

REDICK Daniel

From: [REDACTED]
Sent: Wednesday, August 3, 2022 7:47 AM
To: 'Ken Eklund'; REDICK Daniel
Subject: Motion for Consideration SWAC/DSAC - Sustainability - DEQ's Material Management
Attachments: BCC Sustainabilty DEQ's Material Management Motion for consideration 8-3-2022 - Copy.docx

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Please consider the proposed motion for inquiry about Sustainability and DEQ's Material Management being used by DSAC/SWAC.

Thank you for your assistance.

Chuck

Motion for Consideration - Sustainability – Materials Management-Energy Conversion

Sustainability is not a new concept for Benton County, nor the State of Oregon.

According to Benton County Sustainability webpage, Benton County has a long, rich history of a commitment to Sustainability beginning in early 2000's.

Benton County also supports a staff for Sustainability.

However, of concern is the relationship or integration of both Sustainability goals and DEQ's materials management directives into Benton County's Solid Waste Management Plan to be described in BCC Part 23, if needed.

In other words, if BCC Part 23 is silent on Sustainability or DEQ's materials management directives, then does State goals and DEQ's directives prevail on merit for SWAC/DSAP use?

Objective: To examine downstream technologies analogous with sustainability of resources, reclamation of materials, or conversion of waste to green energy.

Motion:

Move that staff confirms or determines if BCC Part 23 stands for Sustainability goals and DEQ's materials management directives.

REDICK Daniel

From: Ken Eklund [REDACTED]
Sent: Wednesday, August 24, 2022 10:47 AM
To: Marge Popp; Joel Geier; Mark Yeager; Charles Gilbert; Deborah Gile; John McEvoy; REDICK Daniel
Subject: Paper: "Common Understandings: Subject Areas" in advance of tonight's SWAC meeting
Attachments: SSWG-commonunderstandings-memo.pdf

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Hello fellow SWAC members,

Since Marge and Joel will begin their service on the TrashTalk WorkGroup before our September meeting, I feel it's important to give them all the information we can about what "common understandings" should be included when that workgroup convenes. To that end, I've developed the attached paper that covers what I understand to be the major understandings themes, based upon what I've learned and heard so far.

Sorry it comes so close before our meeting! (Real life delays, etc.) Not necessary for you for digest this in advance of the meeting, it's mostly a transfer of information and ideas to our workgroup representatives, as a check to make sure that what guidance the county provides is complete. We'll have the opportunity to discuss the paper during the SWAC portion of our meeting.

Daniel, I'd like this paper to be publicly available of course and to be part of the packet for the September meeting. The county should feel free to borrow from it for its own paper about common understandings – it's not my work, it comes from many sources, it's made to be shared.

All best,

Ken



Ken Eklund, writerguy

Creator of
World Without Oil
Ed Zed Omega
FutureCoast
and other storymaking games

Common Understandings:

Subject Areas for Understanding the Coffin Butte Landfill and the Solid Waste Futures for Benton County

Expressed as questions to be answered

The Solid Waste Advisory Council and the Disposal Site Advisory Committee of Benton County seek “common understandings” about the landfill and the future of solid waste in Benton County as part of their charter, and they’re guided in this by the county community, county staff, and various citizens’ groups. I have compiled a list of the common understandings that members of the SWAC and DSAC are seeking, which includes input they have received from the community. The understandings being sought are here expressed as questions to be answered before an understanding can be reached.

A common thread throughout these quests for understandings is (a) our quest for better views into the future and (b) our quest for better visualization of the information. What scant information exists is typically presented as a “snapshot” rather than as a process, a flow from one state of being to another. What scant information exists is also typically presented in its hardest-to-parse form: a table of numbers rather than a graph, a descriptive sentence rather than a photo or illustration, etc. For an understanding to be common, it must be expressed in a form that makes it commonly understood.

Coffin Butte Landfill Capacity/Operating Life:

“When is the landfill expected to close?”

This fundamental bit of information has not been answered; there is currently no common understanding about when, under the status quo, the landfill will run out of capacity and close. My own working number is: 12 years from now (2034).

Four factors in answering this fundamental question:

1. Factor 1: What is the current capacity of the landfill?

Discussion: As established in the last DSAC meeting, the capacity stated in the most recent Coffin Butte Landfill annual report (17.6 M cubic yards left, 38.7M cubic yards total) is not accurate / is misleading: this capacity will only be available by the year 2030 at the earliest, and assumes that quarry operations have continued through those years (increasing capacity) without interference from landfill operations. This is inaccurate / misleading because the non-quarry part of the landfill is set to fill by the year 2025, and then must move into the quarry area

and disrupt/end operations. So quarry operations are set to stop in 2024 or 2025, under the status quo – they will not continue through 2030.

As established in the last DSAC meeting, the capacity that Republic has reported to the EPA is suspect. The number for total metric ton volume changes from 26.7M in 2016 to 35.5M in 2017, and no one seems to be able to explain this sudden increase in capacity. Our landfill representative stated the Republic corporate office provides those numbers to the EPA.

Clear understanding is also confounded due to the various metrics invoked. The core metric for capacity is volume, but you will hear capacity expressed in units of weight (tons) or of time (years), and these expressions contain hidden assumptions about esoteric conversion factors. How many tons in a cubic yard? for new garbage vs. emplaced garbage? What is the volume differential between a ton of quarried rock vs. a ton of garbage? And so on.

Specific questions to be answered, to answer “When is the landfill expected to close”:

- How often are LIDAR volumetric assessments performed? Have these measurements been independently verified?
- What is the area of the open (active) cell?
- What is the current usable airspace volume of the open (active) cell?
- What is the current usable airspace volume of Cell 6 (quarry)?
- What is the volume extraction rate for Cell 6 due to ongoing quarry operations? What is its extraction history?
- What is the intake volume history?
- What is the expected intake volume over the remaining landfill lifetime?
- What is the delay time in tabulating intake volume by weight?
- What penalties if any will be applied if the annual tonnage cap is exceeded in the future? Are these penalties sufficient to disincentivize runaway intake?

2. Factor 2: What is the current fill rate of the landfill?

Discussion: To calculate its estimate of the life of the landfill, Republic uses an average disposal rate of 750K tons per year in the 2020 landfill annual report; the last year intake was that low, however, was 2016. After annual intakes of 853K tons (2017) and 937K tons (2019) the current fill rate (2022) appears to be on course for 1.1M tons – almost 50% over the 750 estimate.

Specific questions:

- What is the intake volume history?
- What is the expected intake volume over the remaining landfill lifetime?

- How close each year has the intake come to the cap?

3. Factor 3: How will the capacity of the landfill likely change in the future?

Discussion: There are factors such as quarry operations and settlement that cause the landfill capacity to fluctuate over time.

4. Factor 4: How will the fill rate of the landfill likely change in the future?

Discussion: Theoretically, the landfill currently has an intake cap of 1.1M tons a year, but (a) it's unclear if that cap has actual penalties associated with it or is just on paper, and (b) by the 2020 franchise agreement, that cap is removed if any landfill expansion is permitted. Also (c), there appear to be loopholes by which garbage can be taken in yet not count toward the cap.

Coffin Butte Landfill Environmental Impacts:

“What is the environmental cost of the landfill?”

This fundamental part of the cost-benefit analysis of the landfill is not commonly understood at all. I'm not sure if a list even exists of what all the harms are.

Not unexpectedly, environmental factors typically do not appear in official communications about the landfill. The word “methane” for example does not appear in the latest landfill annual report, nor the acronym “PFAS.”

It's important here to differentiate the environmental costs of the landfill from the environmental regulations on the landfill. It's insufficient, in other words, to claim that “regulations were followed” and therefore to assert no significant environmental harm is taking place. Laws and policies are imperfect; they lag behind actual conditions on the ground; judging compliance with laws is fraught with error; and so on; this is all commonly understood.

A salient example: an expansion attempt by the Riverbend landfill in Yamhill County failed because, although the landfill asserted that it was following regulations regarding flyaway trash, the courts determined that trash was still flying away and neighboring properties were harmed. That landfill has stopped operations and local citizens are initiating proceedings to force it to close.

A partial list of environmental cost areas, to answer this fundamental question:

1. Leachate: the landfill produces leachate, which is toxic. What are the costs of leachate?
 - a. What is the generated volume of leachate? How much of this comes from the primary collection system and how much from the secondary?
 - b. What is the composition of leachate?

- c. What are the levels of PFAS (“forever chemicals”) in leachate?
 - d. How much does it cost to process (pump out, store, ship, etc.) leachate?
 - e. How much does it cost to have leachate disposed of? Where is it taken to be treated? (City of Corvallis? Salem?) What is ‘Plan B’ if the leachate can no longer be disposed of locally?
 - f. How long will the landfill be generating leachate? How will the rate of leachate production change year by year in the future?
 - g. Who will be paying the costs of leachate over time?
2. Waste gases: the landfill generates landfill gas, which contains methane, carbon dioxide, hydrogen sulfide and other gases. Some of this gas is recovered; whatever is not recovered leaks into the atmosphere. The landfill also operates a cogeneration plant, which burns landfill gas and produces exhaust. The landfill also operates two flare stacks, which burn landfill gas and produces waste gases. What are the costs of these waste gases?
- a. What are the volumes and composition of gaseous emissions of the landfill?
 - b. Presence of water increases the anaerobic activity that generates landfill gas. How does the output of the Coffin Butte Landfill, which is in an area of moderate rainfall, compare with landfills in low-rainfall areas?
 - c. Methane: methane is a potent, destructive short-term greenhouse gas, and methane emissions from landfills are a significant contributor to global warming worldwide. Unit for unit, methane is considered to be 86x more destructive in short-term greenhouse effects than carbon dioxide. The EPA has estimated that methane emissions from landfills are understated by at least a factor of two, and considers landfills to be one of the three major sources of this potent greenhouse gas in the US, along with agriculture and the oil and gas industry. The Benton County Board of Commissioners has identified addressing methane pollution from the landfill as a priority going forward.
 - i. How much methane is generated in all by the landfill (daily / monthly / yearly)? How much of this is captured?
 - ii. What methods are used to quantify how much methane is being generated / being captured / leaking from the landfill? Methane detection is notoriously difficult: are there more accurate methods available?
 - iii. Landfills convert solid waste to methane over time; a ton of solid waste will continue to generate significant methane for over a decade, usually two. Given the input history of the landfill and the projected intake, what is the projected methane output over the next 40 years?

- iv. New environmental regulations in the Inflation Reduction Act enable the EPA to regulate greenhouse gases as pollutants. What measures has the landfill taken to reduce its emissions of greenhouse gases?
 - v. New environmental regulations in the Inflation Reduction Act impose a waste emissions penalty of \$1500 a ton on methane leaks in the oil and gas industry. If a similar waste emissions fee is imposed on the landfill, what will the effect be?
- d. Carbon dioxide: carbon dioxide is a greenhouse gas; carbon dioxide emissions are the prime driver of climate damage. Carbon dioxide is a slow-acting but long-lived greenhouse gas.
- i. How much carbon dioxide is generated by the landfill (daily/monthly/yearly)?
 - ii. Landfills convert solid waste to carbon dioxide over time; a ton of solid waste will continue to generate CO₂ for over a decade, usually two. Given the input history of the landfill and the projected intake, what is the projected CO₂ output over the next 40 years?
- e. Hydrogen sulfide: this gas has a strong disagreeable odor, even in trace amounts. Its common name is “stinkdamp.”
- i. Homeowners in the region of the landfill undergo “dump days” when the landfill smell is heavy and it’s unpleasant to go outdoors. What are the atmospheric conditions that cause “dump days”? Will these atmospheric conditions occur more often in a climate-changed future?
 - ii. Landfills convert solid waste to hydrogen sulfide (H₂S) over time; a ton of solid waste will continue to generate H₂S for over a decade, usually two. Given the input history of the landfill and the projected intake, what is the projected H₂S output over the next 40 years?
- f. Other gases: what other gases are produced by the landfill? What are their health and environmental effects?
- g. Particulate emissions: waste gases and exhaust from flaring/burning landfill gas.
- i. What is the volume and composition of particulate emissions?
 - ii. Are there health or environmental effects from these gases?
 - iii. Will output of these waste gases increase as we move into the future?
- h. Particulate emissions: dust from alternate daily cover, including Covanta ash.
- i. What is the volume and composition of dust and other particulates generated by the landfill?

- ii. Are there health or environmental effects from these particulates?
- 3. Wildlife impacts: the landfill disrupts the natural environment. What are the costs of disrupting the area ecosystems?
 - a. We have heard reports of abandoned nests / young at the northern heron rookery earlier this year. What were the results of heron rookery monitoring during 2022? Have these results been reported to ODFW?
- 4. Environmental impacts through traffic generation: the landfill generates vehicle travel, which in turn produces traffic costs, exhaust pollution, greenhouse gases, and other environmental impacts. What are the costs of these? How do alternatives compare?
 - a. What is the total number of landfill-related vehicle miles generated by the landfill? What is the environmental cost and other costs of these trips?
 - b. What do we learn from an origin and destination study of landfill-related traffic? Looking at both where vehicles are coming from / returning to as well as the number and types of vehicles. Created as a coded and keyed map.
- 5. Impacts on the visual environment: the landfill is both monumental and an eyesore. What is the cost of this?
 - a. What is the viewshed of the landfill (past, present, and future)? Displayed as a map.
 - b. What will the landfill look like over time? Displayed as photo-visualizations of the landfill 5, 10, 15 years in the future.
 - c. What will the landfill look like when post-operational? Displayed as a photo-visualization.

Coffin Butte Landfill Operational Impacts:

“What are the rules that govern the landfill? Is it in compliance?”

The landfill currently operates as a regulated nuisance, or disamenity – that is, its operations are known to negatively affect neighbors, visitors, the community and the region, but these impacts are theoretically kept at or below tolerable levels, and the community and public-at-large protected, by regulations pertaining to the landfill’s various permits to operate. Compliance with these regulations is a fundamental part of the cost-benefit equation of the landfill.

Permitted operation of the landfill relies on effective oversight and enforcement of the regulations that pertain to its operations – this is also a fundamental part of the cost-benefit equation of the landfill.

It's important, therefore, for there to be a common understanding of the legal and economic envelopes that the landfill operates in, both as a theoretical construct and how it actually plays out in reality.

It's especially important for there to be a common understanding of how the legal and economic envelopes of the landfill extend and change into the future, because the landfill will be a negative presence on the community and the region for hundreds or thousands of years.

Specific questions related to understanding the regulations on and compliance status of the landfill:

Coffin Butte Landfill Impact: Benton County Resources and Infrastructure

1. How do the current landfill traffic volumes (vehicles per day by type and total transported tonnage) compare to the baseline documented in the 2001 Baseline Study?

Coffin Butte Landfill Impact: Benton County Citizens and Landfill Neighbors

1. How do the sale prices of private properties sold to the Valley Landfills, Inc. over the past 40 years compare to similar properties not located near the landfill?

Regulatory: EPA & Oregon DEQ

1. What are the current governing permits and regulations?
2. What expected operational lifetime is on record with EPA and ODEQ for Coffin Butte?

Coffin Butte Landfill Closure: Process, Timeline, Operator Liability, Potential Franchisee Resistance

1. What lead time is required for proper closure?
2. What are the primary process steps in closure of a landfill such as Coffin Butte?
3. What are the documented costs of closing landfills similar in size to Coffin Butte (e.g. slope and terrain restoration, continued monitoring, containment or removal of toxic material, compensation for damages resulting from environmental hazards, fires, etc.)?

Franchisee Business Impact

1. What is the gross profit ratio for Republic Services landfill operations nationwide in the US? For the Coffin Butte Landfill?
2. What is the annual gross revenue for Republic Services landfill operations in the US, and how does this compare to the annual gross revenue for nationwide collection operations?

Business and Legal Envelopes

1. What are the current hours of operation (i.e. daily first employee arrival time – last employee leave time - daily)? What are the hours in which heavy equipment is active?

What are the permitted hours of operation according to the current franchise agreement?
What is the process by which these regulations are enforced?

2. What solid waste management plans has Benton County produced since the landfill was first permitted in 1974? What is the history of compliance to those plans?
3. What intake content monitoring measures are used (per load, sampling, open cell deposits, etc.)? How soon are those measurements released to the county and the public?
4. What are the current controlling documents for landfill operations (franchise agreement(s), site development plans, etc.)?
5. What are the inflow sources with weight and distance metrics (map form would be helpful)?
6. In the previous CUP application, Valley Landfills Inc. was listed as the applicant even though the application was submitted by Republic Services Inc. Which company is legally responsible, in perpetuity, for remediation of any environmental problems that may arise in the future? In other words, if Republic eventually sells or otherwise divests its financial interest in VLI, would Republic remain liable? Or would the liability be spun off to VLI?
7. Is Republic legally obligated to honor commitments made by its subsidiaries (VLI, Allied Waste etc.) during the application process for previous expansions that were allowed by the county?
8. What are the terms of Republic's lease agreement with Knife River Corporation, in terms of time period for excavation?
9. Knife River Corporation operates multiple quarries in the mid-Willamette Valley region. Are production rates at these other quarries reported to the state and/or counties? Or can the company make the numbers for recent years available to the Benton County working group?
10. What are the rules that govern the post-operational state of landfill components? What is the final grading plan and when will it be implemented?
11. What are the plans for reclamation of the 700+ acres of landfill? When does Republic plan to establish native vegetation on existing cells of the present landfill? Are there plans / Is there an obligation to make the area a wildlife habitat? Are there plans to make fishing ponds?

Coffin Butte Landfill Public Safety Impacts:

“What risks does the landfill create for the county?”

An operation as large as the Coffin Butte Landfill creates risks on a similar scale. These risks pose a conundrum, because they are often quite easy to hide or downplay, and it can be quite profitable to do so. It's a common understanding that entire industries exist because they successfully acquire profit while generating risk and shifting it away from themselves, to other people, other places, other legal entities or to the future.

It's vital therefore to establish a common understanding of the risks created by the landfill's existence and operation, and how those risks will change over time. It's especially vital to acknowledge that the modern landfill carries with it a large amount of unknown risk, because it contains materials that have never been landfilled before in such quantities or in combination, it contains materials whose toxic properties are not understood, and the landfill structures themselves are recent innovations and have not been field-tested in the timespans that this landfill will undergo.

Specific questions about landfill risks:

1. Risks of Fire, including persistent fire

- a. What is the fire history of the landfill?
- b. What is the risk of a subsurface fire that could persist for months or years? (Example: the multi-year, \$200M fire at the Bridgeton landfill in Missouri)
- c. What gaseous and particulate emissions typically result from landfill fires?
- d. Given that methane is a flammable gas, what is the relationship between methane generation and fire risk?
- e. Does methane generation increase with warmer weather? Will an increasing number of hot days cause a corresponding increase in fire danger?
- f. What emergency plans are in place in case of fire? What precautions have been taken?
- g. What training is necessary to limit risk to fire crews when fighting a landfill fire?
- h. Does the risk of fire increase if the landfill expands?

2. Risks of Earthquake

- a. What magnitude earthquake are the slopes of the landfill expected to withstand? Specifically, will an earthquake collapse the south slope onto Coffin Butte Road? How susceptible is the landfill to liquefaction?
- b. How susceptible is the landfill infrastructure (gas collection systems, leachate collection systems, cogeneration plant, and so on) to earthquake? What are the harms if systems are damaged or destroyed?
- c. What emergency plans are in place in case of earthquake?

3. Risks from Hazardous Waste

- a. How is hazardous waste officially defined?
- b. How much hazardous material is received annually and what is it constituted of?
- c. What safeguards are in place to prevent hazardous materials from entering the landfill?

4. Risks from PFAS, a class of persistent organic pollutants (“forever chemicals”) commonly used since 1940 in items that are commonly landfilled. PFAS are an emerging focus of health concerns, as we now know that PFAS accumulates in human tissue and exposure to it has been linked so far to increased risk of decreased antibody response, dyslipidemia (abnormally high cholesterol), decreased infant and fetal growth, and increased risk of kidney cancer, and other health impacts are likely to emerge. Concerns include health harms and economic harm from litigations

- a. What studies have been done to identify the level of PFAS in the landfill? in leachate?
- b. What plans are in place to prevent more PFAS from entering the landfill?
- c. Do PFAS escape the landfill in leachate? In landfill gas? In other ways?

5. Risks from Flood – especially extreme flood conditions, which are becoming more prevalent as the climate changes

- a. What level of rainfall will overwhelm the landfill’s leachate collection systems?
- b. Will an “internal flood” cause stress to or overflow the landfill’s liner system? Will it potentially lead to leachate leaking into groundwater?
- c. What plans are in place to prevent internal flooding of the landfill?
- d. Have studies been done to pre-visualize the effects of extreme flooding (and other extreme weather) on landfill integrity and operations?
- e. Does the risk of flooding increase if the landfill expands?

6. Risks of Extended Power Outages

- a. What are the effects of power outages on landfill operations, especially necessary operations such as gas collection and leachate pumping? What studies or plans have been done to prepare for an extended power outage?

7. Risks of Concatenating Disasters

- a. What studies or plans have been done to prepare for situations where more than one disaster is happening, i.e., if a heat dome causes a power failure which starts a wildfire that jumps to the methane leaks of the landfill? Or an earthquake

causes an extended power failure, critical damage to the landfill infrastructure, and a wildfire, which prevents emergency response?

8. Groundwater contamination

- a. Groundwater contamination is not a risk, it is an inevitability – the liner and other barriers to contamination will fail in time, and leachate and other contaminants from the landfill will enter the groundwater directly (the landfill currently sits directly on the water table). What are our best estimates as to that risk level currently? How does the probability increase over time?
- b. What are examples of liner failures at other landfills?
- c. What happens when this failure occurs? How will this failure be detected? How will the damage spread?
- d. What is the history of groundwater contamination at the landfill site?

Coffin Butte Landfill Economic Impacts:

“What are the economic effects of the landfill?”

Customer Interests: “What effect does the landfill currently have on collection rates in the county? On recycling rates? What are the alternatives to landfilling and how do their rates compare?”

1. How do Benton County garbage collection rates compare to other Oregon counties?
2. How do Benton County recycling rates compare to other Oregon counties?
3. How do Benton County per-capita waste disposal volumes compare to other Oregon counties?
4. What rate changes did the residents of Yamhill county experience once the Riverbend landfill closure was underway?

Coffin Butte Landfill Future Directions:

“What are our options as we move into the future?”

Another fundamental (perhaps the most fundamental) bit of information about the county’s solid waste future is: what are our options? In other words, what happens if we do nothing? What happens if we do something? What happens if we do a third thing? And so on.

Like Rome, all the roads of this document lead here: all the other understandings lead us to favor choosing one possible future over another. If the landfill is generating significant

amounts of climate-damaging methane, for example, we favor choosing a future which generates less.

In my experience, it can be difficult to arrive at common understandings about possible futures, because (a) people have widely varying comfort levels with even thinking about possible futures, (b) people have widely varying comfort levels with imagining possible futures, and (c) possible futures are best made understandable as part of narratives, and creating good narratives is a fairly rare skill. Futurethinking is hard, and telling complex stories is hard, which empowers overly simplistic options such as doing nothing.

Specific questions about future directions for the landfill and beyond:
(according to my best working information)

1. Possible Future: if we maintain the status quo, what happens?

- a. Benton County adds its garbage to the landfill for approximately 12 years, adding a total of about 850,000 tons of garbage to the landfill
- b. Other sources add their garbage to the landfill for 12 years, adding approximately 15,000,000 tons of garbage to the landfill
- c. Benton County knows the landfill is filling up, so it begins an aggressive program of waste reduction as a transition to its post-landfill future, as a way to pre-emptively reduce the amount of trash it will have to deal with
- d. Benton County begins to plan for a post-landfill future, by examining alternatives to landfilling waste locally, such as a comprehensive materials recycling facility, a waste-to-energy facility, waste prevention initiatives, a intermodal transfer station (shared with Linn County, perhaps) and so on. The county looks to progressive waste management models elsewhere in the state, the country, and the world
- e. The landfill closes about 12 years from now; about 37,000,000 tons of garbage are emplaced there; the land is transitioned to another use such as open space; the emplaced trash continues to generate methane, leachate, landfill gas, and other environmental hazards; Benton County transitions to its post-landfill future.

2. Possible Future: if we expand the landfill, what happens?

- a. Benton County adds its garbage to the landfill for approximately 15 years, adding a total of about 1,000,000 tons of garbage to the landfill
- b. Other sources add their garbage to the landfill for 15 years, adding approximately 20,000,000 tons of garbage to the landfill
- c. Benton County knows the landfill will fill up eventually, so in a few years it begins an aggressive program of waste reduction as a transition to its post-

landfill future, as a way to pre-emptively reduce the amount of trash it will have to deal with

- d. In a few years, Benton County begins to plan for a post-landfill future, by examining alternatives to landfilling waste locally, such as a comprehensive materials recycling facility, a waste-to-energy facility, waste prevention initiatives, a intermodal transfer station (shared with Linn County, perhaps) and so on. The county looks to progressive waste management models elsewhere in the state, the country, and the world
 - e. The landfill closes about 15 years from now; about 42,000,000 tons of garbage are emplaced there; the land is transitioned to another use such as open space; the emplaced trash continues to generate methane, leachate, landfill gas, and other environmental hazards; Benton County transitions to its post-landfill future.
3. **Possible Future: if the landfill closes prematurely, what happens? (due to earthquake, fire or other disaster; due to environmental hazard such as groundwater contamination; due to regulation such as greenhouse gas reduction legislation)**
- a. Benton County makes a sudden transition to trucking its waste to another landfill such as Columbia Ridge near Arlington; garbage costs rise suddenly
 - b. Benton County acts quickly on a plan to better manage its waste, such as building an intermodal transfer station so that waste can be shipped by rail to disposal or recycling facilities
 - c. Benton County acts quickly on plans to reduce the size of its waste stream.
 - d. The landfill closes; its emplaced trash continues to generate methane, leachate, landfill gas, and other environmental hazards; the land is transitioned to another use such as open space; Benton County is forced into a post-landfill future.
 - e. Benton County suffers the environmental, health and economic effects of the closure
 - f. This future may seem unlikely at first, but that may be (a) because it is unexamined, and (b) because in the status quo there are incentives at work for some of the people involved to minimize the perception of risk.
4. **Possible Future: if the county seeks to use best available methods to pro-actively reduce its trash impacts, what happens?**
- a. Benton County adds a steadily diminishing amount of garbage to the landfill for approximately 12 years, adding a total of about 500,000 tons of garbage to the landfill
 - b. Other sources add their garbage to the landfill for 12 years, adding approximately 15,500,000 tons of garbage to the landfill

- c. Benton County begins a progressive program of waste reduction
 - d. Benton County looks to progressive waste management models elsewhere in the state, the country, and the world – then the county begins to plan for a post-landfill future, by examining alternatives such as a comprehensive materials recycling facility, a waste-to-energy facility, waste prevention initiatives, a intermodal transfer station (shared regionally, perhaps) and so on.
 - e. The landfill closes about 12 years from now; about 37,000,000 tons of garbage are emplaced there; the land is transitioned to another use such as open space; Benton County transitions to its post-landfill future.
5. **Possible Future: if the county fails to prepare for a transition in its waste stream, what happens?**
- a. Benton County makes a sudden transition to its waste stream, similar to Possible Future #3 above
 - b. This future seems unlikely at first, but that may be (a) because it is unexamined, and (b) because it seems unlikely politically that the public will revert to apathy about the landfill and its effects. That genie seems to be out of its bottle.

Coffin Butte Landfill Future Directions, Next Steps:

“What are our next steps as we move toward more desirable futures?”

One way to make it easier to futurethink about solid waste management is to break down each possible future into discrete steps, and then to focus on just the next steps for each. That way you don’t have to be daunted by the exact route, you just need to be reasonably sure you’re starting to move in the right direction. And you can remain open to new opportunities as they arise.

Specific ideas about next steps for the landfill and beyond:

1. Obtain independent, third-party, reliable data about key parameters relating to our waste stream and its effects.
2. Communicate with others who are also evaluating their options for their waste streams. Other counties in Oregon (and other entities across the nation and the world) are already operating successfully without a local landfill, and others are in the process of making the transition to post-landfill living. We can learn from their experience.
3. Study possible actions to take, and share that information. Some examples for Benton County: an intermodal transfer facility (which enables waste to be shipped more efficiently by rail); a materials recovery facility for construction debris; a materials

recovery facility for advanced recycling; a waste-to-energy facility; upstream waste materials reduction policies; and so on. Net Zero and other strategies already exist, to use policy and technology to begin to control and minimize damage from the county waste stream.

4. Hire a consultant who specializes in these transitions, to advise us.
5. Don't be afraid to engage the public at large. Asking "what if" is a game that anyone can play, and our ideas and values matter when envisioning a future and taking the first step, and then the next, and then the next, on the path to get there.

Ken Eklund

Member, Solid Waste Advisory Council
Member, Disposal Site Advisory Council
Benton County resident

REDICK Daniel

From: N Whitcombe [REDACTED]
Sent: Monday, August 29, 2022 10:01 AM
To: REDICK Daniel
Cc: Ken Eklund
Subject: Please forward this to members of SWAC/DSAC
Attachments: 2003 traffic breakdown.pdf

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.

This is an extract from the 2003 Coffin Butte Annual report showing a more granular breakdown of landfill traffic, along the lines of what I requested in the last meeting. Surely if this is the level of information that the landfill operator was once required to produce, it should not be a stretch to require them to return to this level of reportage.

Thank you very much,

Nancy Whitcombe

**Coffin Butte Landfill Vehicles by Class and Tons
Disposed - Total for Year 2003**

County	Commercial Vehicles				Private Vehicles		Subtotal Vehicles	Subtotal Tons
	Compacted		Uncompacted		Uncompacted			
	Vehicles	Tons	Vehicles	Tons	Vehicles	Tons		
Benton	3,666	29,883	3,336	14,957	19,768	15,891	26,770	60,731
Linn	4,859	42,095	8,905	61,366	12,166	24,078	25,930	127,537.99
Polk	2,446	18,360	2,242	7,715	10,449	6,633	15,137	32,707.75
Marion	692.00	5,516.89	2,045.00	34,690.90	5,689.00	12,253.73	8,426.00	52,461.52
Lane	392.00	2,504.41	232.00	1,299.51	556.00	8,158.61	1,180.00	11,962.53
Tillamook	-	-	752.00	19,245.63	3.00	22.09	755.00	19,267.72
Yamhill	-	-	-	-	20.00	16.78	20.00	16.78
Lincoln	-	-	1,642.00	40,188.18	286.00	1,619.63	1,928.00	41,807.81
Coos	-	-	615.00	14,132.11	98.00	1,450.05	713.00	15,582.16
Wallowa	-	-	-	-	8.00	26.69	8.00	26.69
Curry	-	-	-	-	5.00	40.54	5.00	40.54
Washington	-	-	2,956.00	72,679.42	242.00	4,630.46	3,198.00	77,309.88
Jackson	-	-	-	-	5.00	59.08	5.00	59.08
Multnomah	-	-	-	-	1,050.00	25,408.33	1,050.00	25,408.33
Douglas	-	-	-	-	99.00	2,514.08	99.00	2,514.08
Clackamas	-	-	172.00	4,522.46	1,178.00	25,993.67	1,350.00	30,516.13
Columbia	-	-	-	-	580.00	15,773.12	580.00	15,773.12
Jefferson	-	-	-	-	1.00	0.74	1.00	0.74
Clatsop	-	-	-	-	2.00	18.44	2.00	18.44
Klamath	-	-	-	-	1.00	12.72	1.00	12.72
Gilliam	-	-	-	-	1.00	8.39	1.00	8.39
Deschutes	-	-	-	-	3.00	0.83	3.00	0.83
Grant	-	-	-	-	1.00	1.06	1.00	1.06
Clark/WA	-	-	-	-	696.00	14,005.52	696.00	14,005.52
Cowlitz/WA	-	-	-	-	575.00	16,005.47	575.00	16,005.47
Pierce/WA	-	-	-	-	20.00	494.59	20.00	494.59
Lewis/WA	-	-	-	-	286.00	6,235.13	286.00	6,235.13
Subtotals	12,055	98,359	22,897	270,795	53,788	181,351		
Totals							88,740	550,506

REDICK Daniel

From: [REDACTED]
Sent: Monday, September 12, 2022 3:40 PM
To: REDICK Daniel
Subject: SWAC meeting topic for agenda, Sept. 12, 2022
Attachments: SWAC meeting item for consideration Sept 12 . 2022.txt

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.

Dear Mr. Redick, I share a few questions that SWAC may be able to discuss, or has already discussed.

I am wondering if you might consider putting any of these concerns, in the Attached, into a future Swac Agenda? I am not sure about the Oregon legislation bill number for plastic reclamation, or how many rural trash recycling substations are closed in Benton County, to factually best support this list of discussion topics, to be added to a future SWAC agenda.

Thanks, Rana

REDICK Daniel

From: Ken Eklund [REDACTED]
Sent: Monday, September 19, 2022 12:35 PM
To: Mark Yeager; Marge Popp; Joel Geier; John McEvoy; Deborah Gile; Charles Gilbert; Ian Macnab >
Cc: REDICK Daniel
Subject: Proposed agenda for DSAC/SWAC meeting on September 28 – deadlines
Attachments: DSACSWAC Agenda September.pdf

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.

Hello SWAC/DSAC:

(A reminder: do not REPLY ALL to this email. We don't want to start a group discussion, Daniel will frown)

I've attached a proposed agenda for our next meeting – if you have any comment or suggestion about it, I'm glad to hear it, send it to me by Tuesday night. I need to send the final agenda to Daniel first thing Wednesday morning.

Reminder: If you have any written material to be included in our meeting packet, it likewise needs to be in Daniel's hands early Wednesday morning, to make it into the packet and be actionable.

Item V on the agenda is "guidance for our Workgroup delegates." As you may remember Marge and Joel received a draft of the "Common Understandings" document at our last meeting as guidance. I plan to submit an updated "Common Understandings" document for the meeting packet, for us to discuss and formally approve. If you have guidance for our delegates, I recommend doing similarly: submit it to Daniel by Weds early am for inclusion in the packet.

The packet itself should come to you later in on Wednesday from Daniel, if memory serves...

Thanks one and all!

Ken



Ken Eklund, writerguy

Creator of
World Without Oil
Ed Zed Omega
FutureCoast

and other storymaking games

**Solid Waste Advisory Council
Disposal Site Advisory Committee
AGENDA**

September 28, 2022

6 p.m.

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 (DSAC & SWAC)..... Chair
- II. 6:05 p.m., 5 Minutes – Correction and Approval of the Minutes – DSAC..... Chair
- III. 6:10 p.m., 5 Minutes – Correction and Approval of the Minutes – SWAC Chair
- IV. 6:15 p.m., 15 Minutes – TrashTalk Workgroup: Delegates’ Report Marge & Joel
Let’s have our delegates to this Workgroup brief us on what has happened so far and on prospects for the future.
- V. 6:30 p.m., 15 Minutes – Common Understandings Document and other advisories..... Chair
Our delegates to this Workgroup have received preliminary input from the Council and the public on matters before the Workgroup; let’s formalize that input, editing and adding to it as necessary.
- VI. 6:45 p.m., 15 Minutes – Heron Rookery Investigation, continued..... Chair
What happened to the heron rookery in the landfill wetlands? Let’s ask the on-site wildlife biologist and others to tell us what they know.
- VII. 7:05 p.m., 40 Minutes – Landfill/Waste Issues and other Community Comment Chair
DSAC is charged by the State of Oregon to collect complaints and comment about the landfill, discuss them with the public, and report them to the Oregon Dept of Environmental Quality. We’re opening up this time to hear these complaints and comment directly from the public, and to read comments we’ve received in written form. Anyone in the community can also use this time to bring up other news, information, questions to discuss with the Council.
- VIII. 7:45 p.m., 5 Minutes – Member Requests Chair
- IX. 7:50 p.m., 5 Minutes – Request Agenda Items for next meeting..... Chair
- X. 7:55 p.m., 5 Minutes – Wrap Up and Adjourn Chair

DSAC (next regular meeting on October 26, 6 pm)

- Community Concerns: Public Feedback, continued

Session focused entirely on receiving public concerns about the disposal site.

- Community Concerns Report 2021

Review and approval of a summary of community concerns/complaints about the landfill in 2021, to be submitted to Oregon Department of Environmental Quality (DEQ) before year end.

SWAC (next regular meeting on October 26, 6 pm)

- TrashTalk Workgroup Briefings and Discussion

We continue to hear from our delegates and others in the workgroup about its efforts. Discussion and action about recommendations for our delegates to bring back to the workgroup.

- Transfer (Intermodal) Station Discussion

An intermodal station would allow waste to transfer from truck to train, opening up options for waste disposal. Discussion and action about recommending a feasibility study for this facility.

- Waste-to-Energy Facility Discussion

Waste-to-Energy facilities offer an alternative to landfilling, but they are expensive and have their own environmental costs. Discussion and action about recommending a feasibility study for such a facility.

- DEQ Waste Generation Summary

Staff will present information from Oregon DEQ about statewide trends in waste production.

- Outreach Committee Report

SWAC committee will report on efforts to open up communications with other solid waste advisory groups, to open a dialog about the future of municipal solid waste across the watershed

- Residential Food Waste Prevention

Staff will report on Food Waste Strategies, DEQ's Bad Apple Campaign, and other initiatives and opportunities for Benton County to promote reductions in food waste going into the Coffin Butte Landfill.

- Equitable Solid Waste and Recycling Services

Discussion and action about how to make access more universal in the county.

- DSAC and SWAC Integration

Staff will respond to how we have integrated/streamlined operations of these two groups.

- Dumpstoppers

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

REDICK Daniel

From: [REDACTED]
Sent: Monday, September 19, 2022 1:15 PM
To: 'Ken Eklund'
Cc: REDICK Daniel
Subject: RE: Proposed agenda for DSAC/SWAC meeting on September 28 – deadlines

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.

Chair Eklund,

In review of the agenda there is no item for old business and comments from the public, unless I overlooked them.

Thanks.

Chuck

From: Ken Eklund [REDACTED]
Sent: Monday, September 19, 2022 12:35 PM
To: Mark Yeager [REDACTED]; Marge Popp [REDACTED]; Joel Geier [REDACTED]; John McEvoy [REDACTED]; Deborah Gile [REDACTED]; Charles Gilbert [REDACTED]
Ian Macnab > [REDACTED]
Cc: Daniel Redick <daniel.redick@Co.Benton.OR.US>
Subject: Proposed agenda for DSAC/SWAC meeting on September 28 – deadlines

Hello SWAC/DSAC:

(A reminder: do not REPLY ALL to this email. We don't want to start a group discussion, Daniel will frown)

I've attached a proposed agenda for our next meeting – if you have any comment or suggestion about it, I'm glad to hear it, send it to me by Tuesday night. I need to send the final agenda to Daniel first thing Wednesday morning.

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The packet itself should come to you later in on Wednesday from Daniel, if memory serves...

Thanks one and all!

Ken

REDICK Daniel

From: Ken Eklund [REDACTED]
Sent: Tuesday, September 20, 2022 12:52 PM
To: John McEvoy; Deborah Gile; Charles Gilbert
Cc: Mark Yeager; Joel Geier; Marge Popp; REDICK Daniel
Subject: September Landfill Tour: this Saturday, 10 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.

Hello everyone,

Thank you, Debi, for reminding me of the Landfill Tour, which is on the perennial DSAC/SWAC calendar for September.

This year, in lieu of a separate tour, let's take advantage of the tour already scheduled for the TrashTalk Workgroup, which is this Saturday, September 24, starting at 10 am. You can check here for details, on the Workgroup calendar (no details available as I write this):

<https://www.co.benton.or.us/cd/page/solid-waste-process-work-group>

Joel and Marge, if you know/when you know the tour details, can you hit Reply All and let us know? Thanks ~

Ken



Ken Eklund, writerguy

Creator of
World Without Oil
Ed Zed Omega
FutureCoast
and other storymaking games

REDICK Daniel

From: Joel Geier [REDACTED]
Sent: Tuesday, September 20, 2022 3:59 PM
To: Ken Eklund
Cc: REDICK Daniel
Subject: Re: Upcoming DSAC/SWAC meeting: documents on heron rookery?
Attachments: Exhibit E - Wildlife Biologist Report.pdf

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.

P.S. perhaps it would be useful to include the wildlife consultant's previous report for reference, as some DSAC/SWAC members might not have seen this. I've attached it here.

From: "clearwater" [REDACTED]
To: "Ken Eklund" [REDACTED]
Cc: "REDICK Daniel" <daniel.redick@Co.Benton.OR.US>
Sent: Tuesday, September 20, 2022 3:56:42 PM
Subject: Re: Upcoming DSAC/SWAC meeting: documents on heron rookery?

Hi Ken and Daniel,

Yes, many Audubon members are concerned and may be looking at independent monitoring of the heron rookery(s) in the future, from the public right-of-way.

The last word from Republic's representatives (at least to DSAC) was that there was no report available from their wildlife consultant, and that no report would be available until the end of the 3rd year of their study. We requested for Republic to provide a summary of this year's observations, but I'm not aware of any follow-up on their part.

This page showed up recently on Republic's website to support a future landfill expansion CUP:
https://2lyjth1gzedr49w2am1fa3bp-wpengine.netdna-ssl.com/wp-content/uploads/2022/07/22RSI097_CoffinButte_MythVsFact_Wildlife.pdf

It implies that their wildlife consultant gave some kind of recommendations, which seems to contradict what we were told in that DSAC meeting. However another way to read this is just that their consultant has not made **any** recommendations. It would be good if Republic could clarify this point for DSAC.

Also, contrary to the statement on this web page, the consultant's report for the original CUP did **not** conclude that the planned expansion would have "no significant impacts" on herons. Here's what the consultant actually stated in her report:

Turnstone recommends the project proponents develop a mitigation protection plan for the great blue heron rookeries in coordination with the Oregon Department of Forestry and the Oregon Department of Fish and Wildlife. The mitigation protection plan would categorize the habitat for the forested stands which contain the heron rookeries, consistent with the wildlife

habitat mitigation goals and standards of OAR 635-415-0025, and abide by Forest Practice Rules.

Moreover, the plan would examine the local great blue heron population as a whole, considering any available alternative nesting sites and the relative size and productivity of rookeries #2716 and #2683 and their contribution of these sites to local productivity. The mitigation protection plan would include seeking an exception to protections to the potentially inactive western rookery #2683 to be approved by the State Forester, and proposed enhancement and protection measures to the active eastern rookery #2716.

So that's another factual mismatch between information that we've actually received, versus what is being conveyed to the public.

Thanks,
Joel

From: "Ken Eklund" [REDACTED]
To: "clearwater" [REDACTED]
Cc: "REDICK Daniel" <daniel.redick@Co.Benton.OR.US>
Sent: Tuesday, September 20, 2022 12:25:23 PM
Subject: Upcoming DSAC/SWAC meeting: documents on heron rookery?

Hi Joel,

Greetin's. At your request IIRC, we've got Item VI, the heron rookery, on the agenda for the September meeting – I just wanted to check with you if there are any documents related to that to include in the meeting packet. I understand the Audubon Society had taken an interest in what happened at the rookery, for example, and I think the public has above-average interest as well.

If there is any material, can you get it to Daniel (cc'ed) by tomorrow morning, for inclusion in the packet?

Thanks and all best,

Ken



Ken Eklund, writerguy

Creator of
World Without Oil
Ed Zed Omega

FutureCoast
and other storymaking games



INITIAL GREAT BLUE HERON INVESTIGATION FOR COFFIN BUTTE LANDFILL EXPANSION PROJECT

PREPARED FOR: Jeff Shepherd, P.E., Principal Civil & Environmental Consultants, Inc.
PREPARED BY: Stephanie James, Ecologist, Turnstone Environmental Consultants, Inc.
DATE: October 25, 2021

INTRODUCTION

Turnstone Environmental Consultants, Inc. ("Turnstone") conducted ecological services for the proposed expansion of the Coffin Butte Landfill. Turnstone investigated two documented sensitive bird nesting and roosting sites ("rookeries") for great blue herons (*Ardea herodias*) in the proposed new development area. Heron rookeries are protected under the federal 1940 Bald Eagle Protection Act (16 USC 668–668d) and under the Oregon Forest Practices Act ("FPA"; OAR 629-665-0120). Forest Practices Rules governing the protection of heron rookeries are included in Appendix A.

FIELD INVESTIGATION

Turnstone conducted a pre-field assessment in a desktop review of access routes and creating geo-referenced maps. Turnstone ecologist Stephanie James visited two known great blue heron nesting sites, the eastern rookery (#2683) and the western rookery (#2716). James also investigated the nearby E.E. Wilson Natural Area for great blue heron rookeries, which may serve as alternate nesting sites for the local great blue heron population.

Trees observed with stick nests that appeared to be active within the past three nesting seasons were considered active nest trees. James recorded the attributes of each forest stand with active nests and noted the openness of the understory, where open branching allows for large birds to fly into and out of the forest stand. Photographs were taken of the stick nests and any whitewash below the rookery area.

RESULTS

Turnstone ecologist Stephanie James visited both rookery sites (#2683 and #2716) on October 8, 2021. Weather conditions were agreeable to observing the nest sites, with no rain or fog to impede visibility.

Eastern Rookery #2716

The eastern rookery is in a forested stand with 12- to 20-inch hybrid poplar trees approximately 90 to 110 feet in height. This forest lost many branches in recent wind and ice events, as noted by downed limbs and broken branches.

The eastern rookery was likely active this year as evidenced by copious whitewash under the nests (Figure 1). This rookery contained six nests approximately 12 to 30 inches in width, 60 to 80 feet in height, in four poplar trees (Figure 2).

The hybrid poplars were planted as a noise reduction measure. Accordingly, this rookery is in an area with very high noise levels during the landfill's operating hours.



Figure 1. Whitewash below Great Blue Heron Rookery #2716 (photo taken 10/7/2021)



Figure 2. Great Blue Heron Nest Trees in the Eastern Rookery #2716 (photo taken 10/7/2021)

Western Rookery #2683

The western rookery is in a Douglas-fir stand approximately 90 to 120 feet in height and 12- to 22-inch diameter trees with a relatively open understory (Figure 5). James was able to observe the rookery from the access road but was not able to investigate under the trees up close due to fencing and high coverage of poison oak.

James observed 12 stick nests in 8 active nest trees in the western rookery (Figure 3). The nests were approximately 18 to 36 inches in width, 70 to 100 feet in height, and did not appear active this year (2021) with no visible whitewash. The nests appeared to be intact and were likely built upon in the last 2 to 3 years.



Figure 3. Nests in Douglas-fir Trees in the Western Rookery #2683 (photo taken 10/7/2021)



Figure 4. Great Blue Heron Nests in the Western Rookery #2683 (photo taken 10/7/2021)



Figure 5. Western Rookery (#2683) with a Fairly Open Understory (photo taken 10/7/2021)

E.E. Wilson Natural Area

James investigated the nearby natural area, which may serve as alternate nesting sites for the local great blue heron population. No rookeries were observed; however, forested stands in the natural area could serve as potential nesting sites for the great blue heron.

RECOMMENDATIONS

Turnstone recommends surveying both great blue heron rookery sites in the spring and summer of 2022 to assess the current occupancy and breeding status and mapping the extent of key components, including perching, fledgling, and replacement trees as described in Forest Practice Rules. Additionally, the landfill site could be surveyed for bald eagle usage to determine if they are nesting, roosting, and/or foraging in the vicinity during nesting season which starts in February.

Great Blue Heron Rookery Surveys

Surveys for the great blue heron would include estimating the number of active nests and breeding success at both rookery sites. Additionally, surveys could include the reconnaissance of local great blue heron rookery sites, such as a possible site located near the Willamette River

north of Albany which would help to understand the size and productivity of the breeding population in the local area.

Turnstone recommends surveying the two known sites for occupancy and breeding status by conducting surveys once per month during the breeding season (February 15 to Aug 15).

Visit #	Date	Nesting Stage	Information Collected
1	February 15 to March 15	Nest building	Mapping and photographing each nest at each rookery, noting if it is active or inactive
2	March 15 to April 15	Egg laying/ Incubation	Mapping any new nests, recording active/inactive status for each nest
3	April 15 to May 15	Incubation/Nestling	Recording active/inactive status and juvenile presence for each nest
4	May 15 to June 15	Nestling/Fledgling	Recording active/inactive status and juvenile presence for each nest
5	June 15 to July 15	Fledgling	Recording active/inactive status and juvenile presence for each nest

Great Blue Heron Survey Methodology

During each visit, surveyors would observe each heron nesting site for a 2-hour observation period during daylight hours when weather conditions are mild. A heron nest would be considered active if it has known or inferred presence of a mated pair as indicated by observance of at least one of the following activity patterns:

- Two adult herons are present on or near a nest, which has recently been repaired with fresh sticks (clean breaks) or fresh boughs on top, and/or having droppings and/or molted feathers on its rim or the ground underneath
- One adult heron is sitting low in the nest, presumably incubating
- Either adult is carrying prey to nest
- Eggs are present
- Young in nest or fledglings are present

A heron nest would be considered unoccupied for the year if no presence activity (as described above) is observed during three consecutive visits. Surveyors would note any key components associated with a nest site, such as perching trees, fledging trees, and replacement nest trees, by observing herons use during visits.

Bald Eagle Surveys

Prior to conducting bald eagle surveys, a survey plan would need to be approved by ODFW wildlife biologists. Turnstone recommends surveying from a prominent point for a 2-hour observation period during daylight hours during the following survey windows.

Visit #	Date	Information Collected
1	February 15 to March 15	Record bald eagle activity within project area
2	March 15 to April 15	Record bald eagle activity within project area
3	April 15 to May 15	Record bald eagle activity within project area
4	May 15 to June 15	Record bald eagle activity within project area
5	June 15 to July 15	Record bald eagle activity within project area

Mitigation Protection Plan

Turnstone recommends the project proponents develop a mitigation protection plan for the great blue heron rookeries in coordination with the Oregon Department of Forestry and the Oregon Department of Fish and Wildlife. The mitigation protection plan would categorize the habitat for the forested stands which contain the heron rookeries, consistent with the wildlife habitat mitigation goals and standards of OAR 635-415-0025, and abide by Forest Practice Rules.

Moreover, the plan would examine the local great blue heron population as a whole, considering any available alternative nesting sites and the relative size and productivity of rookeries #2716 and #2683 and their contribution of these sites to local productivity. The mitigation protection plan would include seeking an exception to protections to the potentially inactive western rookery #2683 to be approved by the State Forester, and proposed enhancement and protection measures to the active eastern rookery #2716.

APPENDIX A – FOREST PRACTICES RULES

629-665-0120

Great Blue Heron Resource Sites; Key Components; Protection Requirements; Exceptions

- (1) For the great blue heron, the resource site is the active nest tree(s) and any identified key components.
 - (a) An active nest tree is one that has been used by one or more pair of great blue heron within the past three nesting seasons. No protection is required for an abandoned resource site.
 - (b) The key components associated with a great blue heron resource site are the nest tree(s), a vegetative buffer around the nest tree(s) including perching and fledging trees, and replacement tree(s). Factors to consider when identifying key components:
 - (A) Actual observation data when available;
 - (B) Perching, fledging, and replacement tree(s) should be tall with plenty of space for these large birds to fly into and out. Older trees with open branching should be retained;
 - (C) Areas of high winds may require that additional trees be retained to protect the active nest tree and identified key components from damage.
- (2) The operator shall provide the following protection measures when operating within or near a great blue heron resource site:
 - (a) Retain the active nest tree;
 - (b) Retain a vegetative buffer not less than 300 feet around the outermost nest trees as key components that includes perching and fledging trees, and replacement trees.
 - (c) The vegetative buffer around a rookery may be actively managed if the key components in subsection (1) are protected. When conducting forest management activities within this buffer, operators shall consider heron protection as the highest priority. The vegetative buffer needs to provide a visual screen from disturbing influences around the rookery, and must be designed to protect the nest tree(s), perching, fledging, and replacement tree(s) from windthrow. Examples of forest management activities that may occur within the vegetative buffer include tree topping, and/or other methods of "feathering" the outer edges of the buffer to reduce windthrow potential, or remove individual trees (especially long the edge of the buffer) if the integrity of the buffer is maintained and all the key components are adequately protected. Operators should consult with the State Forester and the Oregon Department of Fish and Wildlife when marking trees to be removed from this buffer.
 - (d) During and after forest operations, the resource site shall be protected from damage. The operation shall be designed to protect the key components from windthrow;
 - (e) During the critical period of use, operations shall be designed and conducted so as not to disturb great blue herons using the key components. From February 15 through July 31, forest operations shall not be permitted within one-quarter (1/4) mile of the active nest tree(s) unless the State Forester determines that the operations will not cause the birds to flush from these trees. The critical period of use may be modified by the State Forester after the resource site is evaluated following OAR 629-665-0020.

- (3) Structural exceptions for the resource site may be approved by the State Forester when addressed in a plan for an alternate practice. The State Forester may approve such a plan when these criteria are met:
 - (a) The site contains five nests or fewer;
 - (b) The State Forester determines that the loss of the site will not adversely affect the local population; and
 - (c) There are no economically feasible alternatives that maintain the key components.
- (4) Factors considered by the State Forester before approving a structural exception to protection of a great blue heron resource site shall include, but are not limited to:
 - (a) The size of the site (number of nests);
 - (b) The size of the breeding population in the local area;
 - (c) The productivity of great blue herons in the local area;
 - (d) The contribution of the site to local productivity;
 - (e) The probability that protection measures will be successful;
 - (f) Available alternate nesting sites; and
 - (g) Whether alternatives that protect the site are economically feasible.
- (5) Temporal exceptions to protection of a great blue heron resource site may be approved by the State Forester when addressed in a plan for an alternate practice. The State Forester may approve such a plan when:
 - (a) The State Forester determines that nest disruption or failure for a season or site abandonment will not adversely affect the local population; and
 - (b) There are no economically feasible alternatives that will not disturb the birds during the critical period of use.
- (6) Factors considered by the State Forester before approving a temporal exception shall include, but are not limited to:
 - (a) The size of the site (number of nests);
 - (b) The size of the breeding population in the local area;
 - (c) The productivity of great blue herons in the local area;
 - (d) The contribution of the site to local productivity; and
 - (e) Whether alternatives that protect the site are economically feasible.

REDICK Daniel

From: Joel Geier [REDACTED]
Sent: Tuesday, September 20, 2022 3:57 PM
To: Ken Eklund
Cc: REDICK Daniel
Subject: Re: Upcoming DSAC/SWAC meeting: documents on heron rookery?
Attachments: Screenshot from 2022-09-20 15-40-19.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 Ken and Daniel,

Yes, many Audubon members are concerned and may be looking at independent monitoring of the heron rookery(s) in the future, from the public right-of-way.

The last word from Republic's representatives (at least to DSAC) was that there was no report available from their wildlife consultant, and that no report would be available until the end of the 3rd year of their study. We requested for Republic to provide a summary of this year's observations, but I'm not aware of any follow-up on their part.

This page showed up recently on Republic's website to support a future landfill expansion CUP:
https://2lyjth1gzedr49w2am1fa3bp-wpengine.netdna-ssl.com/wp-content/uploads/2022/07/22RSI097_CoffinButte_MythVsFact_Wildlife.pdf

It implies that their wildlife consultant gave some kind of recommendations, which seems to contradict what we were told in that DSAC meeting. However another way to read this is just that their consultant has not made **any** recommendations. It would be good if Republic could clarify this point for DSAC.

Also, contrary to the statement on this web page, the consultant's report for the original CUP did **not** conclude that the planned expansion would have "no significant impacts" on herons. Here's what the consultant actually stated in her report:

Turnstone recommends the project proponents develop a mitigation protection plan for the great blue heron rookeries in coordination with the Oregon Department of Forestry and the Oregon Department of Fish and Wildlife. The mitigation protection plan would categorize the habitat for the forested stands which contain the heron rookeries, consistent with the wildlife habitat mitigation goals and standards of OAR 635-415-0025, and abide by Forest Practice Rules.

Moreover, the plan would examine the local great blue heron population as a whole, considering any available alternative nesting sites and the relative size and productivity of rookeries #2716 and #2683 and their contribution of these sites to local productivity. The mitigation protection plan would include seeking an exception to protections to the potentially inactive western rookery #2683 to be approved by the State Forester, and proposed enhancement and protection measures to the active eastern rookery #2716.

So that's another factual mismatch between information that we've actually received, versus what is being conveyed to the public.

Thanks,
Joel

From: "Ken Eklund" [REDACTED]
To: "clearwater" [REDACTED]
Cc: "REDICK Daniel" <daniel.redick@Co.Benton.OR.US>
Sent: Tuesday, September 20, 2022 12:25:23 PM
Subject: Upcoming DSAC/SWAC meeting: documents on heron rookery?

Hi Joel,

Greetin's. At your request IIRC, we've got Item VI, the heron rookery, on the agenda for the September meeting – I just wanted to check with you if there are any documents related to that to include in the meeting packet. I understand the Audubon Society had taken an interest in what happened at the rookery, for example, and I think the public has above-average interest as well.

If there is any material, can you get it to Daniel (cc'ed) by tomorrow morning, for inclusion in the packet?

Thanks and all best,

Ken



Ken Eklund, writerguy

Creator of
World Without Oil
Ed Zed Omega
FutureCoast
and other storymaking games

MYTH

A landfill expansion means more odor, litter and other nuisances, not to mention more environmental risks.

The expansion would negatively impact surrounding wildlife habitats, including the Blue Heron Rookery.

FACT

The CUP application was merely a regulatory step in the Benton County development code. Essentially, it was a bridge that would have allowed Coffin Butte in a few years to perform normal disposal operations on another zoned portion of the existing property, without interruption. **It did not constitute more tonnage coming onto the site or an increase in operations.**

Coffin Butte devotes more than 550 acres to preservation, including 40 acres of dedicated wetlands. We also take concerns from the community very seriously, and have hired a well-respected, third-party environmental consultant to conduct comprehensive studies of the Blue Heron Rookeries, Grassland Bird Habitats, Bald Eagle activity and deer and elk migratory patterns near the site.

While the original CUP application included expert technical study that found no impacts for the Blue Heron and other existing wildlife, Coffin Butte continues its commitment to wildlife and environmental protections.

The existing wildlife habitats and nesting areas for the Blue Heron would remain untouched. Further, the consulting firm's in-depth studies of these habits are ongoing and exceed requirements set forth by the Oregon Department of Forestry. **At this time, no mitigation efforts have been recommended by the consultant,** whose clients include the US Forest Service, the Bureau of Land Management and the US Fish and Wildlife Service.

REDICK Daniel

From: [REDACTED]
Sent: Tuesday, September 20, 2022 2:31 PM
To: 'Ken Eklund'
Cc: REDICK Daniel
Subject: RE: FY 21 23 Departmental Goals Status Update - All Goals - FY 23-25 Biennium - BOC Meeting of 8-23-2022 - Sustainable Material Management and Solid Waste Disposal

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

A lot of the references below are for background information.

The essence of the motion:

Move that sustainability goals;

- a. [Coffin Butte's solid waste characterization by county and hauler shipping to Coffin Butte Landfill](#)
- b. [Aerial Drone Survey of methane gas containment at Coffin Butte](#)
- c. [Waste to Energy conversion technologies, implementation](#)
- d. [Transportation logistics with transfer stations and material recyclable facilities.](#)

are seconded and passed for inclusion into All Goals for year 23-25 Biennium under the Director's sustainable material management and solid waste disposal.

In other words the above provides an avenue for funding the goals if warranted by the staff and director for the departmental goals of sustainable material management and municipal waste disposal in last month's Benton County Commissioners meeting.

Thanks.

Chuck

From: Ken Eklund [REDACTED]
Sent: Tuesday, September 20, 2022 12:12 PM
To: Charles Gilbert [REDACTED]
Cc: Daniel Redick <daniel.redick@Co.Benton.OR.US>
Subject: RE: FY 21 23 Departmental Goals Status Update - All Goals - FY 23-25 Biennium - BOC Meeting of 8-23-2022 - Sustainable Material Management and Solid Waste Disposal

Hello Chuck,

Thanks for bringing this up to the Council. Apologies if this was improperly left off our agenda for last meeting. I do hope we can put it on the agenda for the upcoming (September) meeting, but it needs work/clarification, I think, before we can do that.

I'll include here some text from elsewhere in the subject thread:

Motion for Consideration – Sustainability – Materials Management – Energy Conversion

Sustainability is not a new concept for Benton County, nor the State of Oregon.

According to Benton County Sustainability webpage, Benton County has a long, rich history of a commitment to Sustainability beginning in early 2000's.

Benton County also supports a staff for Sustainability.

However, of concern is the relationship or integration of both Sustainability goals and DEQ's materials management directives into Benton County's Solid Waste Management Plan to be described in BCC Part 23, if needed.

In other words, if BCC Part 23 is silent on Sustainability or DEQ's materials management directives, then does State goals and DEQ's directives prevail on merit for SWAC/DSAP use?

Objective: To examine downstream technologies analogous with sustainability of resources, reclamation of materials, or conversion of waste to green energy.

Motion: *Move that staff confirms or determines if BCC Part 23 stands for Sustainability goals and DEQ's materials management directives.*

Plus the language from the email below, which I interpret to be:

Motion: *Move that staff accept the goals listed below into the County's 2040 Thriving Communities goals for sustainable material management and solid waste disposal. The goals:*

- a. Coffin Butte's solid waste characterization by county and hauler shipping to Coffin Butte Landfill
- b. Aerial Drone Survey of methane gas containment at Coffin Butte
- c. Waste to Energy conversion technologies, implementation
- d. Transportation logistics with transfer stations and material recyclable facilities.

BCC Part 23 is the Solid Waste Management section, which I am attaching here. Your focus, I think, is on 23.010, the Purpose, and on 23.035, which directs SWAC to assist the Board of Commissioners in planning and implementation of solid waste management in line with the Purpose.

The 2040 Thriving Communities goals are found here:

[https://www.co.benton.or.us/sites/default/files/fileattachments/2040 thriving communities initiative/page/4367/2040tci-corevalues-finallanguage.pdf](https://www.co.benton.or.us/sites/default/files/fileattachments/2040_thriving_communities_initiative/page/4367/2040tci-corevalues-finallanguage.pdf)

I'll admit I'm having trouble parsing out what the intent of your motion(s) is, and I'm reluctant to take up meeting time this month to do that when there are many other pressing topics on our agenda.

Am I right (or at least close) in thinking that part of your concern is that sustainability is a stated goal of Benton County elsewhere, but the word “sustainability” or “sustainable” does not appear in BCC 23.010 or in the 2040 Thriving Communities Initiative? And would like to obtain some interpretation and clarification from staff on that? Does the language in 23.010 infer “sustainability,” in other words? Or do we need to recommend that the concept of sustainability be included?

Am I right (or at least close) in thinking that you would like to link the values in the 2040 TCI (environmental protection, health, and so on) to the actions of gathering data about the landfill (the origin characterization, the methane detection, and so on), so as to help impel and justify the actions?

One note: as I understand it, SWAC and DSAC make recommendations to the Board of Commissioners to do things; staff help us in developing those recommendations. We do not have the power to direct staff to do things, nor can we (or staff) change County Code, add anything to the 2040 Thriving Communities Initiative, etc.

The ideas you are bringing up here are good ones, but I think they need more clarity before they come before the Council. If you demonstrate that clarity in written form to me before I finalize the agenda tomorrow (Weds) morning early, I will put it on the agenda. If not, please bring it up during the “Member Requests” as an “I need help” item? And we can hash out how to get these ideas into actionable form for the October meeting.

Onward we go! Thanks, Chuck ~

Ken

REDICK Daniel

From: [REDACTED]
Sent: Tuesday, September 20, 2022 2:35 PM
To: 'Ken Eklund'
Cc: REDICK Daniel
Subject: RE: Proposed agenda for DSAC/SWAC meeting on September 28 – deadlines

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If you use the Benton County Commissioners model than Old Business is a correct protocol for items outstanding.

Thanks.

Chuck

From: Ken Eklund [REDACTED]
Sent: Tuesday, September 20, 2022 11:03 AM
To: [REDACTED]
Cc: Daniel Redick <daniel.redick@Co.Benton.OR.US>
Subject: Re: Proposed agenda for DSAC/SWAC meeting on September 28 – deadlines

Hi Chuck,

no item for old business

“Old business” is a meeting protocol which I’m not using, as it seems to not be a good fit for the Council right now. With the Workgroup et al, we have time-sensitive issues arising which properly take precedence over old business, in my view.

no item for comments from the public

You did overlook it. It is Item VII.

Thanks,

Ken



Ken Eklund, writerguy

Creator of
World Without Oil
Ed Zed Omega
FutureCoast
and other storymaking games

On Sep 19, 2022, at 1:15 PM, [REDACTED] wrote:

Chair Eklund,

In review of the agenda there is no item for old business and comments from the public, unless I overlooked them.

Thanks.

Chuck

From: Ken Eklund [REDACTED]
Sent: Monday, September 19, 2022 12:35 PM
To: Mark Yeager <[REDACTED]> Marge Popp <[REDACTED]> Joel Geier <[REDACTED]>
John McEvoy <[REDACTED]> Deborah Gile <[REDACTED]>
<[REDACTED]> Charles Gilbert <[REDACTED]> Ian Macnab <[REDACTED]>
Cc: Daniel Redick <daniel.redick@Co.Benton.OR.US>
Subject: Proposed agenda for DSAC/SWAC meeting on September 28 – deadlines

Hello SWAC/DSAC:

(A reminder: do not REPLY ALL to this email. We don't want to start a group discussion, Daniel will frown)

I've attached a proposed agenda for our next meeting – if you have any comment or suggestion about it, I'm glad to hear it, send it to me by Tuesday night. I need to send the final agenda to Daniel first thing Wednesday morning.

Reminder: If you have any written material to be included in our meeting packet, it likewise needs to be in Daniel's hands early Wednesday morning, to make it into the packet and be actionable.

Item V on the agenda is "guidance for our Workgroup delegates." As you may remember Marge and Joel received a draft of the "Common Understandings" document at our last meeting as guidance. I plan to submit an updated "Common Understandings" document for the meeting packet, for us to discuss and formally approve. If you have guidance for our delegates, I recommend doing similarly: submit it to Daniel by Weds early am for inclusion in the packet.

The packet itself should come to you later in on Wednesday from Daniel, if memory serves...

Thanks one and all!

Ken

REDICK Daniel

From: Ken Eklund [REDACTED]
Sent: Tuesday, September 20, 2022 12:25 PM
To: Joel Geier
Cc: REDICK Daniel
Subject: Upcoming DSAC/SWAC meeting: documents on heron rookery?

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Hi Joel,

Greetin's. At your request IIRC, we've got Item VI, the heron rookery, on the agenda for the September meeting – I just wanted to check with you if there are any documents related to that to include in the meeting packet. I understand the Audubon Society had taken an interest in what happened at the rookery, for example, and I think the public has above-average interest as well.

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Thanks and all best,

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REDICK Daniel

From: Ken Eklund [REDACTED]
Sent: Tuesday, September 20, 2022 12:12 PM
To: Charles Gilbert
Cc: REDICK Daniel
Subject: RE: FY 21 23 Departmental Goals Status Update - All Goals - FY 23-25 Biennium - BOC Meeting of 8-23-2022 - Sustainable Material Management and Solid Waste Disposal
Attachments: 5_chap_23_solid_waste_mgmt_031621.pdf

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Hello Chuck,

Thanks for bringing this up to the Council. Apologies if this was improperly left off our agenda for last meeting. I do hope we can put it on the agenda for the upcoming (September) meeting, but it needs work/clarification, I think, before we can do that.

I'll include here some text from elsewhere in the subject thread:

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In other words, if BCC Part 23 is silent on Sustainability or DEQ's materials management directives, then does State goals and DEQ's directives prevail on merit for SWAC/DSAP use?

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Motion: *Move that staff confirms or determines if BCC Part 23 stands for Sustainability goals and DEQ's materials management directives.*

Plus the language from the email below, which I interpret to be:

Motion: *Move that staff accept the goals listed below into the County's 2040 Thriving Communities goals for sustainable material management and solid waste disposal. The goals:*

- a. Coffin Butte's solid waste characterization by county and hauler shipping to Coffin Butte Landfill
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BCC Part 23 is the Solid Waste Management section, which I am attaching here. Your focus, I think, is on 23.010, the Purpose, and on 23.035, which directs SWAC to assist the Board of Commissioners in planning and implementation of solid waste management in line with the Purpose.

The 2040 Thriving Communities goals are found here:

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I'll admit I'm having trouble parsing out what the intent of your motion(s) is, and I'm reluctant to take up meeting time this month to do that when there are many other pressing topics on our agenda.

Am I right (or at least close) in thinking that part of your concern is that sustainability is a stated goal of Benton County elsewhere, but the word "sustainability" or "sustainable" does not appear in BCC 23.010 or in the 2040 Thriving Communities Initiative? And would like to obtain some interpretation and clarification from staff on that? Does the language in 23.010 infer "sustainability," in other words? Or do we need to recommend that the concept of sustainability be included?

Am I right (or at least close) in thinking that you would like to link the values in the 2040 TCI (environmental protection, health, and so on) to the actions of gathering data about the landfill (the origin characterization, the methane detection, and so on), so as to help impel and justify the actions?

One note: as I understand it, SWAC and DSAC make recommendations to the Board of Commissioners to do things; staff help us in developing those recommendations. We do not have the power to direct staff to do things, nor can we (or staff) change County Code, add anything to the 2040 Thriving Communities Initiative, etc.

The ideas you are bringing up here are good ones, but I think they need more clarity before they come before the Council. If you demonstrate that clarity in written form to me before I finalize the agenda tomorrow (Weds) morning early, I will put it on the agenda. If not, please bring it up during the "Member Requests" as an "I need help" item? And we can hash out how to get these ideas into actionable form for the October meeting.

Onward we go! Thanks, Chuck ~

Ken



Ken Eklund, writerguy

Creator of
World Without Oil

On Sep 19, 2022, at 1:43 PM, [REDACTED] wrote:

Chair Eklund,

Under Old business, I would like to make a motion to move that to accept the below goals for FY 23-25 Biennium for County's 2040 Thriving Communities goals under sustainable material management and solid waste disposal.

This will need also staff's assistance.

Thanks.

Chuck

From: [REDACTED]

Sent: Sunday, September 4, 2022 9:01 AM

To: 'REDICK Daniel' <daniel.redick@Co.Benton.OR.US>

Subject: Thanks RE: FY 21 23 Departmental Goals Status Update - All Goals - FY 23-25 Biennium - BOC Meeting of 8-23-2022 - Sustainable Material Management and Solid Waste Disposal

Hi Daniel,

Thank you for your update and I know that you've been swamped with all of your great work on the Oregon Conscience and "Benton County Talks Trash" work group, especially the draft common understandings report.

I appreciate your response on the "solid waste will continually set goals" for possible inclusion in the developing sustainable materials management plan.

In conjunction with County's 2040 Thriving Communities goals and tenets initiative may the solid waste program include for discussion the following tentative goals for consideration:

- a. Coffin Butte's solid waste characterization by county and hauler shipping to Coffin Butte Landfill
- b. Aerial Drone Survey of methane gas containment at Coffin Butte
- c. Waste to Energy conversion technologies, implementation
- d. Transportation logistics with transfer stations and material recyclable facilities.

I know that most of the topics, one time or more, have been discussed at SWAC/DSAC meetings, so hopefully they can be solidified into the best form for adopting as a goals.

Thanks

Chuck

From: REDICK Daniel <daniel.redick@Co.Benton.OR.US>

Sent: Thursday, September 1, 2022 4:59 PM

To: [REDACTED]

Subject: RE: FY 21 23 Departmental Goals Status Update - All Goals - FY 23-25 Biennium - BOC Meeting of 8-23-2022 - Sustainable Material Management and Solid Waste Disposal

Hi Chuck,

Thank you for your suggestion. The solid waste program will continually set goals, and I believe the development of a sustainable materials management plan will likely help inform future goals, along with other guidance like the County's 2040 Thriving Communities Initiative.

Best,

<image001.png>

Daniel Redick *he/him*

Solid Waste & Water Quality Program Coordinator
Community Development

Phone: 541-766-6819

Email: daniel.redick@co.benton.or.us

www.co.benton.or.us

From: [REDACTED]

Sent: Friday, August 26, 2022 1:41 AM

To: REDICK Daniel <daniel.redick@Co.Benton.OR.US>

Cc: NICHOLS Darren <darren.nichols@Co.Benton.OR.US>; 'Ken Eklund'

Subject: FY 21 23 Departmental Goals Status Update - All Goals - FY 23-25 Biennium - BOC Meeting of 8-23-2022 - Sustainable Material Management and Solid Waste Disposal

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.

In review of the FY 21-23 Department Goals Status Update, there appears no indication of any goals, correct me please if I'm wrong, for sustainable material management and solid waste disposal.

Would the Community Development department consider, if time permits, a request for solid waste characterization by county going into Coffin Butte or any other appropriate goals that may serve the department and members of the community with solid waste.

Thank you for your time and consideration.

Chuck

Chuck Gilbert
Member of Benton County

CHAPTER 23

SOLID WASTE MANAGEMENT

ADMINISTRATION

23.005 Definitions. As used in BCC Chapter 23:

- (1) **"Council"** means the County Solid Waste Advisory Council established pursuant to this section.
- (2) **"Uncovered Load"** means a load which is:
 - (a) not completely covered on all sides and on the top and bottom and such cover is either a part of or securely fastened to the body of the motor vehicle or trailer,
 - (b) not securely tied to the body of the motor vehicle or trailer so that no piece, article, item or part of such solid waste or recyclable material is not fastened to the body of the motor vehicle or trailer, or
 - (c) not contained in the body of the motor vehicle or trailer, in such a way as to prevent any part of the solid waste or recyclable material from being deposited upon any private or public property, road, right-of-way or driveway within the County.
- (3) **"Department"** means the Benton County Community Development Department.
- (4) **"Discarded Vehicle"** means any vehicle which does not have a lawfully affixed unexpired license plate and is inoperative, wrecked, dismantled or partially dismantled, abandoned or junked. A "discarded vehicle" is a form of "Solid Waste".
- (5) **"Disposal Site"** means land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.
- (6) **"Franchise"** includes a franchise, certificate, contract or license issued by a local government unit authorizing a person to provide solid waste management services.
- (7) **"Hazardous Waste"** means any hazardous waste as defined by ORS 466.005 or wastes found by the franchisee to be hazardous to service workers, service equipment or facilities, or to the public. "Hazardous waste" shall also include "hazardous waste" as defined by other governmental units which have legislative or administrative jurisdiction.
- (8) **"Holder"** means a person to whom the Board has granted a franchise or permit.
- (9) **"Landfill"** means a facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface.
- (10) **"Permit"** means a limited license to provide only specified recycling or reuse services.
- (11) **"Person"** means any individual or other legal entity.
- (12) **"Resource Recovery"** means the process of obtaining useful material or energy resources from solid waste, including source separation and materials or energy recovery.

(13) **"Service"** means the collection, transportation, and disposal of, or resource recovery from, solid waste. "Service area" is the geographic area in which service is provided.

(14) **"Solid Waste"** means all useless or discarded putrescible and nonputrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386.

(15) **"Solid Waste Management"** means the prevention or reduction of solid waste, management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste, recycling, reuse and material or energy recovery from solid waste and facilities necessary or convenient to such activities.

(16) **"Source Separation"** means the separation of waste materials by the generator in preparation for recycling.

(17) **"Waste"** means material that is no longer directly usable by the source, and which is to be disposed of or may be resource recovered by another person.

(a) The fact some materials have value and may be recovered, reconditioned or resold, does not exempt such materials from the definition of "waste".

(b) Separation of materials from other wastes by the source does not remove the materials from this definition. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 94-0108; Ord. 2000-0165; Ord. 2003-0183]

23.010 Purpose. In order to protect the health, safety and welfare of the people of Benton County and to provide a solid waste management program, it is declared to be the public policy of Benton County to regulate solid waste management to:

(1) Provide for a coordinated solid waste management program and administration with cities within Benton County and with other counties or cities under existing and future regional programs.

(2) Provide for cooperation and agreements between Benton County and cities and other counties involving joint or regional franchising of solid waste service.

(3) Provide standards, regulations and franchising to ensure the safe and sanitary accumulation, storage, collection, transportation and disposal or resource recovery of solid wastes and ensure maintenance of solid waste collection, resource recovery and disposal service.

(4) Encourage research, studies, surveys and demonstration projects to develop a safe, sanitary, efficient, and economical solid waste management system.

(5) Provide research, development and promotion of and public education for technologically and economically feasible resource recovery including recycling and reuse, by and through the franchisees or permittees and other persons.

(6) Eliminate duplication of service or routes to conserve energy and material resources, reduce air pollution, noise pollution, truck traffic, and increase efficiency, thereby minimizing consumer cost.

(7) Encourage the use of the capabilities and expertise of private industry and encourage volunteer efforts in accomplishing the purposes of BCC Chapter 23.

- (8) Provide equitable classes of collection rates to classes or users of solid waste services that are just, fair, reasonable, and adequate to provide necessary services to the public, justify investment in solid waste management systems and provide for equipment and systems modernization to meet environmental service requirements and technology.
- (9) Minimize the cost and burden of regulation, administration and enforcement.
- (10) Provide for public input in solid waste management.
- (11) Carry out the local government responsibility and authority for solid waste management under ORS 459, and carry out the mandate for waste reduction under Chapter 773, Oregon Laws, 1979. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2000-0165]

23.015 Administration. Administration under the supervision of the Board shall be by the Benton County Community Development Department under the Director or designate. The following persons and agencies shall assist the Department in carrying out its duties under BCC Chapter 23: The Planning Commission(Planning, Zoning and Land Use); Health Department (Environmental Health); Solid Waste Advisory Council (Solid Waste Management Planning); Finance Department (Fiscal Management and Rates); Public Works Department (Public and Private Facilities); County Counsel, District Attorney and Sheriff (Enforcement). [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2000-0165]

23.020 Solid Waste Advisory Council Established. The Board shall create a County Solid Waste Advisory Council in accordance with Benton County Code sections 23.025 through 23.035 and may create a Regional Solid Waste Advisory Council or Committee in cooperation with cities and other counties. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2003-0183]

23.025 County Solid Waste Advisory Council Membership.

(1) The Council shall consist of ten (10) voting members, and three (3) ex-officio, not voting members, with specific membership details identified in the Solid Waste Advisory Council Bylaws. All members shall be appointed by the Board. The following persons may be appointed by the Board as ex officio members entitled to participate in proceedings of the Council, but not to vote: the Director of the Community Development Department or designate; a collection franchise holder; a disposal site franchise holder; a person holding a permit; or a person lawfully engaged in providing recycling or reuse service or the promotion or education for such service. The Board may appoint additional ex officio members as they see fit. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 95-0115; Ord. 2003-0183]

23.030 County Solid Waste Advisory Council Terms. Members shall serve at the pleasure of the Board. The Council shall select its own chairperson and vice chairperson. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 2003-0183]

23.035 County Solid Waste Advisory Council Duties. The Council shall assist the Board in planning and implementation of solid waste management. First priority shall be given to those areas assigned by the Board including maintenance of County roads in the vicinity of Coffin Butte and to recycling and reuse and matters related to those areas. The County Solid Waste Advisory Council shall provide input or recommendations to the Board on the use of the host surcharge. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2000-0165; Ord. 2003-0183]

FRANCHISES AND PERMITS

23.105 Franchise or Permit Required to Provide Service. No person shall solicit for service customers or provide service in Benton County, without first acquiring a franchise or permit under BCC Chapter 23 unless specifically exempted pursuant to this section. BCC Chapter 23 shall not apply within the limits of an incorporated city, except as may be provided through an agreement with the city. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.110 Exemptions to Requirement for Franchise or Permit.

(1) The following persons or practices are exempted from the requirements of BCC Chapter 23:

(a) A private charitable organization which regularly engages in the collection and reuse of repairable or cleanable discards, such as the Salvation Army, St. Vincent DePaul, Goodwill, and similar organizations.

(b) A religious, charitable, benevolent or fraternal organization, which organization is not organized for solid waste management purposes, and which is using the activity for fund raising, such as scouts and churches, and which collects and reuses or recycles totally source separated materials, or operates a collection center for totally source separated materials.

(c) The collection, transportation or redemption of returnable beverage containers under the "Bottle Bill" (ORS Chapter 459).

(d) A producer who transports and disposes of waste created as an incidental part of the regular operation of a licensed auto wrecking business or a janitorial service or a gardening or landscaping service, or a septic tank pumping or sludge collection or disposal service. "Janitorial service" does not include accumulation or collection of wastes produced by a property owner or occupant.

(e) The transportation by a person of solid waste produced by the person to a disposal site or resource recovery site or market. In the case of non-owner occupied property, the exemption applies only to waste which is produced and transported by the occupant of the premises and not by the landlord or property owner or agent.

(f) The collection by the County or other subordinate jurisdiction of leaves, street sweepings or similar wastes, and transportation to a disposal site, resource recovery site or market.

(g) A person engaging in the practice or business of the purchase of totally source separated solid wastes for fair market value, provided, however, that the person shall obtain a certificate from the Department for this service prior to commencing business in the County. Application shall be on forms supplied by the Department, which shall require information sufficient to determine qualifications under this exemption. The application shall be accompanied by a certificate fee. A holder may obtain a certificate under this subsection.

(h) A collection center for totally source separated materials operated by a nonprofit organization which was organized for one or more solid waste management purposes in addition to other purposes of the organization, provided that the operation has been continuous from January 16, 1981. This exemption terminates upon termination of collection center operations following January 16, 1981. The nonprofit corporate operator of an existing collection center shall apply for a permit from the County within 30 days after the effective date of BCC Chapter 23.

- (2) The following disposal sites are exempted from the requirements of this ordinance.
 - (a) A landfill which is used by the owner or person in control of the premises to dispose of rock, soil, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service.
 - (b) A portion of land or a facility specifically possessing a waste water discharge permit pursuant to ORS Chapter 468B and in compliance with all Oregon Environmental Quality Commission regulations on solid waste management.
 - (c) Land on which solid wastes are used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals. ORS 459.005(24)(b).
 - (d) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste.
 - (e) A site operated by a wrecker issued a certificate under ORS 822.110. Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2003-0183]

23.115 Additional Exemptions Upon Application. In addition to the exemption listed above the Board may grant additional exemptions, as follows:

- (1) An applicant shall obtain an application for exemption from the Department. A completed application shall be filed with the Department.
- (2) Upon twenty (20) days written notice to the applicant and affected franchisees or permittees, a public hearing shall be held before the Board.
- (3) The Department shall review the application and provide information and recommendations to the Board to assist it in reaching a determination.
- (4) At the conclusion of the hearing to consider the application, the Board shall make a decision, including written findings, based upon the following factors, among others:
 - (a) The purpose stated in BCC 23.010.
 - (b) The ability of the existing franchise holders or exemption holders to provide the required service.
 - (c) Unnecessary or unreasonable hardships or practical difficulties which can be relieved only by granting an exemption.
 - (d) Whether the granting of an exemption will be materially detrimental or have a substantial negative impact on service, consumer rates, or the holder of the service area or service.
 - (e) The ability of the applicant to secure the necessary equipment and personnel to provide the service.
- (5) The Board's decision shall be mailed to the applicant and affected holders by first class mail. The Board may attach any conditions or limitations to the granting or exercising of an exemption deemed necessary to carry out the purposes and policies of Chapter 23. The Board also may impose additional conditions on an existing holder in this regard. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2000-0165]

APPLICATION AND QUALIFICATIONS

23.205 Applications Required for Franchises and Permits. Applications for franchises and permits shall be on forms provided by the Department. In addition to information required on the forms, the Department may require the filing of any additional information it deems necessary to ensure compliance with BCC Chapter 23. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.210 Collection Franchise Requirements.

(1) An applicant for an original collection franchise or for a collection franchise transfer shall demonstrate to the satisfaction of the Board that the applicant:

(a) Has a majority of the service accounts in the service area for which he has applied, as evidenced by a list of customers served; and

(b) Has available collection vehicles, equipment, facilities and personnel sufficient to meet the standards established by BCC Chapter 23, ORS Chapter 459 and applicable administrative rules. If the applicant proposes to serve a service area which is wholly or in part under franchise to another person, or to replace such person upon expiration of the existing franchise, the applicant shall have available on the beginning date of the proposed franchise term collection vehicles, containers and other equipment equal to that presently used in service; and

(c) Has sufficient experience to ensure compliance with BCC Chapter 23. If the applicant does not have sufficient experience, the Board may require the applicant to submit a corporate surety bond, in the amount of not less than \$500,000.00, guaranteeing full and faithful performance by the applicant of the duties and obligations of a franchisee under the provisions of BCC Chapter 23 and applicable federal, state and local laws and rules or regulations, and holding Benton County harmless from liability; and

(d) Has in force, or intends to provide for, public liability insurance in the amount of not less than \$2,500,000.00 for injury to a single person, or \$10,000,000.00 for injury to a group of persons and property damage insurance in the amount of not less than \$5,000,000.00, which shall be evidenced by a certificate of insurance or a letter of intent. Upon award of a franchise, any applicant providing only a letter of intent with the application shall provide a copy of a certificate of insurance prior to the effective date of the franchise. The certificate shall name Benton County as an additional insured. The Board may, by order, increase the minimum amount of required insurance to meet inflationary costs; and

(e) When requesting a transfer of franchise, the applicant must submit, as part of the application, a letter from the current franchisee requesting the transfer.

(2) If the applicant is not already serving the area proposed to be served, applicant shall show that:

(a) The defined service area has not been franchised to another person; or

(b) The defined service area is not being presently served by a holder pursuant to any schedule established as part of the franchise in accordance with BCC Chapter 23; or

(c) The defined service area is not being adequately served by a holder and there is a substantial demand from customers within the area for a change of service to that area. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2003-0183]

23.215 Disposal Site Franchise Requirements. An applicant for an original disposal site franchise or franchise transfer shall demonstrate, to the satisfaction of the Board:

(1) The type of disposal site and the transfer, disposal, processing or resource recovery method to be employed, together with any proposed special regulations dealing with hazardous wastes or concerning the types of waste that will be accepted at the disposal site; and

(2) That the applicant has available land, equipment, management, facilities and personnel to meet the standards established by BCC Chapter 23, ORS Chapter 459 and applicable rules, and has insurance equal to that required for a collection franchise; and

(3) That the applicant has sufficient experience to ensure compliance with BCC Chapter 23.

(a) If the applicant does not have sufficient experience, the Board may either deny the application or require the applicant to submit a corporate surety bond in the maximum amount of \$10,000,000.00, which guarantees full and faithful performance by the applicant of the duties and obligations of a franchise holder under provisions of Chapter 23, guarantees compliance with all applicable laws, and which holds Benton County harmless.

(b) In determining whether or not a bond is required and the amount necessary, the Board shall give due consideration to the size and type of the site, the solid waste handling methods proposed, the population or type of customers to be served, alternative sites, availability of the bond, cost to the ratepayer, adjacent or nearby land uses, the potential danger of failure of service and such other factors as the Board deems relevant.

(4) If the application is for a transfer of a disposal site franchise, the applicant must submit, as part of the application, a letter from the current holder requesting transfer. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035; Ord. 2003-0183]

23.220 Recycling or Reuse Franchise or Permit Requirements. The Board shall specify which of the collection franchise requirements, as set forth in BCC 23.210, shall apply to specific permits. In addition:

(1) The Board may include recycling or reuse service or the education or promotion of such service in a collection franchise.

(2) In lieu of a franchise, the Board may issue a limited permit for specified service and subject to such terms and conditions as the Board may impose to carry out the policy, purpose and findings.

(3) Issuance of a recycling or reuse franchise or permit by the Board is discretionary. The grounds for issuance shall be compliance with the requirements specified by the Board. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.225 Provisions in Addition to Development Code. The above franchise requirements are in addition to any provisions of the Benton County Development Code that may be applicable. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0002; Ord. 86-035]

23.230 Investigation and Findings for Franchise or Permit.

(1) Generally applications shall be reviewed by the Department, which shall make such investigation as it deems appropriate. The Department shall give written notice of any application to affected holders. In addition, the following specific requirements apply where appropriate:

(a) Collection Franchises. Upon the basis of the collection franchise application, evidence submitted and results of investigation, the Department shall make a finding on the qualifications of the applicant and shall determine whether additional areas should be included or additional service or equipment should be provided.

(b) Disposal Site Franchises. Upon the basis of the disposal site application, evidence submitted, and results of any investigation, the Department shall make a finding on the qualifications of the applicant, whether additional service, land, equipment or facilities should be provided and what conditions of service should be imposed, including whether the site should be opened to the public and under what conditions, whether or not certain types of wastes, solid wastes or hazardous wastes should be excluded from the site or what types of wastes should be required to be accepted at the site, and shall make findings as to whether or not the site is economically feasible, whether or not the site may be integrated with existing private or County-owned or operated sites, and, further, whether the site complies with all rules and regulations adopted pursuant to BCC Chapter 23 or ORS Chapter 459. The Board may impose any conditions deemed necessary to carry out the purposes and policy of this Section.

(2) On the basis of these findings, the Department shall recommend to the Board whether or not an application should be granted, denied, or be modified. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.235 Public Hearing on Franchise or Permit.

(1) The Board shall conduct a public hearing to consider an application within 30 days of receipt of the Department's recommendation.

(2) Notice shall be served on the applicant and any affected holder, and shall be published once in a newspaper of general circulation within the franchise area not more than ten (10) nor fewer than seven (7) days preceding the hearing.

(3) The Board's decision shall be supported by written findings. The determination of the Board after conclusion of the public hearing shall be final.

(4) If the Board order rejects all or part of the application for a franchise or permit, the applicant may not submit another application for the same service area, or a portion thereof, or the same disposal site, for a period of six (6) months, unless the Board finds that the public interest requires reconsideration within a shorter period of time.

(5) Upon receipt of the order granting a franchise or permit, the applicant shall enter into a written franchise or permit with Benton County. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-023, Ord. 86-035; Ord. 2003-0183]

TERM; RENEWAL

23.305 Renewal of Franchise or Permit.

(1) Renewal of any franchise or permit shall be based on an application filed with the Department. The procedure for review, renewal, approval and denial shall be as set forth above for the granting of the franchise or permit. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.310 Term of Franchise or Permit.

(1) Unless the Board finds in writing that a longer or shorter term is required in the public interest:

(a) The term of a collection franchise shall be ten (10) years.

(b) The term of a disposal site franchise shall be determined by the Board upon recommendation of the Department. The recommendation shall be based upon site longevity, population to be served, and probable use, and shall not exceed twenty-five (25) years.

(c) The term of a permit shall be determined by the Board upon recommendation of the Department. The recommendation shall be based upon achieving the purposes in BCC 23.010.

(2) The Board or holder may reopen a franchise or permit during its term for a change in provisions, or for negotiation of an early renewal. The change or renewal shall require the mutual approval of both the Board and the holder.

(3) The terms of a franchise or permit shall be binding upon a holder, its heirs, successors or assigns.

(4) A franchise or permit granted pursuant to BCC Chapter 23 shall be inoperative unless the holder files with Benton County a written acceptance within thirty (30) days of issuance. Upon the filing of such written acceptance, a franchise or permit and the written acceptance shall constitute a contract between Benton County and the holder, terminable only as provided by BCC Chapter 23. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-035]

23.315 Transfer of Pledge for Franchise or Permit.

(1) A franchise or permit shall not be sold, transferred or assigned to another person without prior written approval of the Board.

(2) A person desiring a franchise or permit transfer shall submit an application to the Solid Waste Advisory Council on forms provided by the Department. The Council shall review the application at a public meeting and forward a recommendation to the Board of Commissioners. The Board shall then hold a public hearing and vote to approve or deny the request.

(3) A pledge of a holder to secure financing shall be considered to be a transfer of the franchise or permit and shall be reviewed for approval as a transfer.

(4) The term of the transferred franchise or permit shall continue for the same period as the original franchise or permit. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

DUTIES AND RESPONSIBILITIES OF HOLDER

23.405 Hold Harmless.

(1) The privileges granted to a holder are upon the express condition that the holder shall be liable for all damages or injuries to persons or property caused by the negligence or mismanagement of the holder or any of its employees while engaged in the business under the terms of the franchise or permit. Should Benton County, or any of its officers, agents or employees in the scope of their employment be sued for damages caused wholly or in part by the operations of a holder under the terms of the franchise or permit, the holder shall be notified in writing of such suit and it shall be the holder's duty to defend or settle the suit. Should judgment go against Benton County, its officers, agents or employees, the holder shall further indemnify the County for costs and attorney's fees. The record of judgment against Benton County, or any of its officers, agents or employees, in such a case shall conclusively entitle Benton County, its officers, agents or employees to recover against the holder.

(2) The holder shall covenant to purchase an indemnity insurance policy with a company licensed to do business in the State of Oregon with limits of liability specified in BCC 23.210(d)

which policy shall name Benton County, its officers, agents and employees as the additional insured. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

23.410 Service to be Provided by Holder.

(1) A collection franchise holder shall provide for solid waste collection at least once weekly unless otherwise authorized by the Board or Department. In addition to serving regular customers, the holder shall pick up and haul away all solid waste at the request of any resident of Benton County in holder's service area. The Board may specify when remote, sparsely populated areas will be served and the service frequency. A holder shall not, without good cause, as determined by the Department, refuse to provide service to any person living or conducting business within its area in Benton County; except under one or more of the following conditions:

(a) Upon nonpayment or incomplete payment of a billing for service within the time provided in the bill, provided that holder sends a written ten day (10) notice to the customer that service will be terminated unless full payment is made.

(b) Upon refusal by a customer to pay any required advance payment for service, or, if provided in the rate schedule, a charge for reinstating service after discontinuance for nonpayment; or a charge for starting a new service. A holder may bill up to three (3) months in advance for service to reduce bad debt costs charged to ratepayers and to reduce administrative costs.

(c) Where street or road access is blocked.

(d) Where excessive weather conditions, as determined by a holder, render the providing of service hazardous to the persons actually providing the service or to the public.

(e) Where collection is prevented by an act of God, public enemy or vandal.

(f) Where a customer violates service standards in BCC 23.705.

(2) A holder shall, where applicable: provide, maintain and use adequate equipment to handle and dispose of or resource recover solid waste; handle collected solid wastes in a good and workmanlike manner; transport all liquids in a watertight, drip-proof container; and provide equipment that meets all applicable laws, codes, regulations and standards.

(3) A holder shall resource recover collected wastes or dispose of them in a disposal site approved by the Department of Environmental Quality.

(4) The Board may require a collection franchise holder to contract with a disposal site for the right to dispose of wastes collected during the term of the franchise, including renewals.

(5) Equipment and work supplied by any holder shall meet the reasonable satisfaction of the Department. The Department shall not make any unreasonable or arbitrary demands upon the holder.

(6) The permit holder shall comply with service conditions imposed by their permits.

(7) A disposal site franchise holder shall supply disposal services covered by its permit to those persons who contract for disposal, handling, or recovery of solid wastes collected under a franchise, license or permit; to those local government units and public agencies located within Benton County for wastes generated by activities of such units or agencies; and, subject to limitation by the Board, members of the general public hauling wastes generated by such person and not collected from other persons.

(8) All service under a franchise or permit shall be subject to applicable laws and regulations, and to permit conditions and decisions of administrative, legislative and judicial agencies having jurisdiction.

(9) A disposal site franchise holder shall not discontinue required service without ninety (90) days written notice to the Board and to any collection franchise or permit holders having a contract to use the site. Board approval shall be obtained before such discontinuance. This paragraph does not apply to discontinuation of service pursuant to subsections 1-8 of this section.

(10) No holder is required to store, collect, transport, dispose of or resource recover any hazardous waste. A holder may engage in one or more of those activities apart from BCC Chapter 23 as long as such activity is in compliance with all applicable local, state, and federal laws.

(11) Except as provided in subsection 8 above, where a governmental unit or agency is the landlord of any disposal site, the holder shall comply with all requirements imposed by such governmental unit or agency.

(12) A holder may subcontract with another person to provide service upon obtaining written permission from Benton County; provided, however, that the holder remains responsible for service.

(13) A holder shall make the payments as provided promptly as they become due. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2003-0183]

23.415 Preventing Interruption of Service. Each holder shall agree in writing and it shall be a condition of the franchise or permit that whenever the Board determines that the failure of service, or threatened failure of service, would result in creation of an immediate and serious health hazard or serious public nuisance, the Board may, after a minimum of twenty-four (24) hours written notice to the holder authorize County personnel or other persons to temporarily provide the service or to use and operate the land, facilities or equipment of the holder. The Board may authorize whatever expenses are necessary to operate such land, facilities or equipment consistent with BCC Chapter 23. The Board shall return any seized property and business upon the abatement of the actual or threatened interruption of service. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

23.420 Fees.

(1) The holder of any franchise or permit granted pursuant to BCC Chapter 23 shall pay the following fees:

(a) Except as provided below, a collection franchise holder shall pay a fee not to exceed five (5) percent of the gross cash receipts from franchised collection service.

(b) A disposal site franchise holder shall pay an annual franchise fee. The franchise fee shall be set by agreement.

(c) A recycling or reuse permit holder shall pay an annual fee. The Board may waive this fee in order to promote reuse or recycling. Where recycling or reuse services are provided by a collection franchise, the collection franchise holder shall pay the same annual fee as for a recycling or reuse permit and such service shall not be included in the percentage of gross receipts established above for a collection franchise.

(2) The collection franchise fee shall be computed and be payable to Benton County quarterly within thirty (30) days from the end of the calendar quarter. The fee shall be accompanied by a sworn statement of gross receipts. Each collection franchisee shall maintain sufficient books and records to disclose the gross receipts from the service area and shall make

such books and records available at reasonable times and places for audit by authorized personnel of Benton County. The Board may specify reasonable requirements for keeping such books and records.

(3) Where reasonably required by the Board, the holder of a disposal site franchise or a permit shall maintain books and records disclosing gross receipts at the disposal site or under the permit, which books and records shall be available at reasonable times and places for audit by authorized personnel of Benton County, subject to the terms of the franchise agreement. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165]

RATES

23.505 Rate Structure.

(1) A holder may charge and collect reasonable compensation from persons to whom it furnishes services. The term "reasonable compensation" may be defined by the Board after a study and consideration of rates for similar service under similar conditions in other areas, and as affected by local conditions, and which allows a holder to earn a reasonable rate of return. This subsection shall not apply to disposal site franchise holders.

23.510 Procedure for Rate Change.

(1) A holder shall provide the Board with a certified copy of its published rate schedule, setting out the rates for all its operations. A holder shall file with the Board a new or revised rate schedule at least ninety (90) days prior to any contemplated change.

(2) The schedule shall be examined by the Board in a public hearing. The Board may either approve or deny the rate change, or may request additional information from the holder. It shall be approved by the Board no less than thirty (30) days before the effective date, unless the delay is caused by failure of the Board to meet or obtain a quorum to conduct business.

(3) Notification of the decision of the Board shall be made to the holder by certified mail.

(4) In the event of disapproval, a holder shall not put the new rate schedule into effect, but may file with the Board further information to justify the rate schedule changes. Upon the receipt of the new information, the Board shall determine whether it will rehear the request.

(5) The Board may require annual statements and other records to be furnished to the Board to carry out the intentions of this section.

(6) In the event of approval of a revised rate schedule, the revised rate schedule shall not apply to persons and groups who have an advance payment agreement with the franchisee or permittee until the normal expiration of the advance payment agreement.

(7) The maximum approved rates in effect shall be subject to review and change only one time in a calendar year beginning January 1st; provided:

(a) Upon application and without prior notice, the Board may, by order, grant an interim or emergency rate for new, special or different service. The Board may specify the duration of the rate or continue it until final determination by the Board on the next overall rate adjustment.

(b) In addition to an annual rate adjustment, a supplemental rate adjustment may be requested when the cost of service is increased due to compliance with governmental regulations; or when there is substantial increase in a single expense that was not anticipated at the time of the last rate adjustment; or when the total cost of service exceeds projected costs by five (5) percent or more.

(8) The Board shall support a decision to revise rates with findings of fact. In making its findings, the Board may consider rates charged by other persons performing the same or similar service. The Board shall give due consideration to current and projected revenue and expense; actual and overhead expense; the cost of acquiring and replacement of equipment; management costs; the cost of providing for future, added or different service; promotion and provision of source separation services; a reasonable return to holder for doing business; research and development; systems to avoid or recover the costs of bad debts; interest payments; and such other factors as the Board deems relevant.

(9) Subsections 1 through 8 shall not apply to disposal site franchise holders or franchised waste haulers for Refuse Rate Index adjustments as approved by Board order. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165; Ord. 2003-0183; Ord. 2013-0252]

23.515 Penalty Fee for Uncovered Loads. Disposal sites may apply a penalty fee for uncovered loads. [Ord. 2000-0165]

OVERSIGHT AND ENFORCEMENT

23.605 Accounting Records. The holder shall keep a complete and accurate set of books which shall reflect the gross receipts from service rendered inside Benton County outside the boundaries of incorporated cities. These books shall be balanced at least annually. A statement showing the basis for the quarterly fee payment shall be furnished to Benton County on each payment date. Benton County shall have the right to inspect the books and records of a holder at all reasonable times and places, and a holder shall render all reasonable assistance to Benton County, its officers, agents and employees when Benton County desires to audit or inspect the books and records. This section shall not apply to disposal site franchise holders. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165]

23.610 Enforcement and Penalties.

(1) If the holder fails to promptly comply with any duty imposed, then Benton County may, after written notice to the holder and a reasonable opportunity to comply, proceed to perform the duty at the cost of the holder, which shall immediately become liable to Benton County for all expenses incurred by Benton County in fulfilling the obligation.

(2) The Board reserves the right to make further regulations as deemed necessary to protect the welfare of the public.

(3) A holder shall at all times be subject to applicable laws of the State of Oregon. A violation of state law if found by the Board to be substantial and material to the policy of this ordinance, may be deemed by the Board as a breach of the franchise or permit.

(4) A waiver by Benton County of a breach of any term of a franchise or permit or BCC Chapter 23 shall not operate as a waiver of a subsequent breach.

(5) If a holder breaches in any of the terms or payments required under the terms of BCC Chapter 23, and such default continues for a period of ten (10) days after receipt of written notification sent by certified mail by the Department, then Benton County may revoke the franchise or permit and the holder shall cease any solid waste service. This subsection shall not apply to disposal site franchise holders.

(6) Where a breach occurs for reasons not within the control of holder, such as lack of specialized equipment, personnel or similar reasons, the Board shall give a holder reasonable opportunity to comply before revoking the franchise or permit. This subsection shall not apply to disposal site franchise holders.

(7) Should a holder become insolvent, or acquire financial or legal encumbrances which materially affect its ability to comply with the terms of its permit or franchise or the requirements of BCC Chapter 23, Benton County may revoke the franchise or permit, and any other agreements entered into concerning solid waste management.

(8) Violation of BCC Chapter 23 shall be deemed to be a violation of County laws and is punishable upon conviction by a fine of not more than \$500.00; provided, however, that each day of continued violation is a separate offense and is separately punishable, but may be joined in a single prosecution. In addition, Benton County shall have the right to pursue any other remedy provided to it in law or in equity. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165]

23.615 Appeals.

- (1) An action of a holder under BCC Chapter 23 may be appealed to the Department.
- (2) An action of the Department under BCC Chapter 23 may be appealed to the Board.
- (3) Disputes arising under a collection franchise or permit or BCC Chapter 23 between Benton County and a holder or applicant shall be subject to judicial review in the Circuit Court of the State of Oregon for Benton County. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2000-0165]

RESPONSIBILITIES OF SERVICE USERS

23.705 Public Responsibilities.

- (1) No person shall place hazardous wastes out for collection or disposal by the collection franchise holder nor place it into any solid waste container supplied by the holder without prior notice to, and written approval from, the holder. Prior to the notice to the collection franchise holder, a person wishing to have such wastes collected shall obtain the approval of the disposal site franchise holder. Where required, an additional approval shall be obtained from the local governmental unit having jurisdiction over the disposal site. This disposal approval shall be in writing, signed by the person designated by the disposal site or local government unit affected. Either the holder or the disposal site or the local government unit having jurisdiction of the disposal site may require written authorization from the Oregon Department of Environmental Quality for the handling of hazardous wastes. This subsection does not apply to household waste generated by a single family residential dwelling unit.
- (2) No person shall accumulate or store wastes in violation of the Benton County Nuisance Abatement Section or in violation of regulations of the Oregon Environmental Quality Commission.
- (3) A franchisee is not required to service an underground container unless the person responsible for it places the can above ground prior to collection.
- (4) No person shall, unless permitted by a holder, install or use any container of one yard or greater capacity for pickup by a holder, other than those supplied by a holder. The purpose of this subsection is to ensure safe equipment, sizes and weights and facilitate holders utilizing the most efficient collection equipment and methods. Rates for use of a holder's containers and drop boxes shall be included in the adopted rate schedule.
- (5) No person shall locate a solid waste container for residential collection service behind any locked or latched gate or inside of any structure unless authorized by the franchise holder. No person shall block the access to a receptacle.
- (6) Each customer shall provide safe and reasonable access to the solid waste or solid waste container to a holder's employees. (7) No container designed for mechanical pickup shall

exceed safe loading weights or volumes as established by a holder to protect service workers, the customer, and collection equipment.

(8) No unauthorized person shall utilize, or remove material from, a solid waste collection container without permission of the owner of the container. For purposes of this section, a holder is the "owner" of containers supplied by the holder.

(9) No person shall remove solid waste disposed for collection and resource recovery except the disposer or a holder. This subsection does not apply to the purchase of materials for fair market value under a certificate issued pursuant to BCC 23.110(3), or by a person exempt under BCC 23.110(1) where placed out for collection by such person.

(10) Where a customer requires a large volume or special type of service requiring substantial investment in equipment, a holder may require a contract with the customer to finance such equipment. The purpose of this subsection is to assure that any specialized equipment not become a charge against other ratepayers. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035; Ord. 2003-0183]

23.710 Ownership of Wastes. Unless exempted under this ordinance, solid waste placed out for collection by another person is the property of the holder designated by the Board to provide service for that area. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

23.715 Responsibility for Payment for Service. A person who receives service shall be responsible for payment for the service. The landlord of any premises shall be responsible for payment for service provided to that premises if the tenant does not pay for the service. [Ord. 1, adopted March 31, 1971; Ord. 23, adopted December 17, 1980; Ord. 85-0023; Ord. 86-0035]

REDICK Daniel

From: Mark Yeager [REDACTED]
Sent: Tuesday, September 20, 2022 9:36 AM
To: Ken Eklund; REDICK Daniel; Mark Yeager
Subject: Re: Proposed agenda for DSAC/SWAC meeting on September 28 – deadlines

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Hi Ken - letting you know that I will not be attending this month's meetings as I will be out of town and not computer accessible.

Thanks

Mark

On Mon, Sep 19, 2022 at 12:35 PM Ken Eklund [REDACTED] wrote:
Hello SWAC/DSAC:

(A reminder: do not REPLY ALL to this email. We don't want to start a group discussion, Daniel will frown)

I've attached a proposed agenda for our next meeting – if you have any comment or suggestion about it, I'm glad to hear it, send it to me by Tuesday night. I need to send the final agenda to Daniel first thing Wednesday morning.

Reminder: If you have any written material to be included in our meeting packet, it likewise needs to be in Daniel's hands early Wednesday morning, to make it into the packet and be actionable.

Item V on the agenda is "guidance for our Workgroup delegates." As you may remember Marge and Joel received a draft of the "Common Understandings" document at our last meeting as guidance. I plan to submit an updated "Common Understandings" document for the meeting packet, for us to discuss and formally approve. If you have guidance for our delegates, I recommend doing similarly: submit it to Daniel by Weds early am for inclusion in the packet.

The packet itself should come to you later in on Wednesday from Daniel, if memory serves...

Thanks one and all!

Ken

Ken Eklund, writerguy

Creator of
World Without Oil
Ed Zed Omega
FutureCoast
and other storymaking games

REDICK Daniel

From: Ken Eklund [REDACTED]
Sent: Wednesday, September 21, 2022 12:07 PM
To: Joel Geier; Marge Popp; Mark Yeager; John McEvoy; Deborah Gile; Charles Gilbert
Cc: RAY Linda; VERRET Greg J; REDICK Daniel
Subject: Re: 9/28/22 SWAC & DSAC Meetings Cancelled

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I am taking this up with Director Nichols. At a minimum, the timing is hard to justify, since Daniel's absence has been on record for some time. Will inform you all of progress – Ken



Ken Eklund, writerguy

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On Sep 20, 2022, at 4:06 PM, REDICK Daniel <daniel.redick@Co.Benton.OR.US> wrote:

Hi SWAC and DSAC members,

The 9/28/22 SWAC and DSAC meetings have been cancelled due to lack of staffing. I will be out of the office from 9/26-10/7, Greg Verret will also be out of the office next week, and we do not have other staff members available to support the meetings. We will work on scheduling the next meetings with Chair Eklund. Any comments we've received will be included in the next meeting packets. Please feel free to contact me if you have any questions.

Best,

<image001.png>

Daniel Redick *he/him*
Solid Waste & Water Quality Program Coordinator
Community Development

Phone: 541-766-6819

Email: daniel.redick@co.benton.or.us

www.co.benton.or.us

REDICK Daniel

From: Ken Eklund [REDACTED]
Sent: Wednesday, September 21, 2022 7:57 AM
To: John McEvoy; Deborah Gile; Charles Gilbert; Joel Geier; Marge Popp
Cc: Mark Yeager; REDICK Daniel
Subject: Re: September Landfill Tour: this Saturday, 10 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.

Hello SWAC team,

Here are the details for both the Landfill Tour this Saturday and the Neighborhood Tour the following Saturday; I'd recommend both, to get a more complete picture of the county's solid waste stream.

NOTE THAT YOU MUST RSVP to both, well ahead of the event: deadline for the Landfill Tour is tomorrow (Thurs) by 5 pm. RSVP to pioinfo@co.benton.or.us

See you there ~

Ken

Public encouraged to attend upcoming landfill and neighborhood tours

Sept. 20, 2022

The public is encouraged to attend two upcoming tours with Benton County Talks Trash Solid Waste Process Workgroup members. Please see below for tour information and how to RSVP:

Landfill Tour, hosted by Republic Services

- September 24, 2022 (Saturday)
- Meet at Republic Services office, 110 NE Walnut Blvd., Corvallis
- Bus will leave promptly at 10 a.m., and will return at approximately 12 p.m.
- Participants will receive PPE (hard hat, high visibility vest, protective eyeglasses)
- Closed-toe shoes are required
- Please send an **RSVP to Benton County via email at pioinfo@co.benton.or.us by Thursday, September 22, 2022 at 5 p.m.**

Neighborhood Tour

- October 1, 2022 (Saturday)
- Meet in Adair Village along Arnold Rd. (specific meeting location TBD)
- Transportation will leave promptly at 10 a.m, and will return at approximately 12:15 p.m.

- Please send an **RSVP** to Benton County via email at pioinfo@co.benton.or.us by Thursday, September 29, 2022 at 5 p.m.

Further tour details will be updated on the [work group webpage](#), so please check the webpage periodically for more information.

###

Benton County is an Equal Opportunity-Affirmative Action employer and does not discriminate on the basis of disability in admission or access to our programs, services, activities, hiring and employment practices. This document is available in alternative formats and languages upon request. Please call Cory Grogan at 541-745-4468 or email pioinfo@co.benton.or.us.

CONTACT INFORMATION

Cory Grogan
Public Information
Benton County
541-745-4468
cory.grogan@co.benton.or.us



Ken Eklund, writerguy

Creator of
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On Sep 20, 2022, at 12:51 PM, Ken Eklund [REDACTED] wrote:

Hello everyone,

Thank you, Debi, for reminding me of the Landfill Tour, which is on the perennial DSAC/SWAC calendar for September.

This year, in lieu of a separate tour, let's take advantage of the tour already scheduled for the TrashTalk Workgroup, which is this Saturday, September 24, starting at 10 am. You can check here for details, on the Workgroup calendar (no details available as I write this):

<https://www.co.benton.or.us/cd/page/solid-waste-process-work-group>

Joel and Marge, if you know/when you know the tour details, can you hit Reply All and let us know?
Thanks ~

Ken

<writerguy-cube2.png>

Ken Eklund, writerguy

Creator of
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and other storymaking games

REDICK Daniel

From: Ken Eklund [REDACTED]
Sent: Friday, September 23, 2022 1:46 PM
To: REDICK Daniel; VERRET Greg J
Cc: RAY Linda; NICHOLS Darren
Subject: Re: 9/28/22 SWAC & DSAC Meetings Cancelled

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.

Director Nichols and I have discussed this, and this SWAC/DSAC meeting is now rescheduled for the earliest available Wednesday, which is Wednesday October 5 at 6 pm. It is not cancelled.

The calendar on the Benton County website should reflect this, and the announcement about the meeting and the meeting packet should go out at least a week before, as usual, as well as the other support as per Oregon public meetings law.

I will be supplying a revised agenda (by Mon Sept 26) and other documents may come in from members or the public, to be included in the packet, as usual, before Weds Sept 28.

Any questions, feel free to contact me or Director Nichols.

Onward we go, against the headwind,

Ken



Ken Eklund, writerguy

Creator of
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On Sep 20, 2022, at 4:06 PM, REDICK Daniel <daniel.redick@Co.Benton.OR.US> wrote:

Hi SWAC and DSAC members,

The 9/28/22 SWAC and DSAC meetings have been cancelled due to lack of staffing. I will be out of the office from 9/26-10/7, Greg Verret will also be out of the office next week, and we do not have other staff members available to support the meetings. We will work on scheduling the next meetings with Chair Eklund. Any comments we've received will be included in the next meeting packets. Please feel free to contact me if you have any questions.

Best,

<image001.png>

Daniel Redick *he/him*

Solid Waste & Water Quality Program Coordinator
Community Development

Phone: 541-766-6819

Email: daniel.redick@co.benton.or.us

www.co.benton.or.us

REDICK Daniel

From: Doug Pollock [REDACTED]
Sent: Wednesday, October 5, 2022 3:03 PM
To: RAY Linda
Cc: Ken Eklund; vneq; REDICK Daniel; AUGEROT Xanthippe; WYSE Nancy; MALONE Patrick; mayorandcouncil@corvallisoregon.gov
Subject: Input for DSAC & SWAC re: Coffin Butte Landfill Operations in 2022

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 Linda,

Would you please share this input with both DSAC and SWAC, as well as Benton Co. staff who deal with solid waste issues?

Thanks!

Doug Pollock

Dear DSAC and SWAC members,

I have been actively monitoring dumpsters throughout Corvallis for a couple of decades, with a particular focus on those used by the Corvallis School District (CSD). I have done this because of a personal interest in sustainability, and as a member of the Corvallis Eco-School Network (a group of parents who worked on sustainability issues in our schools). I also worked on environmental issues in my previous career at Hewlett-Packard, where I served as their product steward for inkjet manufacturing. I would like to share some details of my work and the implications for managing solid waste at the Coffin Butte regional landfill. With my decades of hands-on experience, I have a better view than most people when it comes to what's actually going into the landfill.

When I first began my position at HP, they were dumping enormous quantities of defective inkjet cartridges in the landfill. HP was permitted to do this because their site environmental folks argued the plastic cartridge bodies *contained* the ink, thus preventing the chemicals from leaking into the landfill/leachate. I was determined to put a stop to this practice and started developing a recycling process for the scrap cartridges. One of my first steps was to visit the landfill and watch what actually happened to the cartridges. I took a video of a giant dozer crushing huge boxes of them (with ink spraying everywhere) to raise awareness and build support for my recycling process. Soon after word got out about my video, the landfill operators stopped accepting all of HP's waste cartridges. This helped provide the incentive to develop my recycling process (which was eventually expanded worldwide). But for a period of well over a decade, HP dumped substantial quantities of inkjet cartridges in the Coffin Butte landfill. This is part of the landfill's toxic legacy that people should know about.

Over the past ~15 years, I've also documented a large number of violations concerning waste in Corvallis school dumpsters. This includes numerous violations of Oregon's electronic waste law (e.g. a large television in a dumpster at Crescent Valley High School), and various hazardous waste violations (e.g. 5-gallon buckets of paint, refrigerators, fluorescent light tubes, etc.). In many cases, I provided pictures and sent emails to school district staff (including the facilities manager, principals, superintendent and school board members). My offers to meet with the previous superintendent and her staff to help them improve their recycling and waste disposal processes were consistently ignored. Surprisingly, many of the worst waste violations occurred in the dumpster located at the school district facilities office. In my initial discussion with the CSD custodial manager, I was appalled to discover that he wasn't even

aware of Oregon's electronic waste law. He also admitted that the Corvallis School District had never developed process documentation governing the disposal of hazardous waste. Ignorance of the law is no defense, especially when you work for a public institution!

Almost without exception, the responses I've received from school district leaders over the years have been exceptionally poor. Their first response is almost always denial: "*That couldn't have come from our school!*". In nearly every case, further investigation showed that, indeed, the material in question did come from the school. Their second response is usually defensive in nature: "*What were you doing looking in our dumpster?!*". The former principal at Mountain View Elementary warned me, "*We just can't have parents looking in dumpsters!*" and implied she could take away my volunteer role managing the school garden. Eventually, the CSD responded to my dumpster complaints by installing locks on all of the dumpsters. They "solved" their waste disposal violations by simply hiding them from the general public.

Earlier this year, I discovered fluorescent light tubes in a large, open dumpster at Crescent Valley High School. The superintendent largely dismissed my email, speculating the bulbs came from a contractor working at the school. I explained this latest incident was part of a pattern of violations I'd documented over the past ~15 years, but neither the superintendent nor school board seemed to care. Over the following weeks, I documented repeated violations (including more fluorescent tubes in a large glass terrarium that presumably came from a science class). In each case, I filed an official complaint with DEQ about the incidents. Despite asking for a follow-up to my complaints, no one from DEQ contacted me until I called a manager and complained. Despite my substantial follow-up efforts (both with school district leaders and DEQ managers), my complaints were predictably dismissed. The DEQ staff person deferred to the CSD facilities manager who provided the usual excuses and knee-jerk responses. The DEQ person noted, "*The school district is going to reinforce locking of dumpsters at their properties to avoid further illegal dumping... This is the extent of DEQ's evaluation of your complaint. Thank you again for your concern. I will close complaint #22-0653 in DEQ's records.*" I was particularly frustrated by DEQ's dismissive response because I had provided the case manager (Cathy Brown) with a lot of background information (about the CSD's history of waste violations). She was clearly unwilling to ask hard questions and hold the CSD manager accountable for the violations I had documented.

I've also frequently found waste violations in dumpsters on the OSU campus and at a Philomath school. This includes significant quantities of hazardous chemicals (e.g. epoxies, paints and solvents), a refrigerator, and electronic devices. I'd be remiss if I didn't also mention the enormous quantities of perfectly functional items that I've observed in dumpsters at our local schools: chalkboards, paper cutters, file cabinets, furniture, scores of bulletin boards, tables, projectors, books, large volumes of clothing (including brand new school T-shirts), science equipment, video cameras, copper wire, new electrical conduit and receptacles, motors, and hundreds of similar items. All of these items could have been easily diverted to Habitat for Humanity's ReStore or OSU's used equipment auction. The CSD's former sustainability coordinator also reported that an entire container load of chairs from Lincoln Elementary was sent to the landfill earlier this year. He had found an organization that was able to reuse them, but the CSD's facilities manager overruled him and had them crushed and sent to the landfill. Sadly, this is how the CSD has operated for decades.

I wanted to share these stories with you because they help to illustrate a number of very important points:

- **There are enormous opportunities to reduce solid waste, but our community leaders and public institutions seem to lack the political resolve to anything about it.** In many cases, 70-80% of the waste in dumpsters consists of items and materials that could be easily diverted for recycling or reuse.
- As my dumpster finds and the history of HP's inkjet cartridge disposal show, **we must assume there's a considerable amount of hazardous waste going into the landfill on a regular basis.** This hidden, hazardous waste stream has been going on for many decades, without acknowledgement by either the landfill operators, county staff, or DEQ (as far as I'm aware).
- **I believe the waste violations I've documented constitute a breach of the landfill's operating permit with DEQ.** In the most recent case involving the dumpster at CV, the dumpsters were apparently still hauled to the landfill even though I reported they contained fluorescent light tubes (which had not been removed). **Without**

regular audits to ensure compliance, Republic Services has no idea whether or not they are violating their DEQ operating permit.

- **There are considerable procedural and bureaucratic hurdles to reporting violations to DEQ concerning the landfill and waste disposal.** I spent a lot of time making phone calls and filling out DEQ complaints - and yet they were largely unresponsive and unwilling to take corrective action. This bureaucratic indifference discourages people from submitting complaints.

Though I've focused this message on violations of our laws governing waste disposal, the landfill operation has impacted my life in numerous, adverse ways. This includes offensive odors (on hundreds of occasions through the years), substantial quantities of litter on the roadway and along the roads leading to the landfill, dangerous loads being hauled to the landfill (a neighbor's wife was killed when she was hit by a trailer that came loose from someone returning from the landfill), increased traffic volumes and wear on our roads, and the substantial, irreversible changes to the character of our surrounding community due to the growing size of the landfill operation.

Thanks for considering my input,

Doug Pollock



Corvallis

REDICK Daniel

From: Ken Eklund [REDACTED]
Sent: Thursday, October 6, 2022 10:34 AM
To: Benton County Talks Trash
Subject: "Common Understandings" document for the Workgroup and appropriate subcommittees
Attachments: SWWG-commonunderstandings-SWAC.pdf

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.

Hello,

On behalf of the Solid Waste Advisory Council I am providing you our "Common Understandings" document, for use in your draft products. This is the same document as provided to the Facilitator's staff earlier at their request, just in a different format (this is in PDF format). This "official" version should supplement an earlier version. In particular it should be provided to the subcommittee addressing Common Understandings.

Thanks,

Ken Eklund
Chair, Solid Waste Advisory Council

Ken Eklund, writerguy

Creator of
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Common Understandings:

Subject Areas for Understanding the Coffin Butte Landfill and the Solid Waste Futures for Benton County

Expressed as questions to be answered

Like the Solid Waste Workgroup, the Solid Waste Advisory Council and the Disposal Site Advisory Committee of Benton County seek “common understandings” about the landfill and the future of solid waste in Benton County, and we’re guided in this by the county community, county staff, and various citizens’ groups. For the Workgroup, we have compiled a list of the common understandings that we are seeking, which includes questions we’ve received from the community. The understandings being sought are best expressed as questions that must be answered before we can begin work on solving the issues themselves.

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A key part of our quest for information is (a) we are seeking better, more future-oriented viewpoints and insights and (b) we are seeking better visualization of the information. What information exists is typically presented in “snapshots” when it would be more accurate to show it as flows from one state of being to another. What information exists is also typically presented in its hardest-to-parse form: a table of numbers rather than a graph, a sentence rather

than a photo, etc. For understandings to be common, they must be expressed in forms that make them commonly understood.

We hope these questions and the deep dives about them are useful to the Workgroup, and that the Workgroup can use its special status to highlight the need for better answers than we currently have for them, and persevere until those better answers emerge.

Approved October 5, 2022
The Solid Waste Advisory Council of Benton County

Coffin Butte Landfill Capacity/Operating Life: “When is the landfill expected to close?”

This fundamental bit of information has not been answered; there is currently no common understanding about when, under the status quo, the landfill will run out of capacity and close.

Four factors in answering this fundamental question:

1. Factor 1: What is the current capacity of the landfill?

Discussion: As established in the last DSAC meeting, the capacity stated in the most recent Coffin Butte Landfill annual report (17.6 M cubic yards left, 38.7M cubic yards total) is not accurate / is misleading: this capacity will only be available by the year 2030 at the earliest, and it assumes that quarry operations have continued through those years (increasing capacity) without interference from landfill operations. The non-quarry part of the landfill is set to fill by the year 2025, however, and then presumably landfilling must move into the quarry area and disrupt/end operations.

As established in a past DSAC meeting, the capacity that Republic has reported to the Environmental Protection Agency is also suspect. That number for total metric ton volume changes from 26.7M in 2016 to 35.5M in 2017, and no one seems to be able to explain this sudden increase in capacity. The landfill representative stated the Republic corporate office provides those numbers to the EPA.

Clear understanding is also confounded due to the various metrics invoked. The core metric for capacity is volume, but you will hear capacity expressed in units of weight (tons) or of time (years), and these expressions contain hidden assumptions about esoteric conversion factors. How many tons in a cubic yard? for new garbage vs. emplaced garbage? What is the volume differential between a ton of quarried rock vs. a ton of garbage? What is the assumed intake rate for each “year” of volume? And so on.

Specific questions to be answered, to determine “When is the landfill expected to close”:

- How often are LIDAR volumetric assessments performed? Have these measurements been independently verified?
- What is the area of the open (active) cell?
- What is the current usable airspace volume of the open (active) cell?
- What is the current usable airspace volume of Cell 6 (quarry)?
- What is the volume extraction rate for Cell 6 due to ongoing quarry operations? What is its extraction history?
- What is the intake volume history?
- What is the expected intake volume over the remaining landfill lifetime?

- What is the delay time in tabulating intake volume by weight?
- What penalties if any will be applied if the annual tonnage cap is exceeded in the future? Are these penalties sufficient to disincentivize runaway intake?

2. Factor 2: What is the current fill rate of the landfill?

Discussion: To calculate its estimate of the life of the landfill, Republic uses an average disposal rate of 750K tons per year in the 2021 landfill annual report. The last year intake was that low, however, was 2016. After annual intakes of 853K tons (2017) and 937K tons (2019) the current fill rate (2022) appears to be on course for 1.1M tons – almost 50% over the “750K” estimate.

Specific questions:

- What is the intake volume history?
- What is the expected intake volume over the remaining landfill lifetime?
- How close each year has the intake come to the cap?

3. Factor 3: How will the capacity of the landfill likely change in the future?

Discussion: There are factors such as quarry operations and “settlement” (gasification of garbage) that cause the landfill capacity to fluctuate over time.

4. Factor 4: How will the fill rate of the landfill likely change in the future?

Discussion: Theoretically, the landfill currently has an intake cap of 1.1M tons a year, but (a) it’s unclear if that cap has actual penalties associated with it or is just on paper, and (b) by the 2020 franchise agreement, that cap is removed if any landfill expansion is permitted. Also (c), there appear to be loopholes by which garbage can be taken in yet not count toward the cap.

Coffin Butte Landfill Environmental Impacts:

“What is the environmental cost of the landfill?”

The environmental cost of the landfill is a fundamental part of the cost-benefit analysis of the landfill, but not commonly understood at all.

Not unexpectedly, environmental factors typically do not appear in official communications about the landfill. The word “methane” for example does not appear in the latest landfill annual report, nor the acronym “PFAS.”

It’s important here to differentiate the environmental costs of the landfill from the environmental regulations on the landfill. It’s insufficient, in other words, to claim that “regulations were followed” and therefore to assert no significant environmental harm is taking place. Laws and policies are imperfect; they lag behind actual conditions on the ground; judging compliance with laws is fraught with error; and so on; this is all commonly understood.

A salient example: an expansion attempt by the Riverbend landfill in Yamhill County failed because, although the landfill asserted that it was following regulations regarding flyaway trash, the courts determined that trash was still flying away and neighboring properties were being actively harmed. That landfill has stopped operations and the local community has initiated proceedings to force it to close.

A partial list of environmental cost areas, to answer this fundamental question:

1. Leachate: the landfill produces leachate, which is toxic. What are the costs of leachate?
 - a. What is the generated volume of leachate? How much of this comes from the primary collection system and how much from the secondary?
 - b. What is the composition of leachate?
 - c. What are the levels of PFAS (“forever chemicals”) in leachate?
 - d. How much does it cost to process (pump out, store, ship, etc.) leachate?
 - e. How much does it cost to have leachate disposed of? Where is it taken to be treated? (City of Corvallis? Salem?) What is ‘Plan B’ if the leachate can no longer be disposed of locally?
 - f. How long will the landfill be generating leachate? How will the rate of leachate production change year by year in the future?
 - g. Who will be paying the costs of leachate over time?
 - h. How much leachate is bypassing the collection system? How much is or will be polluting the groundwater?
2. Waste gases: the landfill generates landfill gas, which contains methane, carbon dioxide, hydrogen sulfide and other gases. Some of this gas is recovered; whatever is not recovered leaks into the atmosphere. (Landfill experts estimate that recovery systems only collect around a quarter of landfill gas produced, on average.)

The landfill also operates a cogeneration plant, which burns landfill gas and produces exhaust. The landfill also operates two flare stacks, which burn landfill gas and produces waste gases. What are the costs of all these landfill, exhaust, and waste gases?

- a. What are the volumes and composition of gaseous emissions of the landfill?
- b. Presence of water increases the anaerobic activity that generates landfill gas. How does the output of the Coffin Butte Landfill, which is in an area of moderate rainfall, compare with landfills in low-rainfall areas?
- c. Methane: methane is a potent, destructive short-term greenhouse gas, and methane emissions from landfills are a significant contributor to global warming worldwide. Unit for unit, methane is considered to be 86x more destructive in short-term greenhouse effects than carbon dioxide. The EPA has estimated that methane emissions from landfills are understated by at least a factor of two, and considers landfills to be one of the three major sources of this potent greenhouse gas in the US, along with agriculture and the oil and gas industry. The Benton County Board of Commissioners has identified addressing methane pollution from the landfill as a priority going forward.
 - i. How much methane is generated in all by the landfill (daily / monthly / yearly)? How much of this is captured?
 - ii. What methods are being used to quantify how much methane is being generated / being captured / leaking from the landfill? Methane detection is notoriously difficult: are there more accurate methods available? Are there direct measurement technologies now available, from aerial or satellite surveys for example? What should we make of the studies that show that collection systems are net-negative, because of their leakage?
 - iii. Landfills convert solid waste to methane over time; a ton of solid waste will continue to generate significant methane for over a decade, usually two. Given the input history of the landfill and the projected intake, what is the projected methane output over the next 40 years?
 - iv. New environmental regulations in the Inflation Reduction Act enable the EPA to regulate greenhouse gases as pollutants. What measures has the landfill taken to reduce its emissions of greenhouse gases?
 - v. New environmental regulations in the Inflation Reduction Act impose a waste emissions penalty of \$1500 a ton on methane leaks in the oil and gas industry. If a similar waste emissions fee is imposed on the landfill, what will the effect be?
- d. Carbon dioxide: carbon dioxide is a greenhouse gas; carbon dioxide emissions are the prime driver of climate damage. Carbon dioxide is a slow-acting but long-lived greenhouse gas.

- i. How much carbon dioxide is generated by the landfill (daily/monthly/yearly)?
 - ii. Landfills convert solid waste to carbon dioxide over time; a ton of solid waste will continue to generate CO₂ for over a decade, usually two. Given the input history of the landfill and the projected intake, what is the projected CO₂ output over the next 40 years?
 - e. Hydrogen sulfide: this gas has a strong disagreeable odor, even in trace amounts. Its common name is “stinkdamp.”
 - i. Homeowners in the region of the landfill undergo “dump days” when the landfill smell is heavy and it’s unpleasant to go outdoors. What are the atmospheric conditions that cause “dump days”? Will these atmospheric conditions occur more often in a climate-changed future?
 - ii. Landfills convert solid waste to hydrogen sulfide (H₂S) over time; a ton of solid waste will continue to generate H₂S for over a decade, usually two. Given the input history of the landfill and the projected intake, what is the projected H₂S output over the next 40 years?
 - f. Other gases: what other gases are produced by the landfill? What are their health and environmental effects?
 - g. Particulate emissions: waste gases and exhaust from flaring/burning landfill gas.
 - i. What is the volume and composition of particulate emissions?
 - ii. Are there health or environmental effects from these gases?
 - iii. Will output of these waste gases increase as we move into the future?
 - h. Particulate emissions: dust from alternate daily cover, including Covanta ash.
 - i. What is the volume and composition of dust and other particulates generated by the landfill?
 - ii. Are there health or environmental effects from these particulates?
 - iii. Do these effects increase over time, as dust and particulates accumulate around the landfill?
 - iv. Are studies being done to measure these accumulations in organisms around the landfill? If not, why not?
3. Wildlife impacts: the landfill disrupts the natural environment. What are the costs of disrupting the area ecosystems?
- a. We have heard reports of abandoned nests/young at the northern heron rookery earlier this year. What were the results of heron rookery monitoring during 2022? Have these results been reported to ODFW?

accumulates in large amounts in area properties and along roadways. What are the costs of this pollution? Who pays them?

8. Long-term impacts (impacts that last 100 or 1000 years or more)
 - a. The landfill creates a “dead zone” hundreds of acres big, where no other land use can take place. What is the long-term cost of that?
 - b. The landfill has “mature areas” already, in which garbage cells have been filled, covered over with plastic, and then covered with a layer of dirt and planted with grass. Do they require maintenance to prevent trees and other large plants from taking root there, and penetrating the landfill liner with their roots?
 - c. The landfill creates a “avoidance zone” possibly thousands of acres big, where land uses are proscribed due to the inevitability that leachate will enter the groundwater and create an underground plume of contamination. What is the long-term cost of that?
 - d. The landfill creates an enduring maintenance situation regarding pollutants and toxics. One example: leachate. Rain falls on the landfill every year and creates more leachate, which must be pumped out and disposed of properly, or else it will overflow into the surrounding land and its groundwater. There are similar effects for landfill gases and microplastics. How long must these maintenance tasks continue? What is the long-term cost of these and other maintenance?
 - e. The landfill creates an enduring replenishment situation. Its wells for leachate and gas processing, for example, have relatively short lives and must be regularly replaced. How long must these maintenance tasks continue? What is the long-term cost of these and other maintenance?
 - f. The landfill creates an enduring public security situation. Its supporting systems must be continuously protected from vandalism and unintentional damage and from natural degradation. Each breach in its cap, for example, will let in more rainwater, thus adding to the maintenance burden. Misguided or rogue drilling or mining could breach the bottom liner layer. What is the long-term risk of this?
 - g. Long-term risks and costs like these are subject to a “future discount,” i.e., a degree to which they are reduced because it is assumed that our descendants will be better able to handle the burdens than we are. Long-term risks and costs like these are also often minimized or dismissed because our descendants are not here yet and therefore cannot speak up in their own defense. If a future discount is being applied to these costs, what is it? How was that number derived? Or are these costs and risks being discounted for the second reason?

Warning sign text for long-term waste disposal sites

THIS PLACE IS A MESSAGE.
AND PART OF A SYSTEM OF MESSAGES. PAY ATTENTION TO IT!
SENDING THIS MESSAGE WAS IMPORTANT TO US.
WE CONSIDERED OURSELVES TO BE
A POWERFUL CULTURE.
THIS PLACE IS NOT
A PLACE OF
HONOR.
NO HIGHLY ESTEEMED DEED
IS COMMEMORATED HERE.
NOTHING VALUED IS HERE.
WHAT IS HERE WAS DANGEROUS
AND REPULSIVE TO US.
THIS MESSAGE IS A WARNING ABOUT DANGER.
THE DANGER IS IN A PARTICULAR LOCATION.
IT INCREASES TOWARDS A CENTER.
THE CENTER OF
DANGER IS HERE.
OF A PARTICULAR SIZE AND SHAPE,
AND BELOW US.
THE DANGER IS STILL PRESENT,
IN YOUR TIME, AS IT WAS IN OURS.
THE DANGER IS TO THE BODY, AND IT CAN KILL.
THE DANGER IS UNLEASHED IF YOU
SUBSTANTIALLY DISTURB THIS PLACE PHYSICALLY.
THIS PLACE IS BEST SHUNNED
AND LEFT UNINHABITED.

Coffin Butte Landfill Operational Impacts:

“What are the rules that govern the landfill? Is it complying?”

The landfill currently operates as a regulated nuisance, or disamenity – that is, its operations are known to negatively affect neighbors, visitors, the community and the region, but these impacts are theoretically kept at or below tolerable levels, and the community and public-at-large protected, by regulations pertaining to the landfill’s various permits to operate. Compliance (or not) with these regulations is a fundamental part of the cost-benefit equation of the landfill.

Permitted operation of the landfill relies on effective oversight and enforcement of the regulations that pertain to its operations – this is also a fundamental part of the cost-benefit equation of the landfill.

It’s important, therefore, for there to be a common understanding of the legal and economic envelopes that the landfill operates in, both as a theoretical construct and how it actually plays out in reality.

It’s especially important for there to be a common understanding of how the legal and economic envelopes of the landfill extend and change into the future, because the landfill will be a negative presence on the community and the region for hundreds or thousands of years.

Specific questions related to understanding regulations on and compliance status of the landfill:

Coffin Butte Landfill Impact: Benton County Resources and Infrastructure

1. How do the current landfill traffic volumes (vehicles per day by type and total transported tonnage) compare to the baseline documented in the 2001 Baseline Study?

Coffin Butte Landfill Impact: Benton County Citizens and Landfill Neighbors

1. How do the sale prices of private properties sold to the Valley Landfills, Inc. over the past 40 years compare to similar properties not located near the landfill?

Regulatory: EPA & Oregon DEQ

1. What are the current governing permits and regulations?
2. What expected operational lifetime is on record with EPA and ODEQ for Coffin Butte?

Coffin Butte Landfill Closure: Process, Timeline, Operator Liability, Potential Franchisee Resistance

1. What lead time is required for proper closure?
2. What are the primary process steps in closing a landfill such as Coffin Butte?
3. What are the documented costs of closing landfills similar in size to Coffin Butte (e.g. slope and terrain restoration, continued monitoring, containment or removal of toxic material, compensation for damages resulting from environmental hazards, fires, etc.)?
4. What guarantees are in place that the owner will close the landfill upon substantial completion? (i.e., not drag out the process, as is happening with the Riverbend landfill)

5. What guarantees are in place that the landfill owner will not declare bankruptcy and abandon the landfill?

Franchisee Business Impact

1. What is the gross profit ratio for Republic Services landfill operations nationwide in the US? For the Coffin Butte Landfill?
2. What is the annual gross revenue for Republic Services landfill operations in the US, and how does this compare to the annual gross revenue for nationwide collection operations?

Business and Legal Envelopes

1. What are the current hours of operation (i.e. daily first employee arrival time – last employee leave time - daily)? What are the hours in which heavy equipment is active? What are the permitted hours of operation according to the current franchise agreement? What is the process by which these regulations are enforced?
2. What solid waste management plans has Benton County produced since the landfill was first permitted in 1974? What is the history of compliance to those plans?
3. What intake content monitoring measures are used (per load, sampling, open cell deposits, etc.)? How soon are those measurements released to the county and the public?
4. What are the current controlling documents for landfill operations (franchise agreement(s), site development plans, etc.)?
5. What are the inflow sources with weight and distance metrics (map form would be helpful)?
6. In the previous CUP application, Valley Landfills Inc. was listed as the applicant even though the application was submitted by Republic Services Inc. Which company is legally responsible, in perpetuity, for remediation of any environmental problems that may arise in the future? In other words, if Republic eventually sells or otherwise divests its financial interest in VLI, would Republic remain liable? Or would the liability be spun off to VLI?
7. Is Republic legally obligated to honor commitments made by its subsidiaries (VLI, Allied Waste etc.) during the application process for previous expansions that were allowed by the county?
8. What are the terms of Republic's lease agreement with Knife River Corporation, in terms of time period for excavation?
9. Knife River Corporation operates multiple quarries in the mid-Willamette Valley region. Are production rates at these other quarries reported to the state and/or counties? Or can the company make the numbers for recent years available to the Benton County working group?

10. What are the rules that govern the post-operational state of landfill components? What is the final grading plan and when will it be implemented?
11. What are the plans for reclamation of the 700+ acres of landfill? When does Republic plan to establish native vegetation on existing cells of the present landfill? Are there plans / Is there an obligation to make the area a wildlife habitat? Are there plans to make fishing ponds?

Coffin Butte Landfill Public Safety Impacts:

“What risks does the landfill create for the county?”

An operation as large as the Coffin Butte Landfill creates risks on a similar scale. These risks pose a conundrum, because they are often quite easy to hide or downplay, and it can be quite profitable to do so. It’s a common understanding that entire industries exist because they successfully acquire profit while generating risk and shifting it away from themselves, to other people, other places, other legal entities or to the future.

It’s vital therefore to establish a common understanding of the risks created by the landfill’s existence and operation, and how those risks will change over time. It’s especially vital to acknowledge that the modern landfill carries with it a large amount of unknown risk, because it contains materials that have never been landfilled before in such quantities or in combination, it contains materials whose toxic properties are not understood, and the landfill structures themselves are recent innovations and have not been field-tested for the timespans that this landfill will undergo.

Specific questions about landfill risks:

1. Risks of Fire, including persistent fire

- a. What is the fire history of the landfill?
- b. What is the risk of a subsurface fire that could persist for months or years?
(Example: the multi-year, \$200M fire at the Bridgeton landfill in Missouri. How did that dump fire start?)
- c. What gaseous and particulate emissions typically result from landfill fires?
- d. Given that methane is a flammable gas, what is the relationship between methane generation and fire risk?
- e. The cogeneration plant actively extracts methane from the landfill, which draws air (oxygen) into the landfill. This is known to increase the danger of fire. What steps are in place to make sure a mistake or malfunction does not create an explosive situation? Does the cogeneration operation’s desire for profit cause increasing risk to the landfill and the area?
- f. Does methane generation increase with warmer weather? Will an increasing number of hot days cause a corresponding increase in fire danger?
- g. What emergency plans are in place in case of fire? What precautions have been taken?
- h. What training is necessary to limit risk to fire crews when fighting a landfill fire?
- i. Does the risk of fire increase if the landfill expands?

2. Risks of Earthquake

- a. What magnitude earthquake are the slopes of the landfill expected to withstand? Specifically, will an earthquake collapse the south slope onto Coffin Butte Road? How susceptible is the landfill to liquefaction?
 - b. How susceptible is the landfill infrastructure (gas collection systems, leachate collection systems, cogeneration plant, and so on) to earthquake? What are the harms if systems are damaged or destroyed?
 - c. What emergency plans are in place in case of earthquake?
- 3. Risks from Hazardous Waste**
- a. How is hazardous waste officially defined?
 - b. How much hazardous material is received annually and what is it constituted of?
 - c. What safeguards are in place to prevent hazardous materials from entering the landfill?
- 4. Risks from PFAS, a class of persistent organic pollutants (“forever chemicals”) commonly used since 1940 in items that are commonly landfilled. PFAS are an emerging focus of health concerns, as we now know that PFAS accumulates in human tissue and exposure to it has been linked so far to increased risk of decreased antibody response, dyslipidemia (abnormally high cholesterol), decreased infant and fetal growth, and increased risk of kidney cancer, and other health impacts are likely to emerge. Concerns include health harms and economic harm from litigations**
- a. What studies have been done to identify the level of PFAS in the landfill? in leachate?
 - b. What plans are in place to prevent more PFAS from entering the landfill?
 - c. Do PFAS escape the landfill in leachate? In landfill gas? In other ways?
- 5. Risks from Flood – especially extreme flood conditions, which are becoming more prevalent as the climate changes**
- a. What level of rainfall will overwhelm the landfill’s leachate collection systems?
 - b. Will an “internal flood” cause stress to or overflow the landfill’s liner system? Will it potentially lead to leachate leaking into groundwater?
 - c. What plans are in place to prevent internal flooding of the landfill?
 - d. Have studies been done to pre-visualize the effects of extreme flooding (and other extreme weather) on landfill integrity and operations?
 - e. Does the risk of flooding increase if the landfill expands?
- 6. Risks of Extended Power Outages**

- a. What are the effects of power outages on landfill operations, especially necessary operations such as gas collection and leachate pumping? What studies or plans have been done to prepare for an extended power outage?

7. Risks of Concatenating Disasters

- a. What studies or plans have been done to prepare for situations where more than one disaster is happening, i.e., if a heat dome causes a power failure which starts a wildfire that jumps to the methane leaks of the landfill? Or an earthquake causes an extended power failure, critical damage to the landfill infrastructure, and a wildfire, which prevents emergency response?

8. Groundwater contamination

- a. Groundwater contamination is not a risk, it is an inevitability – the liner and other barriers to contamination will fail in time, and leachate and other contaminants from the landfill will enter the groundwater directly (the landfill currently sits directly on the water table). What are our best estimates as to that risk level currently? How does the probability increase over time?
- b. What are examples of liner failures at other landfills?
- c. What happens when this failure occurs? How will this failure be detected? How will the damage spread?
- d. What is the history of groundwater contamination at the landfill site?

Coffin Butte Landfill Economic Impacts: **“What are the economic effects of the landfill?”**

Customer Interests: “What effect does the landfill currently have on collection rates in the county? On recycling rates? What are the alternatives to landfilling and how do their rates compare?”

1. How do Benton County garbage collection rates compare to other Oregon counties?
2. How do Benton County recycling rates compare to other Oregon counties?
3. How do Benton County per-capita waste disposal volumes compare to other Oregon counties?
4. What rate changes did the residents of Yamhill county experience once the Riverbend landfill closure was underway?
5. Is Republic’s profit motive (the desire not to end quarry operations) a driving factor in their quest for expanding the landfill? Is the company seeking new landfill area so that they can delay using the already approved landfill area?
6. If the landfill decides to pursue an alternate means of disposal, in order to protect the profitability of its surface mining (quarry), will the extra cost for that be imposed on Benton County residents? Will the county act to prevent that from happening? Does the county have the legal protections in place to be able to do so?

Coffin Butte Landfill Future Directions:

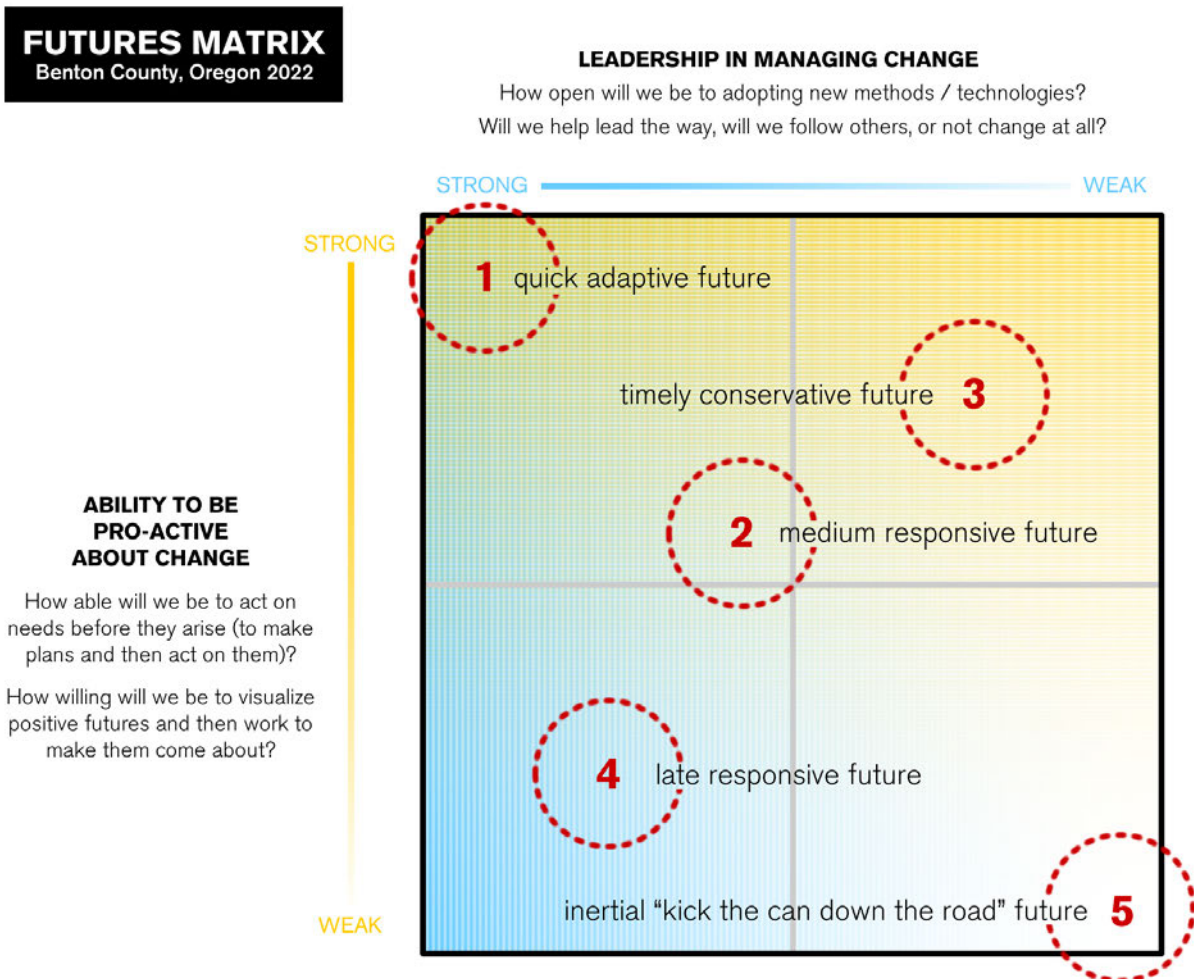
“What are our options as we move into the future?”

Another fundamental (perhaps the most fundamental) bit of information about the county’s solid waste future is: what are our options? In other words, what happens if we do nothing? What happens if we do something? What happens if we do a third thing? And so on.

All roads of this document lead here: all the other understandings lead us to favor choosing one possible future over another. If the landfill is generating significant amounts of climate-damaging methane, for example, we favor choosing a future which generates less.

It can be difficult to arrive at common understandings about possible futures, because (a) people have widely varying comfort levels with even thinking about possible futures, (b) people have widely varying comfort levels with imagining possible futures, and (c) possible futures are best made understandable as part of narratives, and creating good narratives is a fairly rare skill. Futurethinking is hard, and telling complex stories is hard, which empowers overly simplistic options such as doing nothing.

THE FUTURES MATRIX



The “futures matrix” is a tool to help people begin futurethinking about a situation. To use a matrix, first identify two major forces in the situation, and then plot the four possible binary outcomes based on whether these forces will prove to both be strong, or one is strong and the other weak, or both are weak.

For Benton County’s solid waste future, the two key drivers are (1) our collective ability to be open to making changes and (2) our collective ability to be pro-active toward making changes. You can think about these as:

1. **Will the county lead, or will it follow (or not choose change at all)? and**
2. **Will the county make changes on its own initiative or only when forced to by outside circumstances?**

The question about expanding the landfill doesn’t appear on this matrix. That’s because expansion/no expansion is not really a futures question – that is, it doesn’t directly address the future of solid waste in Benton County. Whether or not a landfill expansion is approved, the county community still faces the challenges posed in this matrix. The expansion would just “kick the (trash) can down the road” (see Futures 4 and 5, below).

Let’s look at the five futures called out in circles on the matrix:

FUTURE 1: the quick adaptive future

In this future, the county is strongly pro-active about changing the way it manages solid waste and strong in showing leadership in evaluating and adopting new methods for sustainable materials management.

- a. Benton County knows the landfill is filling up... and also:
 - i. The county realizes the risks that the landfill may close prematurely (by legislation, litigation, shifting economics, and so on)...
 - ii. The county realizes the risks that the landfill may be closed (by fire, toxics breach, systems failure, and so on)...
 - iii. The county begins to quantify the future costs of the landfill.
- b. ...so it begins an aggressive program of waste reduction as a transition to its post-landfill future, as a way to pre-emptively reduce the amount of trash the county produces, which the county will have to deal with when the landfill inevitably closes. This also is the county’s best course of action to be resilient in the event of “premature” landfill closure.
- c. ...the county begins to assess its post-landfill options, such as building a truck-to-rail transfer station, so that it has a way to gather competitive bids for the solid waste that cannot be recycled or reprocessed or otherwise diverted from the wastestream. This also increases the county’s resilience in the event of landfill closure.

FUTURE 2: the medium responsive future

In this future, the county is somewhat pro-active about changing the way it manages solid waste and middle-of-the-pack in evaluating and adopting methods for sustainable materials management.

- a. Benton County knows the landfill is filling up, so it works toward waste reduction as a transition to its post-landfill future, as a way to reduce the amount of trash the county produces (and will have to deal with) when the landfill closes.
- b. Benton County knows the landfill is filling up, so it begins to assess its post-landfill options, such as building a truck-to-rail transfer station, so that it has a way to gather competitive bids for the solid waste that it cannot recycle or reprocess or otherwise divert from the wastestream.

FUTURE 3: the timely conservative future

In this future, the county is strong in showing leadership in evaluating and adopting new methods for sustainable materials management, but weak in actually implementing those changes. It splashes around in the shallow end of change.

- a. Benton County knows the landfill is filling up, so it develops a robust plan for transition to its post-landfill future, but is unable or unwilling to make the plan effectual, and still has a large amount of county trash to manage as the landfill closes.
- b. Benton County knows the landfill is filling up, so it assesses its post-landfill options (such as building a truck-to-rail transit station), but is unable or unwilling to make the post-landfill plan a reality.

FUTURE 4: the late responsive future

In this future, the county is weak in being pro-active about the necessity for change, but at some point the crisis cannot be ignored any longer, and then the county is quite willing to adopt bold new methods for sustainable materials management. It's asleep at the wheel at first, but then wakes up.

- a. Benton County knows the landfill is filling up, but it dithers in implementing a robust plan for transition to its post-landfill future until the last minute. It therefore has a large amount of county trash to manage all the way along and as the landfill closes.
- b. Benton County knows the landfill is filling up, but it is late in assessing its post-landfill options. Its options with long lead times (such as building a truck-to-rail transit station) are therefore off the table when it comes time to act.

FUTURE 5: the inertial, “kick the can down the road” future

In this future, the county is weak in showing leadership in evaluating and adopting new methods for sustainable materials management, and weak in being pro-active and anticipating the necessity of change. If this future seems familiar, it's because we are currently in this future: ten years ago, Benton County chose Future 5; twenty years ago, Benton County chose Future 5; and so on. That's the reason the county does not have a current Solid Waste Management Plan nor a coherent assessment of the landfill's risks and costs.

A key aspect of this future has been the county's loss of control over data about the landfill, especially independently derived data, and a lack of vision about alternatives to landfilling and ways to reduce landfilling.

- a. Benton County doesn't act as the landfill fills up.
- b. Benton County has no roadmap for its post-landfill options.

To return to the question we started with: “What are our options as we move into the future?”

1. **The Benton County community can decide to lead the way in evolving how it manages solid waste; or it can decide to follow as others lead the way; or it can do nothing. Which should it do?**
2. **The Benton County community can decide to be pro-active in its evolution away from landfilling; or it can wait until the situation becomes more urgent; or it can do nothing. Which should it do?**

Coffin Butte Landfill Future Directions, Next Steps: “What are our next steps as we move toward a more desirable future?”

One way to make it easier to futurethink about solid waste management is to break down each possible future into discrete steps, and then to focus on just the next steps for each. That way you don't have to be daunted by the exact route, you just need to be reasonably sure you're moving in the right direction. And you can remain open to new opportunities as they arise.

Specific ideas about next steps for the landfill and beyond:

1. Obtain independent, third-party, reliable data about key parameters relating to our waste stream and its effects.
2. Communicate with others who are also evaluating their options for their waste streams. Other counties in Oregon (and other entities across the nation and the world) are already operating successfully without a local landfill, and others are in the process of making the transition to post-landfill living. We can learn from their experience.
3. Study possible actions to take, and share that information. Some examples for Benton County: an intermodal transfer facility (which enables waste to be shipped more efficiently by rail); a materials recovery facility for construction debris; a materials recovery facility for advanced recycling; a waste-to-energy facility; upstream waste materials reduction policies; and so on. Net Zero and other strategies already exist, and they use policy and technology to begin to control and minimize damage from the county waste stream.
4. Hire a consultant who specializes in these transitions, to advise us.
5. Don't be afraid to engage the public at large. Asking “what if” is a game that anyone can play, and our ideas and values matter when envisioning a future and taking the first step, and then the next, and then the next, on the path to get there.



Approved October 5, 2022
The Solid Waste Advisory Council of Benton County

- end -

REDICK Daniel

From: Joel Geier [REDACTED]
Sent: Friday, October 7, 2022 4:19 PM
To: Benton County Talks Trash
Cc: NICHOLS Darren; Ken Eklund; Rana Foster; REDICK Daniel; Marge Popp; Sam Imperati
Subject: Forwarding question about lack of transfer stations and recycling/returnable options in rural Benton County in connection with new Oregon legislation

Dear Work Group members:

I received a series of thoughtful questions (see below) from Rana Foster, a longtime Benton County resident. As you can see, Ms. Foster originally sent these questions to Daniel Redick nearly a month ago, requesting that they be brought to the attention of SWAC at the scheduled September meeting.

That meeting (originally scheduled for September 28th) was canceled on short notice by the Development Department, then reinstated and re-scheduled for October 5th, only to be canceled again by the Board of Commissioners on October 4th.

I'm forwarding this as a community-member comment for consideration and response on the agenda of our next Work Group meeting. This kind of request from community members would normally be handled by SWAC. I hope that the "common table" of the Work Group is able to accommodate and respond to such requests in an expedient manner that serves the rights and interests of Benton County residents.

Ms. Foster's questions (with minor reformatting and edits for clarity) are given below.

Thanks,
Joel

Sept 11, 2022

Dear Mr. Redick,
For SWAC agenda item for the next Sept. 2022 meeting regarding Recycling and Rural Transfer stations.

Can SWAC have an update if they have not done this this year, on the new Oregon state legislation on the status of point-source manufacturer being required to work to reclaim and reuse product packaging materials -- what type of plastics or other packaging materials are involved in this legislation?

What types of plastic is Rep Service saying they can not recycle due to lack of market for plastic? Are any of the materials in State of Oregon legislation unable to be reclaimed by Republic Services due to loss of transfer stations in rural unincorporated areas of Benton County?

Does the container re-use state legislation mandate, or does the Benton County Franchise Hauling Agreement mandate, that Republic Service should work to collect the types of plastic and other packaging materials designated in this state container re-use law, to go back to a recycling business for designated re-use, or to the packaging's original manufacturers?

If Republic Service is hired under the updated 2022 Benton County hauling franchise agreement to pick up trash and state-legislated reclaimable items in rural unincorporated areas, and many rural trash and recycling transfer stations are closed, will the County work to reopen these transfer stations, to remain in compliance with the new state legislation?

City of Eugene and Lane County are able to recover, by recycling at trash pick-up stations, more types of plastic and other packaging materials than Corvallis and possibly Benton County.

In the Republic Service service area for franchise-agreement pick up and hauling from unincorporated areas, pick up points have been reduced, or no longer exist.

Can SWAC please ask the county to reestablish the closed rural and unincorporated waste transfer sites under the renewed Franchise Hauling agreement for rural trash pick up?

The Franchise Hauling agreement in rural areas may be a large part of Republic Services' business in Benton County, and it is currently not working to reduce the flow of recyclable materials into the Coffin Butte landfill. If residents are unable to recycle and just toss everything into the landfill from rural unincorporated areas with no waste transfer stations, they should be able to recycle under new Oregon container reuse/retrieval legislation.

Rep. Services is offering a Master Recycling Class. Can this class be used to reestablish/reopen the closed rural waste transfer stations in Benton County and its outlying, unincorporated trash pick up routes, in order to collect recyclables and materials covered under the State of Oregon container and packaging, recovery and reuse law?

Thanks, Rana

--
Joel Geier
SWAC representative to the Work Group

From: REDICK Daniel
Sent: Thursday, October 13, 2022 4:55 PM
To: marge popp [REDACTED]; 'Joel Geier' [REDACTED]
Cc: Ken Eklund [REDACTED]
Subject: SWAC Work Session Scheduling - Work Group Liaison

Hi Marge and Joel,

SWAC will have the opportunity to have one-hour work sessions between each Work Group meeting (twice monthly), so that SWAC's work group representatives can liaison with rest of SWAC. Are you available to meet with SWAC on October 26th from 6-7pm (one-day ahead of the work group meeting)? Please let me know if there are other days or times that would work better for you to meet with SWAC ahead of the October 27th work group meeting, considering your availability and preparation needs for the work group meeting.

The only agenda item will be the work group liaison opportunity, so please be prepared share and receive feedback. If you have any materials you'd like to share with the group for their consideration, please send them over and I will include them in the meeting packet.

At the SWAC work session, the group can also discuss the preferred timing for additional one-hour SWAC work sessions ahead of following work group meetings. Please respond to me directly with your thoughts on which days and times work best (without CC'ing others), and I will work with Chair Eklund to schedule a meeting time that works best for the group.

Thank you,

<image001.png>

Daniel Redick *he/him*
Solid Waste & Water Quality Program Coordinator
Community Development
Phone: 541-766-6819
Email: daniel.redick@co.benton.or.us
www.co.benton.or.us

Community Development has moved to the Kalapuya Building at [4500 SW Research Way, 2nd Floor](#). Come see the new space; we are officially open for business!

REDICK Daniel

From: REDICK Daniel
Sent: Friday, October 14, 2022 10:05 AM
To: 'Joel Geier'
Cc: CRONEY Vance M
Subject: RE: SWAC Work Session Scheduling - Work Group Liaison

Thanks, Joel!

I will pass these ideas along, and I'll include them in the SWAC meeting packet as well if that works for you.

Regarding #2, I hear your feedback on the inconsistencies between the guidance for SWAC/DSAC and the work group regarding email communications. We have received specific guidance from County Counsel that email communications should not take place between a quorum of SWAC/DSAC members. In my role as staff for the advisory groups, I am trying my best to help everyone navigate those requirements. County Counsel said that the Work Group is not considered a "governing body" and does not have the same requirements as SWAC/DSAC under Public Meeting Law, and while I still recommend that all communications in that group observe public meeting law standards, I am primarily focused on helping SWAC/DSAC navigate their requirements.

I hope that is helpful background for #2, and I look forward to working with the group on finding solutions for these liaison opportunities!

Thanks again,



Daniel Redick *he/him*
Solid Waste & Water Quality Program Coordinator
Community Development
Phone: 541-766-6819
Email: daniel.redick@co.benton.or.us
www.co.benton.or.us

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From: Joel Geier [REDACTED]
Sent: Friday, October 14, 2022 9:36 AM
To: REDICK Daniel <daniel.redick@Co.Benton.OR.US>
Subject: Re: SWAC Work Session Scheduling - Work Group Liaison

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Hi Daniel,

My main ideas are fairly simple:

1) SWAC members could all be requested to attend (in person or virtually) at the scheduled trash work group (BCTT) meetings, and be given a reasonable amount of time at the start of each meeting to give their thoughts on the progress of BCTT. By staying on for the full trash group meeting, they would all be kept up-to-date without Marge or I needing to brief them, and they would have a chance to let us know if we're representing their views or if there are key perspectives that we're missing, as part of the public meeting which is already on the calendar. You would just need to add a notice to the SWAC page that a quorum of SWAC members could be at the upcoming BCTT meetings.

2) Alternatively, SWAC could follow BCTT's example and communicate via group e-mails which could be made fully available to the public. This would be exactly consistent with what the BCTT group has been doing: Members have even been encouraged to communicate with the full group in this way. It seems like there are no concerns about those communications being in violation of Oregon's Public Meeting Law. The county counsel has even been party to many of those e-mails, and he seems to be OK with it. So if this is really not a problem for BCTT, perhaps SWAC could be given the same flexibility for discussion of the same topics.

But I expect that other SWAC members will have their own ideas and views on what's workable. So I think it's really best if we can discuss this as a group.

Thanks,
Joel

From: "REDICK Daniel" <daniel.redick@Co.Benton.OR.US>
To: "clearwater" [REDACTED]
Sent: Friday, October 14, 2022 8:29:22 AM
Subject: RE: SWAC Work Session Scheduling - Work Group Liaison

Good morning, Joel!

Thank you, I enjoyed my trip very much, and looking forward to getting back into the swing of things here.

I understand the scheduling issues for November and December, it sounds like you have some really fascinating projects and travel going on! I will pass on your scheduling concerns, and see if this is something any of the Commissioners would like to weigh in on. I'll keep you updated on their attendance, and if it does not look like any Commissioners will be able to join the meeting, please feel free to send me your other ideas and we can try to get a response before the SWAC work session.

Thanks for not CC'ing folks (to help with the Public Meeting Law). I will include this email thread in the packet to share with the rest of the group.

Hope you're having a great week,



Daniel Redick *he/him*
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From: Joel Geier [REDACTED]
Sent: Thursday, October 13, 2022 10:52 PM
To: REDICK Daniel <daniel.redick@Co.Benton.OR.US>
Subject: Re: SWAC Work Session Scheduling - Work Group Liaison

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,

Welcome back from your "deferred" honeymoon, hope you thoroughly enjoyed the trip, and time away from Benton County issues!

About SWAC scheduling, I've already reserved October 26th as the normally scheduled date for our October meeting. So that evening is available on my calendar.

November is going to be much more problematic as I have a very full calendar, including a 10-day trip to Finland. I scheduled this trip with my clients (the Finnish regulatory authorities) after Benton County's "trash group" meeting schedule was posted. While booking that trip, I also assumed that SWAC/DSAC would be meeting according to the normal schedule as posted on the county website (4th Wednesday of every month).

The Finnish trip is part of the formal licensing process for a radioactive-waste repository. We're planning to use this meeting to prepare formal requests for additional information from the license applicant. This is kind of a big deal. If approved, this will be the first permanent repository for spent nuclear fuel to be licensed for operation, anywhere in the world. And as you can imagine, there is considerable public interest in the process. So there is really no way for me to change that meeting, even if my plane tickets were fully refundable (which they aren't).

December will also be a problem, for similar reasons. I've already scheduled a virtual seminar with the Swedish authorities (who are just a few years behind Finland in this process) during the week between the two trash-group meetings. I'll need to be getting up at 4 AM for those days in order to keep the seminar within working hours in Sweden (9 hours ahead). Which means that -- in order to avoid "virtual jet lag" -- I'm going to need to be on an early schedule.

As I stated very directly in my comments to Commissioner Wyse at the last trash group meeting, the idea of having two separate SWAC meetings just for this purpose is very awkward. The idea is really not workable beyond the October SWAC meeting which was already scheduled, and happens to come right before a trash group meeting.

It could be good to invite the Commissioners to join the October 26th SWAC meeting to discuss other alternatives. I understand that they discussed this idea with the trash group facilitator, Sam Imperati, but they haven't discussed it with SWAC as a group. I have some other ideas, but it would really be best to discuss those with the full group on SWAC.

Noting your request not to cc: anyone, I'm replying just to you. But you're welcome to share this message with others.

All the best,
Joel

From: "REDICK Daniel" <daniel.redick@Co.Benton.OR.US>
To: "Marge Popp" <[REDACTED]@clearwater">
Cc: "Ken Eklund" <[REDACTED]>
Sent: Thursday, October 13, 2022 4:55:25 PM
Subject: SWAC Work Session Scheduling - Work Group Liaison

Hi Marge and Joel,

SWAC will have the opportunity to have one-hour work sessions between each Work Group meeting (twice monthly), so that SWAC's work group representatives can liaison with rest of SWAC. Are you available to meet with SWAC on October 26th from 6-7pm (one-day ahead of the work group meeting)? Please let me know if there are other days or times that would work better for you to meet with SWAC ahead of the October 27th work group meeting, considering your availability and preparation needs for the work group meeting.

The only agenda item will be the work group liaison opportunity, so please be prepared share and receive feedback. If you have any materials you'd like to share with the group for their consideration, please send them over and I will include them in the meeting packet.

At the SWAC work session, the group can also discuss the preferred timing for additional one-hour SWAC work sessions ahead of following work group meetings. Please respond to me directly with your thoughts on which days and times work best (without CC'ing others), and I will work with Chair Eklund to schedule a meeting time that works best for the group.

Thank you,



Daniel Redick *he/him*
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REDICK Daniel

From: REDICK Daniel
Sent: Tuesday, October 18, 2022 3:57 PM
To: 'Ken Eklund'
Subject: RE: SWAC Work Session Scheduling - Work Group Liaison

Thanks, Ken!

I'll send out the meeting announcement soon.

I definitely hear you, having group-wide communications go through staff can be burdensome. It is, however, a standard for staff's role in advisory committees, to help the groups safely navigate communications which may otherwise conflict with public meeting laws.

We do not vet or censor communications to SWAC/DSAC, we just redact personal information like email addresses and phone numbers, and then add all communications to the public meeting packet. Staff generally compose any "real time" email communications for timely or urgent items shared with the group outside of the meeting packet (like meeting announcements and updates).

Thanks again,



Daniel Redick *he/him*
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www.co.benton.or.us

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From: Ken Eklund [REDACTED]
Sent: Tuesday, October 18, 2022 12:18 PM
To: REDICK Daniel <daniel.redick@Co.Benton.OR.US>
Subject: Re: SWAC Work Session Scheduling - Work Group Liaison

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Hi Daniel,

By all means, if Marge and Joel have approved a time, you should announce the meeting. I've attached the agenda, in Word format.

Thanks for the reminder about staff's assistance with communications to the rest of the group between meetings. I agree it's the best way to go, and that it will certainly help avoid conflicts with Oregon public meetings law. I do echo,

however, our earlier talks about this: that it's burdensome, especially for staff, and it's a blunt instrument, asserting itself over communications which do not conflict with Oregon public meetings law.

Question: do you vet these communications? Or do they simply pass through you?

Ken

Ken Eklund, writerguy

Creator of
World Without Oil
Ed Zed Omega
FutureCoast
and other storymaking games

On Oct 14, 2022, at 12:14 PM, REDICK Daniel <daniel.redick@Co.Benton.OR.US> wrote:

Hi Ken,

Both Joel and Marge have said that October 26th from 6-7pm will work for this next SWAC work session. If that date and time sounds good to you, I will work on getting that announcement sent out.

Joel has significant scheduling conflicts in November and December, which the Commissioners are also aware of, so we should discuss future scheduling options at some point during the work session.

As a friendly reminder regarding electronic communications, staff will send out all announcements and communications to the rest of the group between meetings, to help avoid conflicts with Public Meeting Laws. If you have anything you would like to share with the group in-between meetings, please send it over to me. If it's urgent, staff can share it with the group, otherwise we will include it in the packet.

Thank you!

<image001.png>

Daniel Redick *he/him*
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From: [John Hart](#)
To: [REDICK Daniel](#)
Cc: [Joel Geier](#); [Ken Eklund](#)
Subject: Changes desired with Republic Services
Date: Monday, November 14, 2022 8:57:14 AM
Attachments: [Benton County SWAC.docx](#)

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Mr. Redick,

Attached is a letter providing concerns and desired changes with Republic Services lack of easily found fee schedule and increased choices of collection options in Benton County.

Please provide a copy of the letter to SWAC and also the "Benton County Talks Trash" group.

Thank you,

John Hart

November 14, 2022

Daniel Redick
Benton County
Solid Waste and Water Quality Program Coordinator
4500 SW Research Way
Corvallis, OR 97333-1139

Mr. Reddick,

This message is intended for the SWAC and the "Benton County Talks Trash" group. Please forward it to the appropriate people.

Concerns about Republic Services lack of readily accessible charges for collection fees and desire for additional collection options in Benton County are presented.

My first concern is lack of ability to find collection options with cost for the Services on the Republic Services website. To obtain collection choices and costs, a customer is directed to send an e-mail message or place a phone call. My experience requesting costs or Services options via telephone require a few minutes to acclimate the person from Phoenix, Baltimore, or elsewhere about the local situation. Before the pandemic, I visited the Republic Services office on Walnut Boulevard with hope to obtain rate and collection information. Nothing printed was available. Costs and collection options were copied from a computer screen onto a "sticky" note.

I would like readily available (website) and locally available (printed) costs for collection options. The difficulty to obtain costs is puzzling.

The wish for easily assessable rate information is created by the desire to find a collection plan suiting our household needs.

Early this year when my wife inquired about collection options, essentially two choices were available, everything all the time or "on call". My wife and I attempt to minimize packaging on purchases, recycle as much as possible, and utilize the yard waste for compostable material. Doing so generates little landfill destined waste or garbage. We use the smallest container supplied and usually don't fill half of it.

Currently, our recycle bin is emptied monthly and the need for emptying likely could be extended for a second month. Alternate week collection would easily accommodate our needs.

Allow the households that need everything every week to pay accordingly. Reward those that strive to reduce with lower cost options. I realize that the concept is straightforward, but implementation would necessitate changes by Republic Services. The task isn't insurmountable as flexible and reduced collection options have been available for several years in surrounding communities such as Eugene.

I urge discussion, consideration, and implementation of new and reduced collection options for the future.

John Hart
5025 NW Crescent Valley Drive
Corvallis, OR

From: [Mark Yeager](#)
To: [REDICK Daniel](#)
Cc: [VERRET Greg J](#); [NICHOLS Darren](#); [REDACTED]
[REDACTED]
Subject: Re: SWAC & DSAC Joint Work Session - December 7, 2022
Date: Saturday, December 3, 2022 8:36:13 AM
Attachments: [image001.png](#)
[Landfill Life Email.pdf](#)

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Hi Daniel - please put my November 13 email to the County regarding the work of the Landfill Life Subcommittee of the BCTT workgroup into the SWAC packet for the December 7 meeting.

Thank you

Mark Yeager

On Thu, Dec 1, 2022 at 11:47 AM REDICK Daniel <daniel.redick@co.benton.or.us> wrote:

Greetings,

The Solid Waste Advisory Council (SWAC) and Disposal Site Advisory Committee (DSAC) will meet virtually for a Joint Work Session on Wednesday, December 7th, 2022 from 6:00pm-7:00pm. Work Session details and agenda can be found [here](#).

The purpose of the one-hour work session is to provide an opportunity for SWAC & DSAC's "Benton County Talks Trash" (BCTT) work group representatives to liaison with SWAC & DSAC members. Please send over any written comments or materials you'd like to include for SWAC/DSAC consideration by 12/5 at noon.

Please feel free to reach out with any questions.

Best,

Daniel Redick *he/him*



Solid Waste & Water Quality Program Coordinator

Community Development

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www.co.benton.or.us

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Landfill Life Email sent to Benton County staff and BCTT Workgroup on Nov. 13

As a member of the Landfill Capacity/Landfill Life subcommittee, I am concerned about where the group is headed, and the lack of time and information needed to fully explore this topic and its impact on the future of materials management in Benton County and the nearby region.

At the first subcommittee meeting on October 25th, the subcommittee was discussing the many variables and assumptions that impact the life of the landfill. In this context, the "life of the landfill" means how much longer can Coffin Butte continue to accept waste hauled to the site. During the discussion, the representative from Republic Services stated that Republic has "contractual obligations with dozens of parties across western Oregon to handle their hauling and disposal..." As stated, Republic Services, not Benton County, entered into these "dozens" of contracts to haul and dispose of waste from other parties in western Oregon. These are not contractual obligations that bind the residents of Benton County in any way.

Obviously, Republic is free to competitively bid on any and all contracts of their choosing. However, Republic's many new contracts have dramatically increased the amount of waste entering the landfill since 2017. If the already-approved disposal space in Cell 6 will not be made available by Republic to accommodate the increased trash load, Republic has a disposal space problem of its own making. Either Republic did not foresee this development, or maybe it was just assumed that a landfill expansion would be approved by the County.

Either way, because Benton County does not currently have a long-range Materials Management Plan, the County and its residents do not have adequate information available to explore the future of landfilling in Benton County, landfilling in other locations, or alternative materials management strategies to serve Benton County and the nearby region. Likewise, the timeline for finding more landfill space, as presented by Republic Services, does not allow for the development of future materials management strategies.

The 2021 Site Development Plan (SDP) for Coffin Butte Landfill, prepared for Republic by Geo-Logic Associates and submitted to the Oregon DEQ, estimates that the existing, permitted landfill cells have capacity to accept projected waste volumes through 2039 (18 years remaining landfill life without expansion). If Republic does not intend to follow their 2021 Site Development Plan, then that will certainly affect the life of the landfill, and the assumptions behind that intention should be examined carefully by the subcommittee.

Submitted by:

Mark Yeager

December 18, 2022

Suzanne V. Ortiz
4580 NW University Pl #2
Corvallis, OR 97330

Benton County Commissioners, SWAC, DSAC, BCTTWG
Attn: Linda Ray
linda.ray@co.benton.or.us

I have been following the efforts in 2022 of the Benton County Trash Talks working group. I recognize that the issues surrounding the landfill at Coffin Butte are complex & that the decisions made regarding Coffin Butte will impact the quality of life of its immediate neighbors, as well as all of the residents of Benton County. My concern is that Republic Services will submit a future CUP that will again request expansion and that RS will want to increase the annual waste tonnage that is dumped at Coffin Butte. I want our county representatives to select sustainable choices regarding waste that will work for all of the residents of Benton County.

I have volunteered with a number of non-profit organizations in the Willamette Valley, as well as with the BCSWCD, to work to restore wildlife habitats. This interest goes back decades when I resided in other states and I'm acutely aware of the number of years and the amount of funds it takes to restore landfill areas so that they can be used safely by the public. The residents of Benton County should understand the cost of footing the bill for the clean-up of these areas. Is Republic Services responsible for contributing to any needed clean-up? Do we assess gate or tipping fees so that a portion of these fees is reserved for cleanups & restoration?

In addition, I want to express my concern to read that Joel Geier was the second BCTT working group member to be removed in the past few months. I value the perspective that Joel provided as a hydrologist, as a representative of the Coffin Butte neighborhood, and as someone who shares my environmental & conservation concerns.

On November 16, 2022, I shared an email link with Corvallis friends for Climate Trace, a web tool designed by Al Gore & Associates that provides an inventory of GHG emissions throughout the world. Their map had a feature that allowed me to "zoom in on the biggest polluters in your town." I found Corvallis on the map, thanks to the landfill at Coffin Butte. We all take many positive steps to engender pride in our hometown of Corvallis, but this is not one of them.

<https://climatetrace.org/map>

Suzanne Ortiz
ortizsv@gmail.com

From: [Joel Geier](#)
To: [REDICK Daniel](#)
Subject: DSAC: Community member concerns regarding landfill operations
Date: Wednesday, January 11, 2023 12:04:20 PM

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Daniel,

Please share this message with members of the Disposal Site Advisory Committee (DSAC) ahead of our next work session on January 18th, 2023.

I understand that DSAC is still being blocked from holding regular meetings to hear and respond to community-member concerns, out of deference to the ad hoc BCTT process which does not fulfill DSAC's state-mandated role. However, we are still receiving community member complaints that come to us as part of our mandate, and we will eventually need to respond to them. So please add these concerns to your queue.

As background, on January 1st the Airlie-Albany Christmas Bird Count was conducted in the area that includes Coffin Butte Landfill, as part of the National Audubon Society's Christmas Bird Count (CBC). This annual event brings numerous volunteers into the area from Corvallis, Albany, and other communities, and also often results in interactions with local landowners.

During this event, I met a longtime neighbor, Byron Cook, whose family has lived and farmed in north Benton County since 1918. Mr. Cook expressed the following concerns about the landfill:

1. The landfill "has gotten out of control" by taking trash from far outside the original region. He has been monitoring landfill growth since the 1990s, from his land off Independence Highway where the landfill is in view. He is particularly concerned about the rapid growth in the past 4 or 5 years.
2. The landfill has grown so large that he and his family can now see it from their home off Independence Hwy, 4 miles away. He and his family also smell the stink at their place, on days when the wind is blowing in that direction.
3. Trucks entering the public roads from both the landfill and PRC have been leaving mud on the roads. "It's a mess." The landfill company is supposed to keep the roads clean with water trucks, but they haven't been keeping up.
4. Trash keeps flying off trucks going to the landfill and returning from the landfill, landing at roadside. Plastic bags and other trash often blow out into Mr. Cook's grass-seed fields, where it can foul up equipment during harvest.
5. He noted that, as of January 1st, work crews from the county jail will no longer be

available to pick up trash because of the statewide referendum banning slave labor.

6. He is concerned about landfill leachate going into the Willamette River without adequate treatment, then getting sucked out of the river at Hyak Park as the water supply for Adair Village, via a pipeline that runs right through his farm. His family has switched to drinking filtered water.

7. He commented that the landfill is a major source of methane, and noted how ironic it is that the county is acting to reduce use of natural gas out of global warming concerns, while at the same time we have this "time bomb" north of town.

In addition to these comments from Mr. Cook, CBC volunteers who worked on E.E. Wilson Wildlife Area also noted problems with plastic bags and other trash from the landfill, continuing to spread onto Oregon Fish & Wildlife Department lands.

Despite prior complaints, this trash is still ending up in trees and bushes, and in some cases in waterways where it poses a hazard to wildlife as well as a visual blight for recreational users of this public land.

Thank you for sharing these community member concerns with DSAC. Hopefully we will soon have a chance to address these and other concerns that have been expressed by community members in the past 5 months.

Yours sincerely,

Joel Geier

Member, Benton County Disposal Site Advisory Committee

Co-compiler, Airlie-Albany Christmas Bird Count

From: [Joel Geier](#)
To: [REDICK Daniel](#)
Subject: One more item for DSAC-SWAC packet
Date: Wednesday, January 11, 2023 4:00:43 PM
Attachments: [DSACinViolationOfStateLaw.pdf](#)

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Hi again Daniel,

This is my statement that I made in public comments to the Board of Commissioners on December 6th, related to DSAC's role. Please share this as part of the packet for the work session.

Thanks,
Joel

Good morning Commissioners. My name is Joel Geier. I'm a resident of Benton County and member of the Disposal Site Advisory Committee, known as DSAC, and the related body known as SWAC.

I am asserting First Amendment protection for my statements here and in connection with my service on DSAC and SWAC.

I believe that Benton County is in violation of state law, by blocking DSAC from fulfilling our **mandatory** duties under state law. ORS 459.325 states clearly:

"The committee **shall** prepare an **annual** report summarizing the local citizens' concerns and the manner in which the owner or operator is addressing those concerns."

By staff acting under your direction, DSAC has been blocked from preparing such a report for 2021, and is also being blocked from work on one for 2022. My requests to correct this breach of law, and fulfill our duty to the people of Benton County and State of Oregon, have been blocked by staff, citing your direction.

Staff asserts that "there is no timeline" so it doesn't matter. But the word **annual** has a very clear meaning in English. It means **yearly**.

Not only are we missing these mandatory annual reports from 2021 and 2022, I can find **no record** that one was ever approved by DSAC for 2019, 2018, 2017, 2016, or 2015. One for 2020 seems to be the only one in 7 years.

The same statute states:

"The report **shall** be considered by the Oregon DEQ in issuing and **renewing** a solid waste permit."

DEQ may have been negligent in checking for existence of these reports, when they renewed the landfill's permit in July of 2020. But accidental negligence is less bad than continuing to prevent compliance with state law.

This problem arises out of deference to the so-called Benton County Talks Trash process. You have effectively replaced a long-standing committee, mandated by state law to protect the interests of people of our county as a host site for a regional landfill, with an **ad hoc** process that does not fulfill the same mandate.

When first proposed, this process was suggested to allow a chance for a broad community discussion **on all things related to solid waste** and sustainable materials management in our county. But increasingly it seems to be focused on giving Republic Services -- an Arizona corporation -- opportunities to influence a future land-use decision in our county. Meanwhile, established forums for community members to express **concerns**, and have them **addressed**, are being shut down.

There are other aspects of this ad hoc process that are **fraught**. One person who raised concerns about the propriety of this process for land use decisions, as early as September 29th, was publicly dismissed. Last week you received a letter from an Oregon land-use attorney, who the facilitator tried to recruit to participate as part of your Charge B. His letter, as I read it, **corroborates** the concerns raised earlier, as to how this process could create problems for a future land-use decision.

When an ad hoc process creates conflicts with state law, and even threats of dismissal for those who speak their conscience, it's time to take a second look. You still have a chance to correct course. And please allow DSAC members to fulfill our obligation under state law, to be responsive to the concerns of Benton County residents. Those would be the right things to do.

Thank you for your attention. I look forward to seeing you in Adair Village later today to discuss earthquake hazards -- another topic of keen importance to the safety and well-being of the people of our county.