

IV. Workgroup Recommendations

SECTION A: Develop Common Understandings

3) Other Entity Rights and Obligations

A Summary of the rights and obligations of other entities surrounding landfills, hauling, and sustainability initiatives, etc. The following table list questions for various federal, state, tribal, and local entities regarding rights and obligations. The table includes preliminary research relating to entity roles and authority. Each entity will be contacted and asked to respond to these questions, to help provide more information.

Other Entity Rights and Obligations					
Agency	Question	Right or Obligation	Responsible Party	Authority	Comment
US Environmental Protection Agency (EPA)	How does the RCRA rules apply to solid waste in Benton County?	Establish minimum national criteria under the Resource Conservation and Recovery Act (RCRA or the Act), as amended, for all municipal solid waste landfill (MSWLF) units. Primary implementation role delegated to States. (US EPA, 2021)	EPA, Oregon DEQ	United States Environmental Protection Agency in Title 40, CFR, Part 258	
	How does the Clean Air Act rules apply to solid waste in Benton County?	b. Clean Air Act – Oregon Title V program i. 42 USC 7661a Requires Oregon to manage a permit program for major industrial sources of air pollution (Department of Environmental Quality, n.d.)	EPA, Oregon DEQ	42 USC 7661a	
	What GHG reporting	c. Greenhouse gas emissions reporting i. EPA’s 40 CFR Parts 86, 87, 89 et al.	Republic Services	EPA’s 40 CFR Parts 86, 87, 89 et al.	

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	requirements are there for landfills?	(Final Mandatory Reporting of Greenhouse Gases (GHG) Rule) established the EPA Greenhouse Gas Reporting Program (GHGRP) , which requires reporting from large emitters and gas generators. (Environmental Protection Agency, 2009)			
	Is there any landfill authority which EPA maintains and has not passed on to the State of Oregon?				
	What are the rights and obligations both retained and delegated by EPA, which are associated with landfills, hauling, and materials management?				
Tribal	What are the rights and obligations both retained and delegated by tribal governments, which are associated with landfills, hauling, and materials				

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	management?				
Oregon Department of Environmental Quality (DEQ)	What Resource Conservation and Recovery Act (RCRA) authority is delegated to Oregon?	<p>a. RCRA – Oregon disposal site permitting</p> <p>i. 340-094-0010 Adoption Of United States Environmental Protection Agency Municipal Solid Waste Regulations (1) Except as otherwise modified or specified by OAR 340, divisions 93 through 97, the criteria for municipal solid waste landfills, prescribed by the United States Environmental Protection Agency in Title 40, CFR, Part 258, and any amendments or technical corrections promulgated thereto as of January 1, 1996 August 1, 1997 are adopted by reference and prescribed by the Commission to be observed by all persons who receive municipal solid waste and who are subject to ORS 459.005 through 459.405 and 459A. (Oregon Secretary of State, 2022)</p>	Oregon DEQ	OAR 340-094-0010	

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	<p>a. What is the step-by-step DEQ landfill permitting process and associated timing?</p>	<p>i. 459.235 Applications for permits; fees. (1) Applications for permits shall be on forms prescribed by the Department of Environmental Quality. An application shall contain a description of the existing and proposed operation and the existing and proposed facilities at the site, with detailed plans and specifications for any facilities to be constructed. The application shall include a recommendation by each local government unit having jurisdiction and such other information the department deems necessary in order to determine whether the site and solid waste disposal facilities located at the site and the operation will comply with applicable requirements. (State of Oregon, 2021)</p> <p>ii. 459.245 Issuance of permits; terms; refusal to renew; disposal of liquid waste. (1) If the disposal site meets the requirements of ORS 459.005 to 459.105 and 459.205 to 459.385 and rules of the Environmental Quality Commission adopted pursuant thereto, the Department of Environmental Quality shall issue the permit. Every completed application shall be</p>	<p>Republic Services, Oregon DEQ</p>	<p>459.235, 459.245 OAR 340-093</p>	

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		<p>approved or disapproved within 60 days after its receipt by the department. Except as provided in ORS 459.055 or for a permit issued under the process set forth in ORS 517.952 to 517.989, if the department fails to act within the time allowed, the application shall be considered approved unless an extension of time is granted by the commission on a showing of good cause by the department.</p> <p>1. (2) Disposal site permits shall be issued for a period not to exceed 10 years, to be determined by the department and specified in the permit.</p> <p>2. (3) Subject to the provisions of ORS chapter 183, the department may refuse to renew a permit unless the disposal site meets the requirements of subsection (1) of this section. (State of Oregon, 2021)</p>			

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	<p>What authority does DEQ have over landfills, and what are the limits to that authority?</p>	<p>i. Solid Waste Disposal Site Permit 1. 459.205 Permit required. (1) Except as provided by ORS 459.215, a disposal site shall not be established, operated, maintained or substantially altered, expanded or improved, and a change shall not be made in the method or type of disposal at a disposal site, until the person owning or controlling the disposal site obtains a permit therefor from the Department of Environmental Quality as provided in ORS 459.235. a. (2) The person who holds or last held the permit issued under subsection (1) of this section, or, if that person fails to comply, then the person owning or controlling a land disposal site that is closed and no longer receiving solid waste must continue or renew the permit required under subsection (1) of this section after the site is closed for the duration of the period in which the department continues to actively supervise the site, even though solid waste is no longer received at the site. [1971 c.648 §6; 1983 c.766 §7; 1993 c.560 §21a] (State of Oregon, 2021)</p>	<p>Republic Services, Oregon DEQ</p>	<p>ORS 459.205</p>	

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	What enforcement and monitoring does DEQ use for "prohibited waste"?	<p>459.247 Prohibition on disposal of certain solid waste at disposal site. (1) No person shall dispose of and no disposal site operator shall knowingly accept for disposal the following types of solid waste at a solid waste disposal site:</p> <ul style="list-style-type: none"> (a) Discarded or abandoned vehicles; (b) Discarded large home or industrial appliances; (c) Used oil; (d) Tires; (e) Lead-acid batteries; or (f) Covered electronic devices. 	Oregon DEQ, Republic Services		
	What authority is delegated by the EPA?				

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	<p>What are DEQ's rights and obligations regarding groundwater associated with landfills?</p>	<p>459.248 Cleanup of hazardous substance contaminating ground water. In addition to any other authority granted by law, if the Department of Environmental Quality finds that ground water is contaminated with a hazardous substance originating at a land disposal site, the department may require cleanup of the hazardous substance pursuant to authority under ORS 465.200 to 465.545. As used in this section, "hazardous substance" has the meaning given that term in ORS 465.200. [1993 c.526 §3] (State of Oregon, 2021)</p>	<p>Republic Services, Oregon DEQ</p>	<p>ORS 459.248</p>	

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		<p>(6) Additional Requirements to Protect or to Monitor Potential Threats to Groundwater. When a person applies to construct a new or expanded landfill cell at a municipal solid waste landfill, the Department shall evaluate the need to provide protection to groundwater in addition to the requirements of 40 CFR, Part 258, Subpart D. The Department shall also evaluate whether the specific conditions at the site require an enhanced ability to monitor potential threats to groundwater in addition to the requirements in 40 CFR, Part 258, Subpart E. The evaluation shall be based on site-specific data, including but not limited to location, geography, hydrogeology and size of the site. To assist in the Department’s evaluation, the applicant shall provide necessary relevant data. The Department may require a secondary leachate collection system, and/or leak detection system, or other design or technology providing equivalent protection to the environment if the Department determines that:</p> <p>(a) There is significant potential for adverse impact to groundwater from</p>	<p>Republic Services, Oregon DEQ</p>	<p>OAR 340-094-0060</p>	

Other Entity Rights and Obligations

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		the proposed cell; or (b) Additional measures are necessary to provide adequate monitoring of potential threats to the groundwater.			

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		<p>Groundwater Monitoring and Corrective Action</p> <p>If a municipal solid waste landfill is subject to 40 CFR, Part 258 as provided in 40 CFR, §258.1, the owner or operator shall comply with groundwater monitoring and corrective action requirements in 40 CFR, Part 258, Subpart E. Consistent with those requirements, all municipal solid waste landfill owners and operators shall also comply with this rule: (See rule for more detail)</p>	<p>Republic Services, Oregon DEQ</p>	<p>340-094-0080</p>	
		<p>(4) Sensitive Hydrogeological Environments. In addition to the requirements of 40 CFR, Part 258, Subpart B, no person shall establish or expand a landfill in a gravel pit excavated into or above a water table aquifer or other sensitive or sole source aquifer, or in a wellhead protection area, where the Department has determined that:</p> <p>(a) Groundwater must be protected from pollution because it has existing or potential beneficial uses (OAR 340-040-0020); and</p> <p>(b) Existing natural protection is</p>	<p>Republic Services, Oregon DEQ</p>	<p>340-094-0030</p>	

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		insufficient or inadequate to minimize the risk of polluting groundwater.			
	What are DEQ's rights and obligations regarding leachate associated with landfills?	(3) Leachate. In addition to the requirements of 40 CFR, Part 258, Subpart D, any person designing or constructing a landfill shall ensure that leachate production is minimized. Where required by the Department, leachate shall be collected and treated or otherwise controlled in a manner approved by the Department. Leachate storage and treatment impoundments shall be located, designed, constructed and monitored, at a minimum, to the same standards of environmental protection as municipal solid waste landfills.	Republic Services, Oregon DEQ	OAR 340-094-0060	
	What are DEQ's rights and obligations regarding noise associated with landfills?	OAR 340-030-0035 established DEQ regulation of industrial or commercial noise levels. OAR 340-030-0110 states legislative funding for DEQ's oversight of noise control was defunded in 1991.		OAR 340-035-0030 , OAR 340-035-0110	
	What are DEQ's rights and obligations regarding odors associated with	(4) Gas Control. No person shall establish, expand or modify a landfill such that: (a) The concentration of methane (CH4)	Republic Services, Oregon DEQ	OAR 340-094-0060	

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	landfills?	<p>gas at the landfill exceeds 25 percent of its lower explosive limit in facility structures (excluding gas control or gas recovery system components) or its lower explosive limit at the property boundary;</p> <p>(b) Malodorous decomposition gases become a public nuisance.</p>			
	What fugitive methane emissions standards and monitoring is required by the landfill?	<p>ii. Air Quality Permit (1) All sources subject to this division must have an Oregon Title V Operating Permit that assures compliance by the source with all applicable requirements in effect as of the date of permit issuance. (Oregon Secretary of State, n.d.-a)</p> <p>340-239-0100 Landfills with Greater Than or Equal to 200,000 Tons of Waste-in-Place</p> <p>(4) The owner or operator of a landfill having greater than or equal to 200,000 tons of waste-in-place must submit an annual Waste-in-Place Report to DEQ pursuant to OAR 340-239-0700(3)(e) and an annual Methane Generation Rate Report, pursuant to OAR 340-239-0700(3)(f), until the owner or operator submits a Closure Notification pursuant</p>	Republic Services, Oregon DEQ	<p>340-218-0010</p> <p>340-239</p>	

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		<p>to OAR 340-239-0700(3)(a). The initial Waste-in-Place Report and Methane Generation Rate Report submitted by a landfill pursuant to sections (1), (2) or (3) shall satisfy this requirement for the initial year it applies to a landfill.</p> <p>340-239-0800 Test Methods and Procedures</p> <p>When required as provided in OAR 340-239-0100 through 340-239-0700, the owner or operator of a landfill must comply with the test methods and procedures for monitoring and measurements in this rule. (Oregon Secretary of State, n.d.-b)</p>			
	<p>Can or should the County consider DEQ permitting topics when assessing the local land use application criteria?</p>				
<p>Oregon Department of Fish and Wildlife (ODFW)</p>	<p>a. What restrictions does the landfill have regarding wildlife?</p>	<p>. (3) Endangered Species. In addition to the requirements of 40 CFR, Part 258, Subpart B, no person shall establish, expand or modify a landfill in a manner that will cause or contribute to the actual or attempted: (a) Harassing,</p>	<p>Republic Services, Oregon</p>	<p>OAR 340-094-0030</p>	

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		harming, pursuing, hunting, wounding, killing, trapping, capturing or collecting of any endangered or threatened species of plants, fish, or wildlife; (b) Direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of endangered or threatened species using that habitat. (Oregon Secretary of State, 2022)			
Oregon Department of State Lands (DSL)	What are the rights and obligations both retained and delegated by DSL, which are associated with landfills, hauling, and materials management?				
Water Resource Commission	What are the rights and obligations both retained and delegated by Water Resource Commission, which are associated with landfills, hauling, and materials management?				
Oregon Department of	What are the rights and obligations				

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Transportation (ODOT)	both retained and delegated by ODOT, which are associated with landfills, hauling, and materials management?				
Metro	What are the rights and obligations associated with landfills, hauling, and materials management?	a. Financial Reporting	Republic Services, Metro	Designated Facility Agreement, Metro Contract No. 936520 (Metro, 2019)	
City of Corvallis	What are the rights and obligations both retained and delegated by Corvallis, which are associated with landfills, hauling, and materials management?	a. Stormwater Discharge Reporting	Republic services, City of Corvallis	City of Corvallis Industrial Wastewater Discharge Permit No. 5	
		Solid Waste Collection Franchise, negotiations with the hauler heavily influence Benton County's agreement.	City of Corvallis, Republic Services	City of Corvallis Ordinance No. 2015-13	
City of Salem	What are the rights and obligations both retained and delegated by	a. Stormwater Discharge Reporting	Republic Services, City of Salem	City of Salem Wastewater Discharge Permit No. WD7577	

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	Salem, associated with landfills, hauling, and materials management?				

