff this year or in previous years.

Benton County staff has prepared the following staff report summarizing community member concerns regarding Coffin Butte Landfill in 2021, which may be used by DSAC to meet the requirements of ORS 459.325. Concerns listed in this report have been compiled using information from the Coffin Butte Landfill & Pacific Region Compost Annual Report 2021, complaints received by Benton County staff, and any concerns presented during Benton County Disposal Site Advisory Committee and Solid Waste Advisory Council meetings (see Appendices A and B for 2021 meeting minutes).

In 2021, a Conditional Use Permit (CUP) application to expand the landfill site was denied by the Benton County Planning Commission, and many community member concerns about the landfill and the proposed expansion were received throughout that process. This report does not detail each of the community member concerns received throughout that public hearing process, however, the topics of concern include: acceptance of out-of-county waste, groundwater quality, air quality, odor, greenhouse gas emissions, roadside litter and debris, wildlife, vehicle traffic, and other impacts to nearby properties. These various concerns are generally acknowledged in Table 1 below. Several of the concerns received during Solid Waste Advisory Council (SWAC) and DSAC meetings in 2021 were also related to the CUP application to expand the landfill and are detailed in Table 1.

There were thirty-two community member concerns reported during 2021, as detailed in Table 1, which include three reported odor notices, and sixteen complaints sent directly to Oregon DEQ. The most prevalent topic among the landfill concerns was the acceptance of out-of-county waste, which was a reoccurring concern relating to the landfill's CUP application.

<b>Coffin Butte Landfill Concern Log 2021 (Benton County)</b>				
<b>#</b>	<b>Date</b>	<b>Category</b>	<b>Received By</b>	<b>Response</b>
1	Apr-21	Price	Coffin Butte Landfill	None
2	Apr-21	Roadside Litter and debris - Hwy 99	Benton County	Notified Republic Services, requested further investigation
3	Jul-21	"Other"	Coffin Butte Landfill	None
4	Aug-21	GHG emissions, acceptance and prices for out-of-county waste	SWAC	None
5	Sep-21	Public Tipping Area	Coffin Butte Landfill	None
6	Sep-21	Odor	Coffin Butte Landfill / DEQ	Landfill responded, documented, and reported
7	Oct-21	Noise, Traffic	DSAC	None
8	Oct-21	Water quality, acceptance of out-of-county waste	SWAC	None
9	Oct-21	Noise	SWAC	None
10	Oct-21	Traffic, roadside debris	SWAC	None
11	Oct-21	Safety, water quality, wildlife	SWAC	None
12	Nov-21	Odor	Coffin Butte Landfill / DEQ	Landfill responded, documented, and reported
13	Dec-21	Odor	Coffin Butte Landfill / DEQ	Landfill responded, documented, and reported
14	Dec-21	Acceptance of out-of-county waste	SWAC	None
15	Dec-21	Acceptance of out-of-county waste	SWAC	None
16	Dec-21	Property and farming impacts	SWAC	None
	Nov- Dec - 21	16 Complaints sent directly to DEQ (No detailed Information Provided by DEQ)	DEQ	None
	Various	Various concerns during the LU-21-047 public hearing process	Benton County Planning Commission	None

*Table 1: Coffin Butte Landfill Concern Log, summarizing concerns reported to Benton County staff, Benton County Solid Waste Advisory Council (SWAC), Benton County Disposal Site Advisory Committee (DSAC), Benton County Planning Commission, Coffin Butte Landfill, and Oregon Department of Environmental Quality (DEQ).*

<b>Coffin Butte Landfill Concern Log 2021 (DSAC &amp; SWAC)</b>		
<b>Month</b>	<b>Concerns Received</b>	<b>Description</b>
Jan	0	
Feb	0	
Mar	0	
Apr	0	
May	0	
Jun	0	
Jul	0	
Aug	1	GHG emissions, acceptance and prices for out-of-county waste
Sep	0	
Oct	5	- Noise, Traffic - Water quality, acceptance of out-of-county waste - Noise - Traffic, roadside debris - Safety, water quality, wildlife
Nov	0	
Dec	3	- Acceptance of out-of-county waste - Acceptance of out-of-county waste - Property and farming impacts
<b>Totals</b>	<b>9</b>	

Table 2: Concerns received by Benton County Solid Waste Advisory Council (SWAC) and Benton County Disposal Site Advisory Committee (DSAC).

Valley Landfills, Inc. 2021 Complaint Log					
Month	Price	Public Tipping Area	Other	Pacific Region Compost	Monthly Total
Jan	0	0	0	0	0
Feb	0	0	0	0	0
Mar	0	0	0	0	0
Apr	1	0	0	0	1
May	0	0	0	0	0
Jun	0	0	0	0	0
Jul	0	0	1	0	1
Aug	0	0	0	0	0
Sep	0	1	0	0	1
Oct	0	0	0	0	0
Nov	0	0	0	0	0
Dec	0	0	0	0	0
Totals	1	1	1	0	3

Table 3: Concerns received by Coffin Butte Landfill (table sourced from Coffin Butte Landfill and Pacific Region Compost Annual Report 2021).

The landfill received, responded to, documented, and reported 1 odor notifications to DEQ. The landfill was informed of, responded to and documented 2 odor notifications from DEQ for reports they received.

<b>Coffin Butte Landfill Odor Notices</b>								
<b>Month</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Jan</b>	0	1	2	0	0	0	0	0
<b>Feb</b>	0	0	0	0	0	0	2	0
<b>Mar</b>	2	0	0	0	0	0	0	0
<b>Apr</b>	1	1	0	0	0	1	1	0
<b>May</b>	0	0	0	0	0	0	0	0
<b>Jun</b>	0	0	0	0	0	0	0	0
<b>Jul</b>	0	0	0	0	0	0	0	0
<b>Aug</b>	1	0	0	0	0	0	0	0
<b>Sep</b>	1	0	0	0	0	0	0	1
<b>Oct</b>	0	0	0	0	0	0	1	0
<b>Nov</b>	0	0	0	0	0	0	0	1
<b>Dec</b>	0	0	0	0	0	0	0	1
<b>Total</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>3</b>

\* In February 2022, DEQ provided 16 complaints from the November to December 2021 time period. DEQ did not include information regarding the nature of the complaints.

*Table 4: Concerns received by Coffin Butte Landfill (content and table sourced from Coffin Butte Landfill and Pacific Region Compost Annual Report 2021).*

# Popp Comment 1

**From:** [Marge](#)  
**To:** [REDICK Daniel](#)  
**Subject:** Question for Republic Services Regarding Landfill Capacity  
**Date:** Wednesday, July 13, 2022 12:45:13 PM  
**Attachments:** [image.png](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Daniel,

Please forward this question to the appropriate parties at Republic Services. Please request a written response and add both my question and Republic's response to the packet for either our DSAC or our SWAC meeting on July 27.

Thanks!

Marge Popp

Question for Republic Services. We request the answer be in writing in time to be added to the appropriate Packet for the SWAC/DSAC meeting July 27, 2022.

Looking at Page 1 of the 2020 Coffin Butte Landfill and PRC Report, the Landfill permitted airspace is approximately 38,444,000 cubic yards of which 20,456,000 was consumed by the end of calendar year 2020 leaving the remaining capacity of 17,621,000 cubic yards.

How does this information relate to the actual mapped geographic sections of the landfill?

The diagram below, from the CUP folder 2BOP Coffin Butte Final shows the area zoned as Landfill Site in maroon. This area is composed of several tax lots owned by Valley Landfills.

The capacity values used are from the Landfill Capacity section on page 1 of the Coffin Butte Landfill and Pacific Region Compost Annual Report 2020 as we have not yet received the 2021 Annual Report.

Can this diagram be annotated with the capacity and location of each of the following sections?

1. The 20,456,000 cubic yards consumed landfill area in active use today,
2. the landfill area in active use today that is not consumed (17,621,000 cubic yards),
3. the 'quarry site', and
4. the section south of Coffin Butte road affected by the CUP.

If any of these areas overlap, please note that. I realize this request may not be in the form that Republic Services is accustomed to reporting. However, it appears to feel intuitive to a number of local taxpayers and we would appreciate your indulgence in converting your specific measures to a format that is understandable by the layperson.

The information framed in this way would be very enlightening to those who are not intimately knowledgeable about the landfill, which is most of the residents and taxpayers of Benton County who are asking me these questions.

Please roughly mark the map below with sections 1-4 and assign approximate cubic yards of capacity to those sections. This would be very helpful for us to understand the overall capacity picture of the Coffin Butte landfill.

Marge Popp, member of Benton County SWAC and DSAC

image.png



## Popp Comment 2

**From:** [Marge](#)  
**To:** [REDICK Daniel](#)  
**Subject:** Oregon Statute regarding DSAC; Please distribute to DSAC members via Packet for 7/27/22 meeting  
**Date:** Thursday, July 14, 2022 9:50:25 AM  
**Attachments:** [Oregon Statute Regarding DSAC.docx](#)

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Daniel,

I was recently made aware of these links to Oregon Statute ORS 459.325, ORS 459.320, and ORS 459.315 (see attached Word document). Please note that I made some formatting changes to the document for readability.

While I had been advised that DSAC was a state mandated committee, seeing the actual ordinance was useful to me. Perhaps other members would find it so as well.

I could not find this information in our 'Digital Binder' and wonder if it would be a good idea to add this information to the binder. While the DSAC By-laws generally incorporate the ordinance verbiage, I believe since this is a source document, it should be prominently included in our Committee's foundational documents. You may wish to publish the statute information in your own choice of format.

In any case, please add the attached document and my email to our DSAC Packet for the 7/27/22 meeting.

Thanks,

Marge Popp

Member of Benton County SWAC/DSAC

## Popp Comment 2 Attachment

Oregon Statute Regarding DSAC

### **ORS 459.325**

#### **Duties of regional disposal site advisory committee**

[https://oregon.public.law/statutes/ors\\_459.325](https://oregon.public.law/statutes/ors_459.325)

The duties of the local citizens advisory committee established under [ORS 459.320 \(Regional disposal site advisory committee\)](#) shall include but need not be limited to:

(1)

Reviewing with the permittee, the regional disposal site including but not limited to siting, operation, closure and long-term monitoring of the regional disposal site; and

(2)

Providing a forum for citizen comments, questions and concerns about the regional disposal site and promoting a dialogue between the community in which the regional disposal site is to be located and the owner or operator of the regional disposal site. The committee shall prepare an annual written report summarizing the local citizens' concerns and the manner in which the owner or operator is addressing those concerns. The report shall be considered by the Department of Environmental Quality in issuing and renewing a solid waste permit under [ORS 459.245 \(Issuance of permits\)](#). [1987 c.876 §11]

### **ORS 459.320**

#### **Regional disposal site advisory committee**

[https://oregon.public.law/statutes/ors\\_459.320](https://oregon.public.law/statutes/ors_459.320)

(1)

Except as provided in subsection (3) or (4) of this section, the board of county commissioners of a county in which a regional disposal site is proposed to be located shall establish a local citizens advisory committee when the Department of Environmental Quality receives an application for a regional disposal site within the county. The board shall select members of the committee from among at least each of the following groups, to the extent feasible

(a) Residents residing near or adjacent to the regional disposal site.

(b) Owners of real property adjacent to or near the regional disposal site.

- (c) Persons who reside in or own real property within the county in which the regional disposal site is located.
- (d) Employees of the permittee.
- (e) Local organizations and citizen interest groups whose majority of members either:
  - (A) *Are electors of the county in which the regional disposal site is located; or*
  - (B) *Own real property in the county in which the regional disposal site is located.*

**(2)**

Unless determined otherwise by a board of county commissioners:

- (a) Members of the local citizens advisory committee shall serve a term of two years.
- (b) The committee shall elect from among its members a chairperson of the committee with such duties and powers as the committee imposes.
- (c) The committee shall meet at least four times each year for so long as the regional disposal site is proposed or operating.

**(3)**

If the regional disposal site is operated by a metropolitan service district, the local citizens advisory committee shall be established by the governing body of the metropolitan service district.

**(4)**

If the board of county commissioners of a county in which a regional disposal site is located or is proposed to be located has already established a local citizens advisory committee for solid waste issues in general, that committee may serve to fulfill the duties specified in [ORS 459.325 \(Duties of regional disposal site advisory committee\)](#) so long as the membership of the committee is consistent with this section. [1987 c.876 §9; subsection (4) enacted as 1987 c.876 §10; 1999 c.720 §1]

**ORS 459.315**

**Definitions for ORS 459.315 to 459.330**

[https://oregon.public.law/statutes/ors\\_459.315](https://oregon.public.law/statutes/ors_459.315)

As used in [ORS 459.315 \(Definitions for ORS 459.315 to 459.330\)](#) to [459.330 \(Notification of advisory committee by regional disposal site permittee\)](#):

**(1)**

“Committee” means a local citizens advisory committee established under [ORS 459.320 \(Regional disposal site advisory committee\)](#).

**(2)**

“Permittee” means a person operating a regional disposal site under a permit issued under [ORS 459.245 \(Issuance of permits\)](#). [1987 c.876 §8]

## Popp Comment #3

**From:** [Marge](#)  
**To:** [Ken Eklund](#)  
**Cc:** [REDICK Daniel](#)  
**Subject:** Fwd: Consideration for Assessment Process Committee  
**Date:** Thursday, July 21, 2022 10:35:12 AM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ken,

I would like to be considered for membership on the Assessment team working group that is being formed now.

At Darren's suggestion, I am forwarding to you my letter to him regarding my interest in this position and copying Daniel.

Perhaps you two can determine the appropriate way to inform the other SWAC/DSAC members of my interest, either by adding my letter to the Packet or maybe I should just voice my interest at the meeting.

Let me know what you think.

Thanks,

Marge

----- Forwarded message -----

From: **Marge** <[REDACTED]>  
Date: Thu, Jul 21, 2022 at 10:28 AM  
Subject: Re: Consideration for Assessment Process Committee  
To: NICHOLS Darren <[darren.nichols@co.benton.or.us](mailto:darren.nichols@co.benton.or.us)>

Thank you, Darren.

I appreciate your prompt and courteous response.

I will forward this email exchange to our SWAC/DSAC chair and copy Daniel.

Marge Popp

On Thu, Jul 21, 2022 at 8:41 AM NICHOLS Darren <[darren.nichols@co.benton.or.us](mailto:darren.nichols@co.benton.or.us)> wrote:

Good morning Marge,

Thank you for the note – good to meet you as well and I appreciate your thoughts and interest. We will add your name to the list.

Please also share your interest in serving on the Working Group with your fellow SWAC/DSAC chair and members. SWAC/DSAC will recommend two seats for the Board's appointment. In any case, members of SWAC and the public will have many opportunities to help inform and shape this work going forward.

The Charge of the Working Group is to recommend the steps forward that will address the issues you raise below. We look forward to working together on these issues.

Thanks again,  
Darren

---

**From:** Marge <[REDACTED]>  
**Sent:** Tuesday, July 19, 2022 5:17 PM  
**To:** NICHOLS Darren <[darren.nichols@Co.Benton.OR.US](mailto:darren.nichols@Co.Benton.OR.US)>  
**Subject:** Consideration for Assessment Process Committee

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Darren.

It was a pleasure to meet you this morning and thank you for taking an active interest in the Solid Waste and Landfill issues here in Benton County.

I would like to be considered for membership on the assessment team that will be tasked to formulate an infrastructure of shared knowledge and process upon which a well-grounded future direction for effective and environmentally sound Solid Waste management in Benton County can be built.

This morning in the Board of Commissioners meeting, Sam Imperati mentioned 'good faith.' I believe this precept underlies the essential elements he cited for a healthy civic relationship.

I am particularly concerned with shared facts and elucidating the underlying process by which they were established and I appreciate that he has highlighted the need for a shared knowledge base upon which to build.

An example of the challenge here is the differing numbers we hear regarding Benton County's share of the total annual waste tonnage received at Coffin Butte. This morning Sam quoted a figure of 6.6%. I've been told that this number is calculated using data from the DEQ MRWG Rates Report. Another number I have heard often is 12%. This number can be easily calculated from the Republic Services PRC Report using data from the table Summary of Landfill Users by County of Origin. Which number is correct? Likely, a big part of answering this question is to trace and define the data lineage of each figure carefully. In our case, perhaps experienced individuals could articulate the meaning of each value in a way that makes it possible for the layperson to grasp the nature of the

discrepancy intuitively. Thereby the two values could be redefined to reflect each meaning more specifically. For this to happen, it seems to me, all parties need to be acting in good faith.

I would like to represent the many Corvallis and Benton County residents who are concerned about the presence and management of the Coffin Butte Landfill. I am a resident of southwest Corvallis and these people are my friends, neighbors, and colleagues in various local organizations.

While they may not be as deeply-informed or as passionate about the landfill as the neighbors who are most affected by any changes in policy, they are nevertheless motivated by the way they see their community and its posture towards living sustainably and limiting environmental damage. Their sense of agency can feel violated by the growth of this landfill filled mostly with waste from other municipalities. These people have concerns about how well an inherently risky operation such as a landfill came to occupy such a large footprint in our county and how well the inherent risks it represents are grasped and managed by our county representatives.

These are the folks I would like to represent on the assessment team.

Thank you for your consideration,

Marge Popp

Member SWAC/DSAC

1435 SW Birdie Dr

# Whitcombe Comment

Nancy Whitcombe  
37049 Moss Rock Drive  
Corvallis, Oregon 97330

Benton County Community Development  
Attn: SWAC, Daniel Reddick  
4500 SW Research Way 2<sup>nd</sup> Floor  
Corvallis Oregon 97333

July 14, 2022

## Re: Coffin Butte/PRC Annual Report

Members of the Solid Waste Advisory Council, Mr. Reddick,

**I would like to be scheduled on a future SWAC/DSAC agenda to present the following request for additional information.**

Since SWAC/DSAC are shortly going to be reviewing the landfill annual report, I suggest they request more granular information be provided by the landfill operator than has been provided in previous years. This would also help Planning Commission/BoC in evaluating future CUP expansions. To the extent practicable, the following information should be provided for as many preceding years as is possible.

### 1. Disparity in county-of-origin per the Annual Report and DEQ:

According to DEQ, the Benton County wasteshed is about 67,500 tons (about 1,500 lbs per person for a population of about 90,000 persons). But the annual report generally shows more than 100,000 tons of waste originating in Benton County. This is a significant disparity.

#### Recommendations:

- a) More accurate county-of-origin numbers -- Check drivers' ID for proof of county-of-residence. The most obvious explanation for the disparity is that drivers, thinking that doing so will allow them to obtain a more favorable rate, are disingenuous about actual county-of-origin of the waste.
- b) Until it is possible to reconcile information provided in the Annual Report and information provided by DEQ, include the DEQ wasteshed estimate for reference, that (along with the following "Recommendation" will allow the Council to more easily calculate the percentage of waste that actually originates in Benton County (i.e. for 2018, the "Total Tons" originating in Benton County is shown as 105,813.50, but per the DEQ the MSW generated for that year for the Benton County wasteshed is 67,410 tons). That's a difference of almost 4% -- 10.5% per the report (annual report total, 105,814 Benton County tons to total tons of 1,010,879) versus 6.67% per the DEQ (DEQ total, 67,410 tons to total tons of 1,010,879).

### 2. C & D is not separated out for non-franchise vehicles

#### Recommendation:

**This information is collected at the gate.** Separate out C&D from MSW in **all columns** in the report. There is frequent discussion of disposing of C&D waste separately, having a good idea of how much total ends up in the landfill would be useful for the Council.

**3. The “Private Vehicles” column apparently includes commercial vehicles.**

**This information is collected at the gate.** The “private vehicle” column appears to include waste haulers in large trucks that have no franchise agreement with Republic.

**Recommendation:**

Most people, seeing “Private Vehicles” think of a guy in a Toyota Tacoma. Separate large commercial vehicles out into a separate column, with an appropriate heading “for example: Other Commercial Vehicles”. Along with the following two recommendations, that will allow the Council to more easily calculate the average weight per commercial vehicle, and thus the burden on the Benton County transportation system.

**4. Only “Total Vehicles” are shown.**

**This information is collected at the gate.** Information as presented in the PRC/Coffin Butte annual report is inadequate for the Council, which is charged with paying particular attention to the roads around the landfill, since large heavy waste haulers are significant contributors to road degradation. A hauler weighing in at 20 tons of MSW is going to damage a road in a way that a Toyota Tacoma is not. Large commercial vehicles, such as the truck that overturned on Hwy 20 earlier this year in icy weather, pose traffic hazards that smaller vehicles do not.

**Recommendation:**

Have separate counts for column 1 (commercial franchise vehicles), (new) column 2 (new column, commercial non-franchise vehicles), and column 3 (private vehicles).

**5. PRC**

**Recommendation:**

Include trips generated by PRC

**6. Leachate hauling**

**Recommendation:**

The landfill operator knows how many leachate trucks travel from the landfill to Salem/Corvallis treatment plants each day. Provide this information publicly. Provide a count of leachate trucks hauling leachate to treatment in Salem and Corvallis. Leachate trucks are also extremely heavy and the potential for environmental disaster, were one to overturn and spill, is great.

**7. Gravel trucks**

**Recommendation:**

Knife River is excavating the quarry for additional landfill expansion. The number/weight of gravel trucks hauling gravel off-site would give a better picture (with leachate hauling information) of the total burden the landfill imposes on the transportation system.

Including this information would allow the Council to make more informed decisions about the impact of the landfill on the transportation system. It is important to have a bigger overall picture of the impacts of the landfill/PRC/leachate disposal/gravel traffic on public utilities.

**SUGGESTED MOTION:**

A member, raising hand, and called on by the Chair: "Mr/Ms Chair, may I have the floor to present a motion, or would you call for a motion?"

Chair: "You may have the floor"

Member #1 making the motion: "I move to schedule Ms. Whitcombe to be placed on the agenda for our next SWAC meeting to discuss traffic impacts. In the meantime, I move that we forward Ms. Whitcombe's letter to Mr. McNabb and request from him the practicability of obtaining the information that she is requesting as a supplement to last year's (i.e. 2021) PRC/Coffin Butte annual report, and in subsequent reports. Mr. McNabb should respond to this request for additional information at next month's meeting."

Chair: "Do we have a second?" (the following assumes a member #2 seconds the motion, then the chair calls for discussion; during the discussion process, any member can suggest amendments to the original motion, & those potential amendments must be resolved via a vote before the original motion is considered by the body).

Discussion, & potential motion to amend by Member #X, "I move to amend Ms/Mr. Member #1's motion to award a gold star to Ms. Whitcombe for her spectacularly attractive hairstyle this evening." Or, alternately, "I move to amend Ms/Mr. Member #1's motion to add the caveat that Mr. McNabb assess the practicality of providing only that information directly under the control of VLI, since the landfill operator may not be privy to information regarding trip generation under the management of Knife River."

Chair: "Do we have a second on Mr/Ms. Member #X's motion to amend?"

Another member seconds (if no second, the motion dies), Chair, "Discussion?"

When discussion is concluded, a vote is held on whether to accept the amendment, and then a vote is held on whether to accept the amended motion (if the amendment was accepted), or on the un-amended original motion.

Thank you very much,

Nancy Whitcombe

# Secrecy shrouds Lake County's plan to build Oregon's largest landfill



By [Joni Auden Land](#) (OPB)

July 12, 2022 5 a.m.

**As Oregon faces a wave of landfill closures in coming decades, a group of mysterious investors hope to cash in on Lake County officials' willingness to become a destination for waste.**

0:00 / 4:45

Terry Crawford usually knows what's going on in northern Lake County, one of Oregon's most remote regions. She heads the Christmas Valley Chamber of Commerce, produces a monthly newsletter and serves on the county planning commission.

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But it was only a few weeks ago that she first heard of plans to build Oregon's largest landfill somewhere among the sagebrush she calls home. She saw a post about it on Facebook.



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The Knott Landfill, July 6, 2022, is the sole landfill in Deschutes County and is anticipated to be full by 2029, necessitating closure.

*Joni Land / OPB*

“I’d say there’s a huge lack of transparency,” Crawford said at her Christmas Valley home. “How is it going to benefit us?”

Lake County leaders, state officials and a private consultant held multiple closed-door meetings concerning a new regional landfill as early as January 2021. But those behind the project have yet to disclose key details about where it might be built, how many people it would employ and how it could impact the environment, even as they take steps to purchase property.

Even less has been divulged about the group of investors promising to finance — and presumably profit — from such a landfill. The public face of this group, Don Jensen of Salem, won’t disclose his financial backers. Jensen himself has little experience siting new landfills, except for one in Idaho with a history of state violations.



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decades, leaving many communities looking east for places to send future generations' waste.

## Growing demand

The U.S. Environmental Protection Agency estimates at least seven landfills in Oregon will close by 2050, although exact closure dates can fluctuate.

It's been nearly 30 years since Oregon sited a new landfill, and it's unlikely the state will ever approve another facility in the Willamette Valley, its most populous region. That's because of the area's extremely wet conditions, said Shane Latimer, an environmental planner in Portland who specializes in landfill permitting for SCS Engineers.

"We will eventually be exporting most of our trash to the eastern drier parts of Oregon," Latimer said.

Across the state, local governments are opting to ship their garbage to several large regional landfills. Where there used to be more than 100 smaller landfills across Oregon, there are now only several regional facilities, Latimer said.

Lake County's vision includes serving areas as nearby as neighboring Klamath and Deschutes counties, and those hundreds of miles away, like Marion County and Portland metro locales.

Jensen, the developer, has proposed buying about 8,000 acres, with around 1,000 of that initially permitted for the landfill.

This scale would make it the largest landfill in either Oregon or Washington.

Lake County Commissioner Mark Albertson sees an opportunity to create local jobs in a part of Oregon starving for industry.

"It's extremely important," Albertson said of the project. "A million and a half bucks (in annual host fees), plus anything else that we can get to provide services throughout the county, is very important."





An empty storefront in downtown Lakeview, Oregon. Local leaders are hoping a new regional landfill can boost the area's lagging economy. July 6, 2022.

*Joni Land / OPB*

The county's roughly 8,000 residents mostly rely on timber and agriculture, he said, but reductions in those industries have severely limited job opportunities for residents.

Sitting in his office in the county seat of Lakeview, Albertson pointed out a row of empty storefronts, some with windows covered in newspaper, others bearing signs that read, "I believe in Lakeview."

"People might think what we ship most of is timber and hay, but in reality, we're sending our kids out, because there's nowhere for them to work," he said.

## Unanswered questions



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when Don Jensen pitched Lake County commissioners on a landfill plan last year, he didn't have to worry about competition.

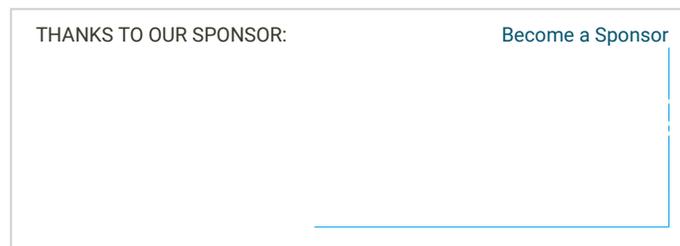
The commissioners signed a memorandum of understanding with Jensen in June 2021, without shopping the idea around to other developers.

A month earlier, Jensen and his attorney produced a draft of the agreement in order to avoid a more public process, emails to county officials show. Governments typically solicit competitive bids on major projects, so companies can make public proposals for those contracts. In this case, the county isn't paying Jensen any money, and Jensen said a bid is not needed because he's assuming the financial risk.

"We think that Lake County is a prime location for our regional landfill," Jensen told commissioners at the time. "We think it would really benefit the folks from Christmas Valley."

In exchange, "the county agrees... to expedite the (permitting) review" for the landfill, according to its agreement with Jensen, although it's unclear what that will entail.

Albertson said he still does not know who Jensen's business partners are. He also has not received a business plan, despite him and Oregon Governor Kate Brown's office asking for one multiple times.



Commissioners have held just one public meeting about the project so far.

Jensen's connections to the Oregon waste industry appear scant. His only previous landfill experience was at the Simco Road Regional Landfill, outside Boise, Idaho. He said he oversaw the opening of a new section of that facility in 2014.

The Idaho landfill caught [on fire multiple](#)

multiple violations in 2019. One report noted that in 2018, “it appeared free liquids were being poured into a dump truck bed, which then released the liquids to the landfill.”

The violations also noted the landfill had failed to resolve years of previous violations dating back to 2012.

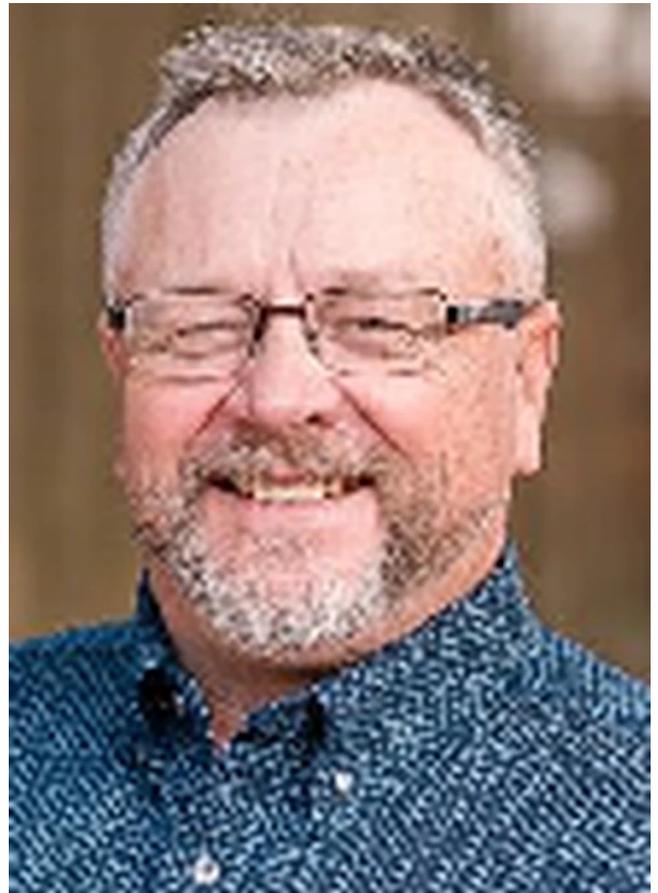
Jensen said issues with the Idaho landfill existed before he became involved, and that the facility has “made great strides to get everything into compliance.”

His personal finances appear to have been littered with unpaid debts. Jensen filed for bankruptcy in 2010 after owing hundreds of thousands of dollars in back taxes to the IRS, as well as state and local governments. He also failed to pay back a small business loan he took out in 2006 for his film production company, Dirtpoor Films, costing taxpayers nearly \$50,000, according to the Statesman Journal.

Jensen said he, like many other developers, was hit hard by the Great Recession, as he had many housing projects underway at the time.

How qualified his partners are now remains unknown — Jensen repeatedly declined to name any of them. And as for a business plan, Jensen said it will be drafted after purchasing a property.

“If at the end of the day, this doesn’t work, we’ll own a big chunk of land,” he said.



Lake County Commissioner Mark Albertson

*Courtesy of Lake County*

## Buying the land



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Ken Hufford, a rancher in Fort Rock, said he pulled out of the deal after he could not find a replacement property for his ranch.

County officials have mulled numerous other ways to purchase enough land to make the landfill viable, such as buying it from the Oregon Department of State Lands or private timber companies, emails obtained by OPB show.

Jensen said he and his partners expect to purchase property within the next two months. He said engineers and geologists will survey prospective sites first to make sure they are suitable, but acknowledged there's still a risk.

“We really couldn't have asked for a better spot, it's just one of those ideal locations,” Jensen said of northern Lake County. “There could be something that could pop up, and we're just back at ground zero.”

Latimer, the environmental planner, said it's highly unusual for a developer to purchase land before receiving the necessary approvals from state regulators.

That's because just one of many factors — endangered species, proximity to airports, water rights, or the presence of cultural resources — can each kill a project before it even begins.

State agencies shared some of those concerns, emails show. Greg Svelund with the Oregon Department of Environmental Quality wrote to colleagues in February 2021, saying that any landfill would face a “daunting” process to receiving the required permits.

“There are many technical aspects an applicant needs to address,” Svelund wrote. “There's a reason this hasn't happened in Oregon in several decades.”

And even though Latimer predicts Oregon's garbage will eventually go east, he said many landfills currently have enough capacity to last for the next fifty years. He's not sure the market demand exists, especially with a large landfill in Arlington already in operation.

Even state agencies noted that Arlington's landfill, currently the largest in the state, has at least 150 years of lifespan remaining.



Jensen and Lake County have placed heavy emphasis on receiving garbage from Central Oregon's Deschutes County, where a landfill is set to close in 2029. The county is among the fastest growing in the state.

But that's looking more and more unlikely, as Deschutes County is several years into plans to build its own landfill.

Portions of northern Lake County are also home to [sage grouse habitat](#) and the county has a [moratorium on new water rights](#) due to a declining aquifer. Both issues are potential roadblocks to a future landfill.

For Lake County resident and planning commissioner Terry Crawford, the lack of a public process surrounding the project is the latest instance of a county government failing to listen to the concerns of its more remote residents.



Terry Crawford, next to her horse Ben, at her home in Christmas Valley. She moved to the area 16 years ago, but is growing

Fort Rock and Christmas Valley, near where the landfill could be built, are two hours away from the county seat. Crawford said it's difficult to attend public meetings and many residents in the area don't receive the local newspaper.

Information, even when publicly announced, is not easy to come by.

"There is no trust, because we've seen it over and over again," Crawford said.

**Correction:** This article initially misspelled Terry Crawford's name. OPB regrets the error.

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# Eklund Agenda

## AGENDAS Disposal Site Advisory Committee Solid Waste Advisory Council July 27, 2022 6:00 pm

### DSAC:

5 min	Call to Order/Introductions/Announcements.....Chair	6:00 pm
5 min	Amendment/Approval of the Minutes.....Chair	
20 min	Community Members Comment .....Chair	6:10
	Anyone can bring up news, information, questions to discuss with the Council.	
5 min	Priorities and Intentions .....Committee	
	A new thing: let's share our individual priorities among the issues before us.	
5 min	Bylaws: Recommend Changes .....Chair	6:35
	Decision on whether or not to recommend the changes proposed during our working session earlier this month to the Commissioners.	
10 min	Coffin Butte 2021 Landfill Annual Report .....Chair, Republic	
	This annual report is now out, so we can review and ask questions about it.	
15 min	DSAC 2021 Landfill Issues: Annual Report to DEQ .....Chair, Staff	
	DSAC owes DEQ a summary report. Let's receive the 2021 complaint logs from Republic and staff, and discuss then act on drafting this report listing last year's input from the public about landfill issues and complaints.	
15 min	Accelerating Information Flows to DSAC/SWAC .....Chair, Staff	
	Information currently moves to DSAC/SWAC at 20th century speeds. Let's investigate how to get information as promptly as possible, so that we can pass on advice and recommendations to the Commissioners and reports to DEQ in a more timely way.	
5 min	Member Requests.....Chair	7:20
5 min	Agenda items for next DSAC meeting.....Chair	
5 min	Wrap-up/Adjourn.....Chair	7:30
5 min	Break	

### SWAC:

5 min	Call to Order.....Chair	7:40 pm
5 min	Amendment/Approval of the Minutes.....Chair	
5 min	Community Members Comment .....Chair	7:50
	Anyone can bring up news, information, questions to discuss with the Council.	
5 min	Priorities and Intentions .....Council	
	As above, let's share our individual priorities among the issues before us.	
5 min	Bylaws: Recommend Changes .....Chair	8:00

Decision on whether or not to recommend the changes proposed during our working session earlier this month to the Commissioners.

10 min	Update on Oregon Consensus Assessment & Board Action .....Chair, Staff Oregon Consensus has released their Assessment, and the Board of Commissioners received it and discussed it on Tuesday 19 July. Let’s discuss what we know so far, learn from staff the status of our current committee request, and receive any other advice.	
5 min	Member Requests.....Chair	8:15
5 min	Agenda items for next SWAC meeting .....Chair	
5 min	Wrap-up/Adjourn.....Chair	8:25 pm

On our event horizon:

**SWAC (next regular meeting on Wed August 24, 6 pm)**

- Independent and Third-Party Landfill Data  
Looking into recommendations for independent checks on important data, in concert with OCA recommendations.
- DEQ Waste Generation Summary  
Information from Oregon DEQ about statewide trends in waste production.
- Sustainable Materials Management Plan, cont’d  
Resume SWAC input into this comprehensive plan for the future of county municipal waste.
- Equitable Solid Waste and Recycling Services  
The county varies widely in its access to services. Discussion and action about how to make access more universal in the county.
- Methane Detection: County Greenhouse Gas Footprint  
Each ton of waste emplaced in the landfill generates methane, a potent greenhouse gas. Discussion and action about activating new detection tech to better assess the county footprint.
- Food Waste Strategies and
- DEQ’s Bad Apple Campaign (Residential Food Waste Prevention)  
Reports on this initiative area and opportunities to decrease food waste going to the landfill.
- Discussion about Forming a Regional SWAC Coalition  
Resume SWAC subcommittee to open up communications with other solid waste advisory groups.

**DSAC (next regular meeting on Wed Oct 26, 6 pm)**

- Community Concerns: Meeting focused on Public Feedback  
Discussion and action about a special session focused entirely on receiving public concerns about the disposal site. (May be a special session before the regular meeting)
- Independent Audit into Landfill Waste  
What’s going into the disposal site? Discussion and action about recommending an independent audit.
- Transfer Station Discussion  
A transfer station would enable the county to transfer its landfill waste from trucks to trains, and enable other disposal options. Discussion and action about planning this facility.

- **Dumpstoppers**

An initiative under development to counter illegal dumping. Staff will update us on progress.