


December 15, 2022 BCTT Workgroup DRAFT Meeting Minutes #6

1. Agenda

Topic	Lead	Start	Duration	Materials
Welcome Review Agenda Approve Draft M5 Minutes & O/H Notes M5 Meeting Evaluation Summary	Facilitator	3:00	15 mins	Working M6 Agenda Draft M5 Minutes and Open House Notes M5 Evaluations
Comment Period	Public Workgroup	3:15	15 mins	Comments (Updated 12/12/22) Link Expires 1/5/23) Password: Benton1!
Subcommittee Reports: Topic A.1. Landfill Capacity/Longevity (~45 mins) Topic E. Community Education (~25 mins) Consultant/Attorney for Next CUP (~5 mins facilitated by Imperati)	Subcommittee -Led Workgroup Discussions	3:45	75 mins	Topic A.1. Landfill Capacity/Longevity (Pending Report) E.1 Community Education (Pending Report)
Dinner with Subcommittee Connection Opportunity	All	5:00	30 mins	
Subcommittee Reports Cont.: Topic A.2. Past CUP Conditions (~40 mins) Topic A.3. Legal Issues and Topic B.1. Land Use Review (~20 mins) and Third Attorney for Subcommittee (~15 mins facilitated by Imperati) Topic C.1. SMMP (~35 mins)	Subcommittee -Led Workgroup Discussions	5:30	110 mins	Topic A.2. Past CUP Conditions (Pending Report) A.3. Legal Issues and Topic B.1. Land Use Review (Pending Report) Virginia Gustafson Lucker Resume C.1. SMMP (Pending Report)
Next Steps: 1) Updated Workplan 2) Member Meeting Six Evaluation (Due Monday at 5:00 PM) 3) Homework per updated Workplan 4) Next Meeting: 1/19/22 @ 3:00 PM Happy Holidays!	Facilitator	7:20	10 mins	BCTT Draft Workplan Gantt Chart BCTT Draft Workplan Calendar https://www.surveymonkey.com/r/BCTTM6EVAL 
Adjourn	All	7:30		

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2. Attendance

Organization Interest Group	WORKGROUP Member	Alternate	Polling	Ex Officio	Charge	Present
SWAC/DSAC	Chuck Gilbert		X		All	X
SWAC/DSAC	Marge Popp		X		All	X
Planning Commission	Elizabeth Irish		X		All	X
Republic: National	Russ Knocke	Ginger Rough	X		All but C	X
Republic: Local	Shawn Edmonds	Julie Jackson	X		All but C	X
Public	John Deuel		X		All	X
Public	Kathryn Duvall		X		All	X
Public	Christopher McMorran		X		All	
Public	Ryan McAlister		X		All	
Public	Mary Parmigiani		X		All	X
Public	Ed Pitera		X		All	X
Public	Louisa Shelby		X		All	X
Public	Catherine Biscoe		X		All	X
DEQ	Brian Fuller	Audrey O'Brien	X		All but D	X – X
Marion County	Brian May	Andrew Johnson		X	Only C	X
Linn County	Shane Sanderson			X	Only C	X
Benton County	Daniel Redick			X	All	X
Benton County	Sean McGuire	Jen Brown		X	All	X

Benton County Staff

Benton County	Darren Nichols	X
Benton County	Greg Verret	X

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Benton County	Inga Williams	X
Benton County	Linda Ray	X

Facilitation Staff:

ICM Resolutions	Sam Imperati	X
ICM Resolutions	Amelia Webb	X

3. Minutes

Topic	Minutes
<p>Welcome Review Agenda Approve Draft M5 Minutes & O/H Notes M5 Meeting Evaluation Summary</p>	<p>Sam welcomed everyone and called for everyone to introduce themselves, given extra time for the new member, Chuck Gilbert. Sam then reviewed the agenda and set the stage for the Subcommittee presentations.</p> <p>Sam asks if Members of the WG would like to share anything before the Public comment time. Marge Popp explained the “Summary of Coffin Butte Annual Intake Tonnage and Benton County Revenue from PRC Reports” spreadsheet that is in the WG members packets. On the back of the handout is a second spreadsheet, “Coffin Butte Landfill Waste Stream by County from PRC Reports” which she also explained. A copy of the document is linked here. Both give an overview of landfill composition by location over time.</p>
<p>Comment Period</p>	<p>None in the room.</p> <p>Camille Hall: (Resident) She is sad that the Board chose to remove Nancy, and now, Joel. These members have unique experiences and knowledge that was valuable. The County currently does not have a process to deal with the tons of trash that go into the landfill. She understands that the two removed people had complained about the facilitator and commissioners and is saddened they chose to remove them.</p> <p>Debbie Palmer: (Resident) Question: Who, in the end, will be writing the SMMP? Who will write the RFP? Darren: Answering - He does not know for sure, but staff will put together a draft RFP to hire the consultant. They may ask the Board and maybe some Subcommittees / WG if appropriate. They are looking at other counties’ successful plans, and they are invested in getting it right.</p>

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Tom Hewes: (Resident since 1974.) He seconds Camille's statement and is also extremely disappointed in the facilitator and the County for removing the two members. Question - How does having the second biggest landfill on OR align with the Country's values?

Kate Harris: (Lives in Soap Creek and kids go to school in Adair Village) Thanks the group for being here. Explains that the Adair Village water source is in an area that gets contaminated by the landfill. The contaminants go to the Corvallis treatment plant, but how do we know the water from the park is getting cleaned for all the things? What is the filtration process? We know fires at the landfill, earthquakes, even air quality is starting to be tracked, but water is a big issue too. She hopes the focus can be on minimizing the landfill need. How can we move landfill storage to drier climates, so they are not so hazardous?

Ron Thompson: (From Newport and is a third-generation garbage disposal business.) Wants to share his concerns if Coffin Butte were to close. It is expensive to haul stuff farther away, more emissions from trucks, and more wear on roads. They also had rates go way up when their local landfill closed, and as they already have a notable dumping problem, raising rates so people cannot afford it would make things worse. He would love to recycle everything, but landfills are an important and needed tool.

Marge Popp: (Workgroup Member) She is also disappointed that Nancy and Joel were removed. They were hardworking and knowledgeable - and while they could challenge authority, she wishes that their positive qualities could have been more prioritized.

Brain Fuller: (DEQ Workgroup Member) lets folks know he is retiring from DEQ, and that Audrey O'Brien will be replacing him. Audrey then introduced herself and shared some of her background at DEQ.

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<p>Subcommittee Reports:</p> <p>Topic A.1. Landfill Capacity/Longevity (~45 mins)</p> <p>Topic E. Community Education (~25 mins)</p> <p>Consultant/Attorney for Next CUP (~5 mins facilitated by Imperati)</p>	<p>Topic A.1 Landfill Capacity/Longevity – Paul Nietfeld & Ginger Richardson</p> <ul style="list-style-type: none"> - Paul went through working document, linked here, and gave points to think about like what does the Workgroup expect them to be producing. - He discussed their Subcommittee’s charge and their interpretations of the elements. Assumptions charge - meaning the assumptions that go into the different projected life of the landfill. - He then went over common terms they put in their document for the record and the Subcommittee member composition. Their document is organized into sections based on the order of their charge. <ul style="list-style-type: none"> - Clarification that they did not print copies for everyone (as it is so long), but it is all online and there are two binders going around that have the documents in them too. - Clarification that his group is dialing down on creating a history that specifically addresses their charge (EX: Changing real estate and zoning of the landfill) He notes that these changes can be perceived in many different ways. The Subcommittee is trying to put in, to the extent it is feasible, the different perspectives on the facts. - They have a working chart on the developing permitted size issues, which he explained. He checks in with Ginger to see if his description of the process is correct - she and the expert in that area of the Subcommittee agree it is a good explanation. He also has graphs with landfill airspace data that give the reader an idea of how much space is left. Some of the airspace in the graph that the landfill has yet to use still needs to be dug out. - The problem is they are expected to fill cell five before cell six is fully excavated. The other hand of this issue is that you cannot just throw trash down there as soon as it is empty. You have to permit and lay out all the liners and such that make it a safe disposal site. - He goes over the innate amount and likely reasons on why it has gone up. He discusses the Memorandum of Understanding. Ed adds some clarification on the wording on the Memorandum of Understandings document. - They can look for data as far back as the 1980s if the WG thinks it is necessary, but it starts to get a little fuzzy the farther you go back. - He then goes over some maps of the landfill and cell location, some of which are from previous memorandums.
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Marge Popp: Are the areas surrounding the landfill zone cites owned by VFI or Republic. She thinks the country records say it is Republic, not VFI. (in reference to the map from the 2002 Memorandum of Understanding.)

- The Subcommittee said they will look into it,
- He explains the Scenario 1 and 2 tables that Republic provided on the projected intake and landfill life information. They expect it to run at the maximum amount of intake for rest of the landfill life.

Sam asks if the projects are based on the new cell six being filled. – Yes. They will put in their report when they expect cell five to be filled.

Sam recommends a clear and minimal breakdown of when each event will happen.

- When it comes to the projected life, they plan to create a presentation on what that is and what the things that impact it are. Ginger noted that Republic is happy to help explain what have caused uptakes and be informed, but they what to acknowledge that they cannot predict the future.
- The human factors that might affect the life of the landfill are beginning to be intensified and documented by the workgroup.

Sam facilitates a discussion with 1) questions, 2) is anyone surprised by the data? 3) Is there anything you think is missing?

Brain Fuller: Does not the franchise agreement set “x” amount, so wouldn't the County have to prove that they went over the cap. - Answerer - Republic really wants to emphasize that there are some influx events, and “acts of God” events are exempt from the cap.

Katheryn Duvall: When you talk about the human factors, can you provide info about how significant each is? - Yes

Marge Popp: What County did the Wildfire debris come from? - Answer is Marion and Linn Counties.

Ed Piteria: Note about capacity expectations and calculation. Paul explains that some things may be outside of this Subcommittee’s scope.

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John Duel: He does not see the economic factor on here as a factor, and it is really the biggest one. The economy effects how materials are even made. How much does this committee need to do about this? There is a lot of research. Paul explains that they list “recession” as the nod to the economic factor.

Liz Irish: There has been a recent bill in OR that will require things to be more recyclable - have they factored in that? A- Not yet, but they should.

- **Ginger** asks **Liz** to share the info on the legislation.

Louisa Shelby: Notes that they should look at pandemics too.

Sam notes that, in scenario C, all those topics are ripe for the SMMP work. The SMMP scope has some of these issues already. Between now and the end of March they will not be able to produce a truly in-depth analysis. The work is not lost though. The SMMP will have more of that based on what the Workgroup wants to put in the SMMP.

Topic E.1 Community Education – Mark, Mary, and Louisa [Link to Presented Material](#)

Mark introduced himself and presented part one.

- Their goal is NOT to make a history piece like Subcommittee A1. They want to make something that the public can use to understand the process. He listed their existing guiding principles / biases. They do not envision getting into legal details or capacity information. They will make statements about these things and references where people can go for more information.
- **Questions to the WQ:** Does the length sound good? Are there specific aspects of history or geography you want to include? They plan to cite all materials used, and do not anticipate problems.

Sam added that Sub E is also the editor for Final Report’s Executive Summary, and he explained what that process will look like.

Louisa and Mary then presented.

- Mary explained what they were tasked with and what documents they are consulting to see the legal minimum for communications and County options. She then explained the table Louis had drafted of different communication methods, levels, and who is notified. Mary noted that 750 ft is the legal standard and showed a

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	<p>map of what that looks like. As the Subcommittee agreed that this was not enough, and Mary showed maps she made with 5-, 10-, and 15-mile notification radiuses.</p> <ul style="list-style-type: none">- She noted that the Subcommittee had agreed that whatever they produce, it will not just affect Republic but all CUPs. She then clarified how the levels of notification could work.- She emphasized that they will always lean toward more communication than less, but they also want to be careful not to bombard people with info.- She then touched on the problem of people not being in the loop to get information, and explained the popularity of the postcard idea. <p>Louisa added clarification about the postcard, saying that they would like WG input on when the whole County should be notified.</p> <p>Sam added more context on the County's minimum notification requirements. In the assessment, people expressed that they did NOT get enough communication and not timely enough. Part of Charge E is to put forth recommendations beyond the legal minimums, which will go to the WG and then the Board. He also clarified that, as this Subcommittee just was founded, they will be at the same place presenting workgroup products in the new year.</p> <p>Ed Piteria: He noted some things can be superseded by DEQ decisions. So, they may need to talk with DEQ some. Also mechanics - tying it to the timeframe for when people must act. (Make sure people do not get the mail after the sign-up windows, etc.)</p> <p>Liz Irish: There are a lot of organizations that have data on the best ways to communicate with people in different communities. Postcards, YouTube ads, TV ads, etc. It would be most cost effective to investigate that first and then use that data to spend most effectively.</p> <p>Sean McGuire: Is the Subcommittee looking at giving notice to more of the industry side, bushiness, etc.,?</p> <ul style="list-style-type: none">- Sam: Cory is helping with some of that. He provided baseline data, such as how many people each method reaches. So yes, they will notify industry. <p>Chuck Gilbert: As it is a regional landfill, are they looking at notifying other counties?</p>
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	<ul style="list-style-type: none"> - Mary: Yes. They have not gotten quite that far yet, and it will depend on the information shared, but yes. - Louisa: Benton County residents are the main focus, but yes. And Cory is looking at some of the industry specific stuff. <p>Brian Fuller: Emphasized the timeline idea and different methodologies. Also, DEQ is not going to time its notifications with CUP because their information would be happening after the CUP. They have government info they also use. "Govt. Theory"</p> <p>John Deuel: Keep in mind the fluid interactions that happen once information is out. EX: Social Media and Next Door</p> <ul style="list-style-type: none"> - Louisa: The document Cory provided (which is available to the WG) showed County outreach has included programs like Next-door, Facebook etc. These programs will be used, but they are problematic because you must already be on them to get information. The County was communicating b/f, but people did not feel it was enough. <p>Audrey O'Brian: Does Cory have a communication plan the County fills out? DEQ has one. Sam: Asks her to send it in. Audrey: DEQ has had some luck reaching out to Neighborhood Associations and Industry Association and such. People do not want to give DEQ their email, but these groups can communicate to their members. She also notes to make sure the Subcommittee is looking at including the multiple languages that are spoken in this meeting.</p> <p>Mary: Emphasized that, yes, they are looking at neighborhood groups.</p>
<p>Dinner with Subcommittee Connection Opportunity and Other Information</p>	<p>Sam went over the Draft M5 Minutes & O/H Notes and the M5 Meeting Evaluation Summary. Both were approved.</p> <p>Darren offered clarification on the Knife River topic touched on earlier.</p> <p>Sam covered the Consultant/Attorney for Next CUP agenda item, explaining the context for why they are looking at getting a third party for the next Republic CUP, and explaining the current status. He then clarified that this has been in the Assessment Report from the start, it is now time to work on it. This is separate from the conversation that will happen later in the meeting about adding a lawyer to the legal Subcommittee.</p>

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<p>Subcommittee Reports Cont.:</p> <p>Topic A.2. Past CUP Conditions (~40 mins)</p>	<p>Topic A.2 Past CUP Conditions – Ed Piteria</p> <p>Link to Running Report</p> <p>Link to DRAFT Recommendations</p> <ul style="list-style-type: none">- Ed gave a nod to all the members. Catherine, Ed, and Mark have been tasked with going deeper into the details. They have a “lessons learned” category and information that, while is not explicitly part of their scope, should not be lost. They have made records and information requests, and they are working on their timeline. They have many items, so they are concerned they will not necessarily be able to do them all - work on prioritizing material. They are working with a 157-page doc. They created a categorization of the information to help organize it in the document.- He then showed an example of how they are breaking down the conditions and how the example applies to the other elements of the document.- Ed then moved on to discussing some of the Lessons Learned, and how some things, such as leachate, are not within their charge but should still be looked at. Ed also acknowledged that some areas of information are going to have conflicting realities depending on your position. The big thing is that they are creating a document that people can go to for this information.- He showed a diagram (Figure 1) that demonstrated the movement of matter in and out of the landfill (solid waste, air emissions, stormwater, etc.). He then explained a chart shows what information they have received and what information they still want. Some of the information they have are RODs (Records of Decision Making). Some of these documents are what you would go to see if “X” or “Y” issues have been addressed.- The timeline they are working on has what material they need to fill in, but they do not have it all yet. <p>Questions for the Workgroup - Ed noted that, now that people know how to use the big document, they can look at it and ask questions once they have had time to navigate it.</p> <p>Sam: Now the document is at the place where it can go to Republic and the County for them to opine on. In the end, each voting member of the WG will 1-2-3 poll on the document. This will be done at the Subcommittee and WG levels. The minority opinion will be noted with each poll to show what they would have preferred.</p>
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**Third Attorney for
Subcommittee (~15 mins
facilitated by Imperati)**

- Sam explained that this is not a right v. wrong answer situation. It is to document the different opinions and the options that they want.

Ed noted that things change even with three people. They started with 1.5 gigabytes of docs, some of which are old. So, some details and information are hidden - the document they are making is not the last word, as more information can and will continue to be unearthed.

- He also notes that they are working on including who owned the landfill when.

Audrey O'Brian: She asked is they are keeping in-mind where they want to go with this information. It is a voluminous amount of information. It would be helpful for the group to keep in mind what they want the information for.

- **Ed** - Yes. However, sometimes you do not know what information will be the most relevant until you do some digging. They are making a strong effort not to go down rabbit holes.

Chuck Gilbert: Asked clarifying question about issues such as fires

Sam asked Catherine if there was anything she would like to add.

- She added - What will be thousands of pages of documents that really hold all the information? They hope to get it much more succinctly, but it is a lot.

Mark: Gave a thank you to Ed for doing so much work and presenting.

The Republic lawyer was on vacation but brought back fancy chocolates to pass around to the group!

The Third Attorney –

- Sam explained that on Tuesday the Board approved to have a third lawyer join. Over the last 6 weeks or so Sam has been putting out feelers. Some people said they would not participate because they felt it was not a good fit or did not have enough time. However, two people were interested. However, one of them had a conflict problem as one of her partners has been representing Knife River. The other fit is Ginny Lucker.

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Topic A.3. Legal Issues and
Topic B.1. Land Use Review
(~20 mins) and

- **Sam** wanted to make sure everyone is comfortable with her. Her resume was distributed in the WG packets, and she was at the meeting to introduce herself and take questions.
- She explained the type of work she has done and her expertise. She worked on Measure 37, and for the last few years she has been doing contract work as a hearing officer with the city of Eugene. She would be doing an impartial legal assessment of the legal requirements.
- **Sam** - clarified that “third attorney” simply means a third lawyer will be there, but she is NOT representing any of the parties as the table. She is serving to be the ‘impractical law professor type’ or the third leg of the stool. Any questions, comments, etc. from the workgroup?

John Deuel: Is she getting paid?

- Yes, but by Sam out of the facilitator’s allocated funds so she stays completely neutral.

Catherine Biscoe: She thanked her for being here and asked if she has landfill specific experience.

- **Ginny:** She does not recall any landfill issues, but she has a lot of land use experience.

The Workgroup polled on Ginny and reached a consensus.

Topic C.1 Legal Issues – Liz Irish

Her slides ([found here](#)) are pulled up and she reads the statement ([found here](#)).

- She went over the membership and then covered information on the following issues:
- Where can the trash come from?
- They cannot regulate who brings trash to the landfill due to free commerce law.
- Why is it called a regional landfill?

Ed: Asked if all the citations will be available, as their group has information that used different definitions of regional landfill.

- **Republic’s Lawyer:** The supreme court decisions of 1977 made it so the County’s previous decision no longer applies.

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<p>Topic C.1. SMMP (~35 mins)</p>	<p>Sam: Suggested Liz give the overall run through of the doc and then take questions and comments. Also, there are some issues still up in the air, so in the new year there will be some joint Legal and CUP meetings.</p> <ul style="list-style-type: none">- They will also talk about interpreting code provisions, which Catherin explained in detail.- Franchise agreement? - There is no carryover from previous ones CUP.- Who is responsible for landfill closer?- Who is responsible for Monitoring Conditions? <p>Greg: Explained what Conditional Use means - it is an issue that will be part of the joint Subcommittee meeting(s) between the Legal Subcommittee and the CUP Subcommittee.</p> <ul style="list-style-type: none">- She ended by addressing some of the additional things they are working on. <p>Questions for clarification:</p> <p>Chuck Gilbert: (Sam clarifies) Is there a concern that Valley landfill will close....and then then Coffin Butte goes...where does the money go? - DEQ answered that there are several mechanisms in place to ensure that no one is left holding the bag.</p> <p>Louisa asked about burden of proof and Sam helped clarify.</p> <ul style="list-style-type: none">- Republic's Lawyer: The applicant always has the burden of proof. The Republic lawyer explained how the process has evolved. <p>Brian Fuller: Asked about the DEQ documents that she references - it is in the document.</p> <p>Topic C.1 - John Deuel Link to Running Report Link to DRAFT Recommendations</p> <ul style="list-style-type: none">- Noted that they have made substantial progress, but there are a few things they want feedback on. So show where they are, and then the WG can look at them and give feedback over the holiday.- Qualities of a successful applicant (Pg 3 of report)- Different parts of the table of contents are asking questions they want the consultant's report to answer. – He asked the
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	<p>Subcommittees / WG to look at them and see if they like how it is set up and if they want to add anything, etc. (Pg 12)</p> <p>Sam: Noted that this is a fitting example of the topics crossing over. Also looking at the RFP's done by others, not only how they did it but how they would do it better next time. The Subcommittee gets to look at all those things.</p> <p>Ed: Asked if that are excluding the impact of the landfill in the Materials Management. - Yes, they are. Not just the materials going in, but much more holistically and looking at the impact of it after it is closed and current environmental impacts.</p> <p>Daniel: Also added how the County does it - so emissions from the landfill, everything.</p>
<p>Next Steps:</p> <ol style="list-style-type: none"> 1) Updated Workplan 2) Member Meeting Six Evaluation (Due Monday at 5:00 PM) 3) Homework per updated Workplan 4) Next Meeting: 1/19/22 @ 3:00 PM <p>Happy Holidays!</p>	<p>Sam showed the Updated Workplan with the Gantt chart and calendar.</p> <p>He also noted that, no later than Monday, everyone will get a simple survey laying out where each of the Subcommittee reports are. It will ask if they see any emerging conclusions that are problematic and if there is any missing topic, nuances, angle, etc. It will be the last call on adding materials to the stuff.</p>
<p>Adjourn</p>	

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4. Polling Issues

1: Virginia (Ginny) Lucker will join the Legal Subcommittee to serve as the neutral “third leg of the stool.”

WORKGROUP Member	Polling	Charge	Not Here	Abstain	1	2	3
Chuck Gilbert	X	All			X		
Marge Popp	X	All	X				
Elizabeth Irish	X	All			X		
Russ Knocke/Ginger Rough	X	All but C				X	
Shawn Edmonds/Julie Jackson	X	All but C				X	
John Deuel	X	All			X		
Kathryn Duvall	X	All			X		
Christopher McMorran	X	All	X				
Ryan McAlister	X	All	X				
Mary Parmigiani	X	All			X		
Ed Pitera	X	All			X		
Louisa Shelby	X	All			X		
Catherine Biscoe	X	All			X		
Polling Totals:			3	0	8	2	0
EX-Officio	Polling	Charge	Not Here	Abstain	1	2	3
Brian Fuller/Audrey O'Brien					X		
Brian May/ Andrew Jonson					X		
Shane Sanderson					X		
County	Polling	Charge	Not Here	Abstain	1	2	3
Daniel Redick					X		
Sean McGuire/Jen Brown					X		
Ex-Officio Totals:			0	0	5	0	0
Grand Totals:			3	0	13	2	0

RESULT: Consensus / No Consensus

Minority Proposal: None

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5. ZOOM MEETING RECORDS:

Zoom Recording and Transcript: [Link](#)

6. MEETING CHAT:

00:38:28 **Kate Harris:** k.harris.or@gmail.com

00:54:05 **Ken Eklund:** The relevant document for the A1 Subcommittee (Landfill
Size & Life) is this:
https://www.co.Benton.or.us/sites/default/files/fileattachments/community_development/page/8317/master_working_document_Subcommittee_a1_report_v3_121322.docx

01:33:33 **Kate Harris:** Lane

03:51:44 **Ginger Richardson, Republic Services:** I am a 2