

**From:** FULLER Brian \* DEQ  
**To:** Benton County Talks Trash; Sam Imperati  
**Subject:** Regional Disposal Site Statutes  
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Hi,

I wanted to provide some additional Oregon statutes regarding a Regional Disposal site. From a DEQ solid waste permitting perspective there is no substantive differences in a solid waste landfill permit for a regional landfill and a "non-regional" landfill, the requirements are the same. The law does put some requirements on the county and grants authority for the county to impose a surcharge.

Thanks

(23) "Regional disposal site" means a disposal site that receives, or a proposed disposal site that is designed to receive more than 75,000 tons of solid waste a year from outside the immediate service area in which the disposal site is located. As used in this subsection, "immediate service area" means the county boundary of all counties except a county that is within the boundary of the metropolitan service district. For a county within the metropolitan service district, "immediate service area" means the metropolitan service district boundary.

From <[https://www.oregonlegislature.gov/bills\\_laws/ors/ors459.html](https://www.oregonlegislature.gov/bills_laws/ors/ors459.html)>

**459.320 Regional disposal site advisory committee; membership; terms.** (1) Except as provided in subsection (3) or (4) of this section, the board of county commissioners of a county in which a regional disposal site is proposed to be located shall establish a local citizens advisory committee when the Department of Environmental Quality receives an application for a regional disposal site within the county. The board shall select members of the committee from among at least each of the following groups, to the extent feasible:

- (a) Residents residing near or adjacent to the regional disposal site.
  - (b) Owners of real property adjacent to or near the regional disposal site.
  - (c) Persons who reside in or own real property within the county in which the regional disposal site is located.
  - (d) Employees of the permittee.
  - (e) Local organizations and citizen interest groups whose majority of members either:
    - (A) Are electors of the county in which the regional disposal site is located; or
    - (B) Own real property in the county in which the regional disposal site is located.
- (2) Unless determined otherwise by a board of county commissioners:
- (a) Members of the local citizens advisory committee shall serve a term of two years.
  - (b) The committee shall elect from among its members a chairperson of the committee with such duties and powers as the committee imposes.
  - (c) The committee shall meet at least four times each year for so long as the regional disposal site is proposed or operating.

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

service district.

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

**459.325 Duties of regional disposal site advisory committee.** The duties of the local citizens advisory committee established under ORS 459.320 shall include but need not be limited to:

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

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

**459.330 Notification of advisory committee by regional disposal site permittee.** The permittee shall notify the local citizens advisory committee established under ORS 459.320 when the permittee proposes to apply for a change to any state or local permit. [1987 c.876 §12]

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**459.310 Surcharge on solid waste disposal; surcharge use.** (1) Each board of county commissioners of a county in which a regional disposal site is operating under provisions of ORS 459.005 to 459.437 may impose a surcharge on the solid waste received at the regional disposal site. The county may negotiate with the owner or operator of the regional disposal site to establish the amount of the surcharge imposed under this subsection. If the regional disposal site is publicly owned, the board of county commissioners shall give priority in expending the moneys to mitigation of adverse impacts on the area in and around the regional disposal site and related transfer stations located in the county including but not limited to rehabilitation and enhancement of the area, development of alternate water systems, road construction and maintenance and mitigation of adverse effects on wildlife and the environment, if provisions to mitigate such adverse impacts are not assured by permit conditions or bond requirements.

(2) If the parties negotiating a surcharge under subsection (1) of this section do not reach an agreement within 90 days after the Department of Environmental Quality receives an application under ORS 459.235 for a permit for the regional disposal site, the board of county commissioners shall unilaterally impose the following surcharge:

- (a) For the first 2,000 tons per day \$ 0.75/ton
- (b) For each ton between 2,000 to 4,000 tons per day \$ 1.00/ton

- (c) For each ton above  
4,000 tons per day                      \$ 1.25/ton

(3) If a board of county commissioners imposes the surcharge under subsection (2) of this section:

(a) The surcharge shall be adjusted annually in accordance with the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor;

(b) Up to 10 percent of the surcharge shall go into a transition fund to be used by the county after the regional disposal site is closed for the purpose of minimizing the dislocation resulting from the loss of revenue from closure of the site; and

(c) Of that portion of the surcharge not placed into a transition fund under paragraph (b) of this subsection, priority shall be given in expending the moneys to mitigation of adverse impacts on the area in and around the regional disposal site and related transfer stations located in the county including but not limited to rehabilitation and enhancement of the area, development of alternate water systems, road construction and maintenance and mitigation of adverse effects on wildlife and the environment, if provisions to mitigate such adverse impacts are not assured by permit conditions or bond requirements. [1987 c.876 §7; 1993 c.560 §39; 2019 c.57 §21]

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