Ken:

Howdy there, Chuck. Hey, Chuck. Can you hear me? Possibly not. Good evening everyone. We're just standing by for a minute or two more, see if Joel Geier is going to be joining us. Welcome Chuck and Brent and Marge.

Chuck:

Hi. How you doing this evening, Ken?

Ken:

Good, good.

Chuck:

Good. I always get anxieties trying to get on this thing. I'm about ready to get out my rubber hammer and beat it.

Ken:

Yeah, we have a computer repair tool here. I have one here in my office. It's a hammer but it's not rubber.

Chuck:

Yeah. Yeah, I know. So, yeah. Wow.

Ken:

And how are you doing, Chuck?

Chuck:

Oh, pretty good. Pretty good. Yeah, pretty good and stuff like that. I got to get glasses one of these days.

Ken:

Oh, yeah.

Brent:

This is Brent. I'm going to apologize in advance for potential lost signal and dropping off and where I am. And so I'll just put that out there here in advance. That when I might drop off, I told Dan I'll follow up watching the recorded version. Then who's collecting the feedback? I said I think by Friday at 10:00 AM?

Ken:

Yeah, that's me.

Brent:

And then the other thing I might negotiate is why the 10:00 AM if I were to beg for 24 hour grace period by getting my feedback. Are you trying to get everything turned into the county by Friday afternoon or ...

Ken:

Yeah, that's correct. They have given me a hard deadline.

Brent:

Okay. Well, I saw the air control then.

Ken:

Yeah, I'm afraid.

Brent:

All right, thanks.

Ken:

So Brent, where are you today?

Brent:

Well, I'm just coming off a work meeting, traveling to another event. And this is going to take me out of, I'm just triple booked. This is going to take me out of the cell range potentially.

Ken:

Okay, sure. Well appreciate you tuning in as long as you can. Okay, I think we have everyone on that we need to, Debbie Gile is not going to be with us because she's in Tasmania, New Zealand and Tasmania at the moment. So she has sent in her comments already though for her review. So I'm going to gavel the meeting into session. What is today? Today's Wednesday, February 8th, 2023.

We are convening another special session of SWAC and DSAC and this is really a SWAC session. We'll be reviewing the draft of the work groups and subcommittees reports so far. I did want to mention that under normal circumstances we would be talking about elections for chair and vice chair in this group, but these are not normal circumstances, so that's going to be put off until such time as we can indeed attend to those sorts of things. Anything more from members before we go into review of the document?

Joel:

Hi, I just got here, had some problems getting logged in. Who all is here? Should we have the members on screen?

Ken:

Yeah, if they can, that would be nice. So right now I think everyone is here except for Debbie Gile, who is out of the country.

Mark:

So I could turn myself on screen, but I'm going to keep myself off because I'm going to be packing and blowing my nose and I've got COVID, so I'm hunkering down here.

Ken:

Indeed.

Mark:

So I will turn my camera off and [inaudible 00:11:09]

Ken:

Yes, well-

Marge:

So I can keep my camera on, but I'm going to be eating my dinner.

Ken:

So I think that cameras are optional this time around folks and that's perfectly fine. So I don't want to try to force that sort of thing unnecessarily.

Joel:

Okay. I was just trying to find out what we were doing, so I might tune out too if I start losing my video, my bandwidth, so.

Ken:

Yes indeed. Which is another consideration, I know. Okay, so let's go into review of the document I had proposed in the agenda in order that we would look at the different sections. So we'd be starting off with the Legal Subcommittee, then the SMMP Subcommittee's report, then the Community Education Report, the Past Land Use Subcommittee, and then finally the A1 Subcommittee on Landfill Size and Life. Is that okay with everyone? We could certainly move something up if people have something that they would like to make sure that we see. Yeah, Joel?

Joel:

Yeah, can we have some top level comments first?

Ken:

Sure, that would be great.

Joel:

Yeah, because I'm bothered by the shape that this document is in that we received and it seems like it's a moving target. There are big sections that are incomplete still and some of them are sprinkled with editorial notes. I noticed Ginger Ruff has a whole lot of notes in one section, couple sections and recommending very small changes and big changes in wording. And the question is how much is that going to change in the final report compared to what we're reviewing and should we review those notes also? Then there's also been some, just comparing between versions, there's been some changes that seem to be made outside of the subcommittee meetings as far as I understand. So I just wonder what we're working with really and if this is a mature document.

Ken:

Well, yeah, I don't think that it's been represented to be a mature document. It's been represented to be a document in process and I think that you can indeed see just how much in process it is through just the observations that you've made. I think some parts of it seem more mature and then other parts of it really seem to be still in process. We were provided with the version that has all of the ongoing discussions, editing, re-editing, et cetera, all the back and forth, and notes. So I think all of that is a fair game for us to comment on. And I think that it's appropriate for us to just note exactly what we see in front of us and what our observations about it are, including what you just laid out. I mean that is indeed feedback on the document, which I think is very appropriate for us to do.

In my point of view, the public doesn't really have much access to this document. It exists and the public can see it, but knowing where to even begin, it would just be totally daunting for me if I were just coming to it cold. So I'm just backing you up, I think, on those observations. And the thing that I wanted to emphasize for us all is that we are taking our own notes at this meeting. They're not being recorded elsewhere. And so if people could please jot down the points that they've made, I will try to remember some of them. I'm terrible at taking notes while the meeting is actually going on, so don't really rely on that and supply me that feedback afterwards because otherwise we're just kind of speaking to ourselves in that feedback has not actually getting to the work group.

I guess I'll also mention, part of the dynamic here is that we're providing feedback to the work group so that the work group can then get back to the subcommittees and say, "Hey, we've received feedback about this particular point." This really seems to be whatever that particular feedback is, we're providing that to the work group to then get back to the subcommittees so that some of the really messy areas can be cleaned up. Are there other very top level reactions that people have to the document? Yeah, Marge. Oops.

Joel:

Looks like you're muted, Marge.

Ken:

Marge, you're muted. I see you're trying to get your sound to go, okay.

Marge:

Sorry. Okay, so now I have my sound. I'm sorry. This new registration, it caused me to lose the actual screen with the people in it, so ... Now I've forgotten what I was ... Oh, what I was going to say is that if no one has comments, can you read what Debbie Gile's comments were?

Ken:

Yes, I could. Her comments are very particular. Let me see if I ... I'm sorry, I'm going to have to find them here on my desk somewhere.

I'm going to go ahead and read you Debbie's comments. I should just mention that the comments that we are going to be submitting to the work group are not identified by person. They are just comments which are coming from SWAC in general. I wanted to be a representative of Debbie in the meeting since she can't be here and she didn't object to that. So I don't really want to single her out.

Marge:

Yeah, yeah.

Ken:

That much. Yeah, but maybe that would be without her explicit permission, that would be a little too much to just kind of bring that up.

Marge:

Yeah. Okay. I withdraw my suggestion.

Ken:

Okay, that's fine. But I'll just say just she has comments which are kind of directed to subcommittees or reports very much in general, just very overarching questions. She has comments which are directed to specific places in the text, particularly if there's something which is incorrectly stated, she is pointing those out. And then she has a number of statements which really are about, I would characterize them as being about values, where she's just saying, "This seems wrong to me." It's really that kind of language where she runs into something, some bit of news or something in the report that she feels that are against the values of the county, its community, that sort of thing.

So I'll stop there essentially in talking about that. I think those are all really relevant when we're talking here. And like I said, I think we are indeed kind of representing the public here, the best access the public has is us as representatives when we're looking at the document. So if we don't have any more general comments. Any more general comments or shall we start with the Legal Subcommittee report? Yeah, Mark.

Mark:

Thanks, Ken. I'll go first on the Legal Issues Subcommittee because I'm not sure how long I'm going to last here this evening. And so just four specific things I have in, I don't know where the versions are now with their final report or where they are in their body, but I know that there is a section within their subcommittee report that talks about the rights and obligations of the county and Republic Services as it relates to franchise agreements and other things. And I would like to speak to two items. The first is in the 2020 franchise agreement, a reading of that agreement would give, I think most people the impression that this proposed future expansion request has already been decided, because there is a financial incentive that's built in to the franchise agreement. And the franchise agreement basically says not if an expansion gets approved, but when, and so I am trying to put some thoughts together with regard to rights and obligations getting back to that table.

What I would like to say is that one of the observations that should be made is that Republic Services does not have a right to an expansion. So there's nothing in the franchise agreement that guarantees them an expansion. Then the corollary to that, because the way they have set it up in their table is Republic Services, Benton County rights obligations, all that sort of stuff. The corollary to that is Benton County is under no obligation to grant an expansion. So that's the first thing relative to the rights and obligations.

The next area that I am concerned about in the Legal Subcommittee's report is I know there is a section in the Legal Issues Subcommittee report, where they are trying to restrict what the Solid Waste Advisory Council can consider when making a recommendation to the planning commission. There's quite a bit of discussion in there about SWAC can't do this and they can't do that and they can't do this and they can't do that. Well, that's totally contrary to what the language is that's in the Benton County development code. It says that the SWAC makes a recommendation. It doesn't have those guardrails on that the Legal Issues Subcommittee is trying to impose upon SWAC. So that's the third thing.

Then the final thing is they have, I think some discussion in there about the importance of, or their perceived importance of 2002 Memorandum of Understanding that speaks to whether or not the operator in the landfill needs special permission to place garbage on the north side of the road. And what I've read in their discussion of that is they are trying to assert that in fact that 2002 MOU negates any previous obligations by the landfill operator to comply with conditions of approval that have been put into land use actions. They're trying to say that that document says that at that point in time, November 5th, 2002, that the landfill was in complete compliance with all prior conditions of approval. And no way does that document say that. So those are the four items that I'd like to put onto the table for the Legal Issues Subcommittee.

Ken:

Okay, excellent. And I'll just add at this point in time that the document that I'm turning over regarding these comments really wants to refer to specific pages or at least get as specific as we can as to what we're referring to. So if in the written comments-

Mark:

I'll try to do that.

Ken:

Yeah. And that applies to everyone throughout in their comments. I think it'll be helpful for us to do that because otherwise we're turning over kind of a big burden to the work group. So Chuck, did you have something?

Chuck:

Sorry, Chair, I find there's two buttons to touch here, and I'm a little off second base today. Okay. Let me just say in the report, are we going to redo it tonight or could you give us a little outline what we are going to do tonight in regards to reviewing it or whatever? That's just a leading question.

Ken:

Okay, sure. Well, my process here is I'm really kind of assuming that people have looked at the document already and have particular notes that they would like to refer to. And that might also include questions because heaven knows there are a lot of questions that come up when you're looking at this document. And of course some of us here are on subcommittees and kind of begin to answer those questions or at least to shape them into what is going on. So Daniel is standing by and I presume with the document at hand, so we can certainly call it up onto the screen to look at those things. That's basically the process as I've seen it come up. We're going to go down the list to kind of subcommittee by subcommittee their reports. And of course certain of us have expertise with those. We've started with the Legal Subcommittee, which none of us are on. I mean, no member of the public is on really. But when we move to other of the subcommittees, there are people here who have more experience with those. Does that answer your question?

Chuck:

Yes, thank you.

Ken:

Okay, cool. So yes, I mean, I had the same comment as Mark just regarding Slack's role, kind of as talked about in the Legal Subcommittee. And again, I think that SWAC is a representative of the community in this process. And in particular, I think we're a representative of the values of the community. And so that is really something which I think it falls upon SWAC to represent in these meetings. And of course, that's a value that SWAC holds to the county. So that would be my comment about that. Did anyone else have any other thoughts going through the report by the Legal Subcommittee? Joel, are you shaking your head? Yeah, go ahead.

Joel:

Yeah, there is, well, a couple of things. One of them also with regard to our own role and the discussion of what the side boards that were being given to us, this. We understand now that we're responsible for looking at sustainable materials management and not just solid waste. And the entire document has some problems with inconsistency regarding what's meant by solid waste management versus sustainable materials management. It's only really in the section where we are scoping the SMMP, where it's really treated correctly. But I think one big thing is that we should clarify this role of sustainable materials. In my mind, that's what we should be looking at, whether this is conforming to what the county needs to do for sustainable materials management and not just solid waste management.

And then the very specific issue is one of wetlands. And there's a couple odd things in this document, not in this section, but in the history section or the site setting. There's actually no mention of wetlands in EE Wilson Wildlife Area, which might have just been an oversight, but there's discussion of upland habitats. But this is a little strange because it was known as the original Camp Swampy. So wetlands are sort of the main thing around this area. In fact, I've got one in my yard. But then when the legal issues committee dealt with this, there's a really surprising statement in there in this table too, which says, okay, primary jurisdiction is Department of State land, which is correct. Of course, Army Corps of Engineers also has some jurisdiction. Whether the county is allowed to regulate is only if the county has identified significant wetlands at the site in a wetland inventory adopted through blah, blah, blah.

And then there's a note that no significant wetlands are identified in the vicinity of the landfill on the county's adopted inventory. And this was so surprising to me that I contacted a local wetlands expert who, he's recognized internationally in this, and he said, this is very misleading. In fact, the county would only designate wetlands as significant if they were asked to do so by a municipality under the procedure that's been in place. So either Adair Village would say, "We'd like to designate this wetland as significant at the county level," or Corvallis would say, "We want to designate this wetland as significant at the county level."

Otherwise there's no procedure for the county actually to identify wetlands as significant. And so really this was just never done. And the county has never looked at wetlands in this area with the idea of identifying their own significant wetlands. But there are many wetlands that show up in the National Wetland Inventory. So that's really important, that the Planning Commission is not given this information, which is really deceptive about the possibility for the county to say something about wetlands and impacts on wetlands because as far as I understand, there are more things to look at here, but this is really a misleading part, so that should be corrected.

Ken:

Okay, great. Yeah, thank you very much for that. Very good close reading. That is surprising. I don't know that much about it, but I do know that the EE Wilson is a wetland and it's right next to the landfill. There are wetlands actually on the land in the landfill property as well.

Joel:

And those are identified also on the National Wetlands Inventory. So I'll include actually a map with my comments.

PART 1 OF 4 ENDS [00:33:04]

Joel:

I'll include actually a map with my comments when I send my regular comments.

Ken:

Yes, very much appreciate that. Any other comments from anyone about the legal subcommittee report? Let's move on then. Perfectly free to go back to things or to jump around as the conversation takes us. Next up, we have the SMMP subcommittee. The subcommittee which is indeed talking about helping to identify the request for a proposal for developing a sustainable materials management plan when the county does that, which we hope is going to be soon. I'm going to look to you, Marge, do you have any thoughts to kick us off on what's going on in this subcommittee?

Marge:

Sorry, I'm having a problem staying on course and trying to also look at the document. Well, I think that the version of the SMMP document, in this version that you're seeing, I think is improved to what it was before. I think it more clearly delineates some of the values that VIN County drives in a sustainable materials management plan. I think it has more fidelity to the Benton County core values, which I am very much in favor of. I think the idea of the circular economy and cradle to cradle, or making the beginning of materials responsible for all the way through life cycle, like that, and that Benton County is uniquely targeted to values like that, sustainability and environmental values like that. I don't know if that's what you expected me to say, but that's what I'm thinking. I'd like to hear other people's points of view. Having read it, what do you think?

Ken:

Joel, if you got something.

Joel:

I'm going to have a lot of detailed comments on this, but they're more of the nitpicky level I think at this point. A big one is, why isn't this more front and center in the report? There is a statement early in the report that talks about the priorities for this whole process, and it says, it's way up front on page 11, the work group with the concurrence of the county staff prioritized the following topics. As I recall, the work group actually was pulled twice and wanted to put the SMMP higher up in the priorities.

We were basically told back when I was still on the work group, we were basically told, "No, we're not going to do that." Because the charge from the commissioners is that we're going to focus on the land use criteria and these kinds of things. That in itself is a little bit deceptive, but really the work group did not have a voice in this, it was set for us. I think it certainly would be nice to see the SMMP brought farther forward in the report, and that is one comment I'll have. I don't have other major ones right now.

Ken:

Well, I look forward to the detailed comments, but those I think are just appropriate to send in writing, your nitpicky comments. I do remember, there's so much that's happened, it's all kind of a blur. I remember in the first schedule, the very first schedule published for the work group, there was two hours of discussion time for the SMMP total. It very much was a de-emphasized portion. I think there was a lot of feedback from the public members engaged in that process, so things have definitely changed. We now have an entire subcommittee working on it, but it has been clawing its way up into significance. I have some just observations about the actual process that the SMMP subcommittee has gone through, which I've just found off target. By which I mean, early on in the process there was a nice moment when the subcommittee was looking at other past reports that other counties have done, for example.

Then from that, there was this long period where we were essentially just copying what other counties had done. There really was just an entire focus on going through each of those reports and making sure that we had something in our table of contents that corresponded to whatever it is that they had in their table of contents. Even when those things had to do with transfer stations, which we don't have any, that still appeared in our timeline. It was very much this detail, looking for a purpose. I think that approach has led us to a document that the values part, which I is think really what was the prime thing for us to contribute, seemed to make its way actually into the report late. To me, it still looks like an early draft of those things. It's not really organized well.

I apologize, because I haven't really kept up with the latest iterations of that one, just because I've been rather mired in other subcommittee work. That's just part of the process where I felt that it would've been better for me if we had looked at those other ones, called the parts that we really liked, and started building from the things that were very important to us in the county, and then fleshed it out later with whether or not you're going to have a section on transportation or whatever. There was such an attention to detail, inappropriately I thought, it was a bottom-up process that was going on. Let's see, I had some other observation also. Then in the subcommittee we spent a lot of time, we were directed to spend a lot of time specifying things that aren't really appropriate for us to be specifying.

There were questions like, what is the time period that the SMMP should cover, for example. I mean, I can answer that question from a values point of view, but I don't really know what $500,000 buys you, if it buys you a 20-year plan. For that matter, how long is the process going to be for the SMMP? I don't know how much time $500,000 buys you in terms of consultant time, or what's their burn rate? Is it typically six months, a year? I mean, that's how long it's going to take then, if that's what the budget is going to be. There were a lot of nitpicky questions about that, about what's the grading matrix of the report? Which I can answer in a very general way. If you're asking me actually to specify what the percentages are actually going to be, one, I don't feel entirely qualified to do that, because I don't understand how the whole package comes together.

Two, presumably the county is going to hire someone who actually does indeed assemble those packages. Talking with people who actually have more experience about this particular, the way the county operates, they're just saying, "Well, these are inappropriate questions for you to be asked." I just am regretting now all the wheel spin spent digging up those levels of detail. I wish, I guess that I had spoken up more at the time because I feel like this was out of my wheelhouse, if you will, out of our wheelhouse. Of course, I'm not the entire committee. There are other people there that know more, et cetera, that sort of direction. When I look at the document, there are parts that I just wish, and maybe this will be actually part of what happens is, where they just get shrunk. Because although we had conversations about them, I'm just not certain that those conversations really carry much weight or should carry much weight.

Marge:

To be honest, I also felt that the written documents that were turned in did not have fidelity with the conversations that we had, and we didn't always get a chance to comment on what was being brought forward in a written form.

Ken:

Yes, I very much felt that also. It's funny, in my experience on subcommittees, one, I've been very active in writing stuff, which is the other subcommittee I'm on. Then on this subcommittee, I really wanted just to not do that. I didn't want to impose. In both subcommittees, the results have been disappointing. In both cases, I've really met with resistance, resistance in actually getting things that we talked about into the document in a way that we're trying to express. Then in the other subcommittee just experienced disrespect for the things which I actually contributed in writing. It's hard to negotiate this process as a member of the public, is the experience that I'm having. I'm sorry, Chuck, have you had your hand up for like ever?

Chuck:

Well, it keeps falling down, so somebody's slapping my hand. I just want to say, for me, it's been a learning experience. It's not that I'm the expert and so forth, but I value the community and the county and everybody, even the facilitators' work on this. This is not to say that this is going to resolve everything. The county has already given us a letter as a path forward with consultants, so there will be times now with our accumulated knowledge that we can ask pertinent questions to the experts in this. Especially on all the resources that are out there. First, all the landfill and if you will, all the other natural resources that are out there and how they can cooperate. If they can't cooperate, then what alternatives we have. That way, the experts can look at it from an economical standpoint.

If you want to shift waste, if you will, a refuse from point A to point B, what's the cost of that in highway dollars? The economics starts playing out with the experts where you can look at supply and demand and demand curves, and so forth like that. This has given me time with everybody else there to put ideas. I sometimes can put better ideas in paper. I'm not a very good orator, nor do I have a photogenic base for this camera here either and stuff like that. I just want to reassure everybody, this is not the stopping point, this is the starting point. We just got over the bridge now and will be a transition, especially with the sustainable materials. I look at that as really in a box there with the sustainable materials may be on top of the box, but there's a relationship just like salt and pepper.

We're not going to do away with solid waste either and so forth, so they have to go hand in hand. It's just like the landfill out there. The landfill is really finite on the resources that the disposable site has, and so of forth. There's an expansion there and there may be other economical benefits not to expand, but the experts, fortunately, the county has the foresight to see that with the director's letter there giving us there. It's coming into focus, what it really is now with everybody else joining in and getting comments in. It's not the end of the game, it's just the starting of the game. I'm sure it will be in the long-run a net benefit for the county.

Ken:

Sure. Now, Chuck, you were talking about the SMMP specifically, or were you talking about the document or the work group process as a whole?

Chuck:

Yes. I just want to pick ideas around a little bit. What I like is when Joel says something, or Mark says something, or Ginger says something, what are they saying? What's the perspective there? Sometimes I put on my rolls of Rosie glasses and it's nice to look from their points too, so we can get the best points in this document, so the experts can sit down. That way, they're way ahead of the game. They don't have to repeat all this process. They've got the communities and everybody else into this equation. We're deep down in the defensive field to the 20 right there where the field goal is, is the way I'm looking at it, just another metaphor.

Ken:

Yes, I certainly, I don't know, I think maybe I've diverged too much here into problems that I have with the process. I mean, I'm still thinking through exactly what happened. I'm talking about the SMMP process in particular and how exactly it got, from my point of view, ended up spending so much time on stuff which was not really what I wanted to be talking about. I'm sorry if I took a long time to say that very simple point. I certainly appreciate what you're saying, Chuck, about the process in general. There are a lot of person-hours going into this. There are a lot of people who are engaged with it. There are a lot of people bringing forward a lot of different perspectives in the various groups that we have. There's a lot of truth emerging about this particular subject. Clearly there was some catching up to do that the county needs to do, and it seems like that catching up is actually being accomplished. Okay, back on track. We're talking about the SMMP process. Were there any other... Oh, Joel, I'm sorry. Go ahead.

Joel:

It's okay. I just raised it a second ago. There is one big point, I think. The issue of best practices, and I reminded that in the key findings, there's this statement that many best practices in model SMMPs exist in Oregon and beyond, which is a little strange. I mean, best is a superlative, it's not a comparative. You expect that it'll only be one or two really good best practices. When we're talking about best practices in Oregon, I know during the work group we had emphasized also looking at international models. This really seems to downplay the idea, which I thought was agreed on by most people in the work group, that actually we should be looking at international examples and out-of-state examples and to put Oregon upfront in that is a little concerning, compared to where I thought we were headed with that. That was my main.

Ken:

I think that's a very good observation. I think that's important to take back to the work group and then for that to come back to the subcommittee. Anything else? Anyone else on the SMMP? We can come back to it. Well, thank you for those comments. We're going to move on from there to community education. Marge, that's you, isn't it?

Marge:

Okay. Well, I think that community education, the aspect of the subcommittee, I actually spent most of my time working on the history part, buy I think a lot of really good work went into the community education part. I think that we had really good cooperation from Cory Grogan, our County Public Information Officer. Tonight, the Justice System Improvement Project is holding a big open house. I'm sorry that we scheduled this meeting against that meeting, because I think that in the manner of holding an open house, that's just the kind of feedback we needed for this project in order, because that's what we are going to eventually want to do with the product of this work group, this report, is hold an open house and talk to the community about, what do you think? Have we hit the right spots? Et cetera. However, the other thing that I found in writing this history, in assisting in writing this history part, is that over time, SWAC and the community had lots of influence on solid waste practices.

The SWAC continually put notices, they call them tombstones for the way that they're shaped. Constantly had information out there soliciting input from the community saying, "At this meeting, we're going to talk about this and this, public comment welcome, and this and this time." That did not happen in this process. However, I think that the community outreach part of the subcommittee has made a lot of progress towards identifying. I mean, of course, we still have a newspaper and there's no excuse for not having some notices in that newspaper. Today, we also have many, many other communication paths that people get information through. This subcommittee and working with Cory, I think did a real good job of identifying what some of those paths might be, and beginning to make progress towards reaching the community. Kudos to the other half of our subcommittee.

Ken:

Thanks for bringing that up, Marge, because I did also want to talk about, just to jump back to SMMP for a bit, I feel like that is something that is in the SMMP, is really talking about public outreach. It's really talked about in 20th century terms. For example, the conversation has been about, well, how many public meetings will the SMMP process have? That is just not really modern thinking about how public outreach can be conducted. Again, that's looking backwards. I mean, one of the problems looking at old materials management plans of other counties is, they did their management plan in 2014, they did their management plan in 2007. Well, we're doing ours in 2023 or thereabouts. We should be careful to be more current and not backwards looking but forwards looking.

I'm just, again, jumping back to SMMP. I'm really glad to hear essentially that it's been a good experience and it seems like a lot of really good, valuable work has been done. The history component I think is really important too, especially to us here at SWAC. I mean, we don't have any institutional memory. Our institutional memory is currently vacationing in Tasmania, and her memory goes back to, what, 2020 or 2019 or something like that. It's very easy for us in SWAC and DSAC to really lose the thread of what we should be doing, what we can do, what we should be empowered to do. The history is really important. I think, Joel, you had your hand up and then I think, Chuck, you also. No? Okay. Chuck, did you want to?

Chuck:

Oh, thank you, Chair. Let's see. I just want to make a comment on the SMMP. I read them over the shoots and everything like that. I just want to say that even though they've had their SMMPs, Benton County is, if you will, somewhat unique. In other words, it has, of course, the county, and then of course it has a landfill, but which just is important, the lessens with other counties too, when together to utilize Cotton Butte when the other ones were closing and so forth. That impacted them, Benton County was good enough to look at that to the Chemeketa Plan or one of those plans too.

I think that's really the focus too, is all the time we talk, if you will, we look at Benton County, but really the solid waste management and the waste streams are more on a regional perspective. Even if you would, the landfill closes today, Benton County stands shoulder to shoulder with everybody else that was going there were to go next. I think that one eye, if you will, needs to be at Benton County. Then another eye also is on the regional waste streams though, because they collectively come together and they still need to focus on everything that Benton County is doing.

Ken:

You remind me, Chuck, of course, that we wanted to start up, we did start up a subcommittee here in SWAC, which was really in re-engaging SWAC with exactly that, to start conversations with other SWACs in other counties just to get the line of communication open. That is another process, which has been shut down essentially by our curfew.

Chuck:

Well, I'm counting my blessings there because we got enough on our plate right now. That might be a blessing in disguise to keep us focused, Chair.

Ken:

Well, I think that's a very good point, Chuck, yes. I think your point, yes. Yeah, very well taken. I'm sorry, Joel.

Joel:

I was just going to say, with Chuck and I here, we almost, we have the quorum of that subcommittee, I think.

Ken:

Well, I think actually it's 100%, isn't it? Because wasn't John McEvoy a member?

Joel:

Yeah, that's right.

Ken:

Yeah, so 100%. Did anyone else have any other comments? I must confess that I have not really dived into the community outreach part, the education and outreach committee work. In part, that's because it just seemed to be going along just fine. If there are any more comments on community education, we'll certainly... Oh, I'm sorry, Joel.

Joel:

I can make a positive comment. I thought I was really encouraged by the idea that came from this subcommittee on notifying people within a certain radius of the landfill, and apparently even including Polk County residents who've been pretty much left out of things in the past. It's not clear to me the recommendations to come out, how much of those be taken on board, but I thought it was very thoughtfully done.

Ken:

Excellent. I'm very glad to hear that. We move on to the past Land Use Committee. I'm wondering if Mark can, I think, as our representative in that subcommittee. Sorry to tap on you there, Mark.

Mark:

Yeah, thanks, Ken. Well, let's see. I guess you can see me. All right. The past Land Use Committee has been an incredible amount of work to try to sort through. I think there are 86 different conditions of approval since 1974. We have been working through a number of those things. There have been several times in which we've had to respond to assertions and input from the legal issues, subcommittee. We spent many, many hours just discussing the introductory few paragraphs to the section. That still has not yet been resolved.

I think that from my perspective, I think the most we can expect anyone to do is to read the findings or recommendations that are in the main body of the report. I have developed and submitted, and they are not before you because they have not been put into this draft number three, a half a dozen overarching findings. I think those are significant, both considering where we are now and moving forward. That's going to have, well, I hope that comes out in the future version of this draft report, but I'm happy to hear what other people's thoughts are there. I'm way deep into the weeds and I don't really have anything to share with the group at this point.

Ken:

Sure.

Mark:

I'll try to answer questions. Likely after this section is discussed, I'm going to go back to bed.

Ken:

Yes, as you should. Thank you very much for hanging in there, Mark. I'll just open it up. Does anyone have observations from reading over that portion? Yeah, Joel.

Joel:

I seem to have caught Mark's cold or COVID through the wires here. My main concern about this is, every...

PART 2 OF 4 ENDS [01:06:04]

Joel:

My main concern about this is everything is unresolved. There's all these conditions of compliance and all I see in this document remains to be resolved. I remember the exact phrasing, but almost in fact, I think every single one, they've just all been left unresolved. Even the ones that seem like they should be fairly obvious, where for instance, screening, I mean it's obvious the landfill is not being screened. It's obvious that the Cliffs of Coffin Butte have not been restored to anything looking like what was expected. There's no grazing on the landfill, so even things that seem extremely obvious have not been resolved so far. So we're not seeing the output of this committee yet, and I'm wondering when that's going to happen and if we'll have a chance.

Ken:

Yeah. Mark?

Mark:

Yeah. So the application of that sort of coverall assessment phrase that's in each of the conditions of approval was put in there really as a placeholder. There are a number of different things at play. I think I mentioned earlier the 2002 MoU in which the Legal issues committee is asserting that it doesn't matter what happened prior to 2002, compliance or no compliance because they have asserted that 2002 memorandum of understanding wipes all of that out. And so therefore, from their perspective, the landfill is in compliance with all prior requirements to 2002. There are some members of the subcommittee that are not in agreement with that, and so I don't know how it's going to be resolved. There are some that seem to be quite obvious with regard to things like screening and as you mentioned Joel, there's a lot of discussion and debate about what closure means.

The landfill says that certain cells are closed, they're not really closed from DEQs perspective, and so therefore they're not going to see any grass growing or any of those sorts of things. What we've learned in this process is that, and I think we're seeing this happen up in Riverbend at the "almost closed landfill", that essentially the landfill operator gets to decide when they're really closed and work with DEQ. So until the landfill stops accepting waste, the landfill is not in a closure condition even though they will tell you that certain cells, cell two, three, cell one and one A, that they are closed, but they're not technically closed from a DEQ perspective and closure requirements relative to grazing and all that sort of stuff don't kick in until everything is closed. That's what I've learned in this process. So I am sorry that we are where we are.

I do think there is a diversions of opinion. If you go into the main body of the report, you'll see that in many cases the staff believes that the operator was in compliance and Republic Services agrees with staff. You can look at the comments, staff says In Compliance Republic says that we agree with staff. And then in the middle section there's a lot of discussion and commentary that were put together by both myself, Catherine Bisco and Ed Pitera, because we really researched and read each and every one of the conditions of approval and tried to make some judgment as to whether or not there was any evidence in the record relative to compliance. And one of the overarching things that hopefully will be in the findings is that Benton County has stated that they did not and do not have the resources necessary to monitor and enforce compliance with conditions of approval. That is the responsibility of the applicant. And unless there are any complaints filed by [inaudible 01:10:52], the county will not and they do not monitor or enforce any conditions of approval.

Ken:

Yeah. Joel?

Joel:

Yeah, thanks Mark. That was very enlightening. Just one question that's been on my mind is we know that we're getting a franchise fee from this landfill and this substantial. Has there been any discussion of whether some of that franchise fee should have been or will be devoted in the future to actually actively monitoring compliance?

Mark:

Well, of course that's not part of this subcommittee's charge, but I think there is a draft recommendation, something to that effect. But again, I'm not sure. There's a lot of discussion and debate about whether or not some of the older conditions of approval like screening for example, which were supposed to be imposed in 1983, whether or not anyone's ever going to require the landfill to do any screening. And so there is an observation that is quite clear that the county does not monitor or enforce conditions of approval. And I think that's contrary to what people think happens when you go through a land use review process and conditions of approval are imposed. The idea is that the conditions of approval are imposed in order to mitigate adverse impacts of a particular land use. However, if they're not monitored or enforced, it seems like it's pretty hard to ensure that compliance is done.

Ken:

Yeah. Let me just note that although spending a franchise fee, money may not be part of the charter for this particular group. It is a charter for us and [inaudible 01:13:15]. I mean, that is a thing which is specifically called out in the [inaudible 01:13:21], the bylaws, and I think the county code essentially is that we are to advise how franchise fees are to be spent. So that certainly seems to me to be relevant as a [inaudible 01:13:39] response essentially to what we're hearing here is that it would be very appropriate to begin spending money to actually... 'Cause otherwise conditions of approval are clearly just ink on paper. They don't have any effect. And I'll just pick up on what Mark was talking about. I mean, it's a thing that I got from reading over what the past land use subcommittee has been looking at is just that there are so many things that were or are complaint driven and there's absolutely no pipeline about that.

It's kind of only emerging through this process that these things actually exist as a complaint item. And so where is the complaint page on the county website, for example. It does not exist. I don't know if it's ever existed. Where is the notification for people like something in the paper that, hey, if you think the landfill is ugly, then you should write a letter or whatever. There's really been no pipeline for letting the public know that they're empowered. And clearly part of this, I mean to me it's just a very inadequate law making or condition making or whatever to say, well, for example, we won't require screening unless the public complains that the landfill is ugly.

I don't think you drive by the landfill and are motivated to say, Hey, the landfill is ugly because you drive by it tomorrow and it's still ugly and you drive by the next day and it's still ugly, et cetera, et cetera. So what are you supposed to file a complaint every day about that? That clearly is something where you need some sort of representative who can really say, I think most people looking at this would say that this is really an eyesore of a view. And I don't know, the other day I drove by Short Mountain, the landfill down by Eugene. I had never noticed it before because they take care. It's right by the freeway. Very similar circumstance to Coffin Butte, but they take care to essentially maintain that side of... That view shed is not really as confrontational as what we've got. So I mean, that's just one example.

But they're certainly looking at what has happened with past [inaudible 01:16:52], it seems like the pipeline by which complaints are even registered has been broken. I mean, when was the last time that we submitted the required report to DEQ? It seemed to me last year. When I asked Daniel for an example of what that report should look like, he couldn't come up with one, which I found surprising at the time. So that was again, something that we were pursuing, but then the curfew descended and so that's kind of all on hold. I'm sorry, I'm going on and on. And Chuck, you've got your hand up.

Chuck:

Yeah. I am almost forgot what the question was and what the answer was, but bear with me. If I understand it correctly, correct me if I'm wrong with the... There's two themes here, condition and complaint. Now, the conditions of history are real good in a sense, it's from a history perspective, although that they draw for just the sake of argument they've been negated from the future franchise or the existing franchise. But his historical perspective doesn't mean that later if another CUP comes forward, that if there's a consensus of a condition that cannot be brought back into the new one, do you understand what I'm saying? It doesn't. The new one starts new with where we're at and it's just like other laws, if you will. Some are proceeding, you can bring them forward, but we find that laws in the 1858 for crossing jaywalking and spinning gum on the curb, we may not want to enforce that.

Just as a ludicrous example, but what I'm trying to get at is the history is really important to have those, even though that they're not impinging right now front and center, but if it is a relevant condition, I think the county attorney says, or even a director, those conditions can be brought forward if they're relevant and so forth like that. So don't give up hope on the history. Fortunately, everybody's time has brought that in now, so you've got a regular reference to it and can come back to it and so forth. And sometime technology even changes that you don't need the conditions too. So everything has to be looked at in today's perspective looking back or forward and so forth like that. And it's hard to do, but we've got a lot of information and I still look at it that everybody's help has brought it down to the 20 yard line, if you will keep with that analogy.

Ken:

So Mark, I see your cameras come back on.

Mark:

Yeah. I'd just like to respond to Chuck to say that want to make sure that there is clarity that the current franchise agreement has nothing to do with prior land use decisions. Those are two separate processes. Land use decisions, they're in their own legal bailiwick, quasi-judicial decisions that cannot be wiped away by the franchise agreement or cannot be modified by the franchise agreement. So just want to clarify for everyone that there's no relationship between a franchise agreement and land use decisions.

Ken:

Thank you very much for that, mark. Yeah, I have not really understood that. Chuck, go ahead.

Chuck:

Yeah. Thank you, Mark. There's also, hand in hand with that is a DEQ permit process, and that can sometimes bring conditions into it too, but I think everything is open to public opinion and the conditions that they want to put onto it and so forth like that. So I don't want to lose hope of that.

Ken:

Let's see. I wanted to just take a moment right here. Brent, it seems like you're still with us. I know it can be hard to break in when your camera is off, so I just wanted to give you an opportunity to, if you have had thoughts kind of in the past in...

Brent:

No real thoughts, I'm pretty technically focused and so maybe more view of the document, but no [inaudible 01:21:50] comments. I'm letting lots by listening to veterans on the committee.

Ken:

Yes, indeed. Okay, that's fine. I don't want to put you on the spot, but I did want to give you a spot and you bring up a really good point because I certainly know that I'm going to go back to the document to the whole thing and just reread everything and because I've learned a lot about what the salient issues are, and so I encourage everyone to do that with a pen in your hand or the keyboard in your hand to jot down your thoughts. And again, to get them to me by Friday at 10:00 AM so that I can put them into a document.

Brent:

And then my focus personally is what I'm trying to glean from it is there's a lot of information in there as far as on the advisory committee, I'm going to very [inaudible 01:22:53], what's in within my or the county's control and whether it is not. And so that's what I see a lot here is that there's a lot at state level and county that holds a lot of cards [inaudible 01:23:08]...

Ken:

So unfortunately, Brent, I think we just lost your signal. So at least I was hearing you essentially more or less like an alien. So we lost the last part of your comment, but it sounds like you have got up a plan of action going forth from this meeting, which I think is really valuable. Are you still with us or [inaudible 01:23:44]?

Brent:

Sorry for that. I'm still with this if you can near me [inaudible 01:23:48]...

Ken:

Yeah, unfortunately you're completely breaking up. I think he just passed out a range or is about to. So Daniel, you had your hand up or... I guess that, okay.

Daniel:

Oh, thanks, Ken. I just wanted to briefly, it seemed like a good opportunity just to mention that for folks sending in those comments to you, if you could also copy bentoncountyttalkstrash@co.benton.or.us just to keep those records public. We'd really appreciate it.

Ken:

Okay, sure. You can also remind me, Daniel, and so I can check and make sure that if there's anything with it doesn't have that CC on it, I can forward that on.

Daniel:

Thank you.

Ken:

Okay. Any more comments about past land use? So I'm very much going to go back to that section and reread it. I think Mark's analysis is really helpful about what the dynamics are there. So now let's move on then to the A one subcommittee, which is the landfill size and life. And so let's see, who wants to kick that off? Not Mark. I think Mark has gone to bed, which is good. Did you want to talk about what's going on with the landfill size subcommittee there? Chuck? You can say no.

Chuck:

Well, [inaudible 01:25:56] there's 174 acres as we know, there's six cells. That's pretty explicit. But when it gets down to longevity, now that's the tricky question right there. If it's relative to Coffin Butte, if you will, the cell life and the landfill life is contingent on or part of the land reserve if it can be converted to a landfill. So if it can't be converted, then we're right back to the 14 years capacity in cell six. So it's pretty explicit for the first two steps, but there's a lot of conditions or if you will, working through credible scenarios, if you will. And Ginger brought some forward there too and stuff. So maybe we'll have a good conversation here next week or next time we meet and kind of close everything out and stuff. So I appreciate it, really is hard work, anyway.

Ken:

Yes, yes, indeed. So, yes, I mean, I'll just echo what Chuck said. So the three things are finding out the size, the capacity, and the longevity, right?

Chuck:

Yeah.

Ken:

And so those actually are kind of amazingly complex subjects, the first two, whereas I would expected them to be a little bit more straightforward. There's a lot going on with those. And of course, what Mark was referring to about cells not being exactly closed. I mean settlement goes on. There are new ways to kind of, I'm not going to bore you with all that, but...

Chuck:

No, but excuse me.

Ken:

Yeah, go ahead.

Chuck:

Just from a technical, I think Republican DEQ says when they're done, they're capped. They use a different terminology there. So when it's closed, it's not really closed, but when it's capped, it's capped. And that means if I understand them correctly, it's not currently putting any solid waste into it. Sorry, okay.

Ken:

Right.

Chuck:

Yeah.

Ken:

So the first two parts about actually defining kind of the envelope. So there is the size of what has been created already, and then there's the envelope of what is available of still within the present land use permit in terms of accepting more waste. And like Chuck said, now you get to the part where you try to figure out how much the inflow of garbages, so how quickly that remaining envelope is going to fill up. And of course when you look at that over time in the past, you can see it varies quite a bit. There are cycles that kind of go through it, depending on economic activity, bunch of other things. And then when we're looking forward, there are even more factors that possibly come into play because life is getting much more complex for the landfill. [inaudible 01:29:42]. Go ahead, Chuck.

Chuck:

Yeah, chair, I'm sorry to interrupt. I just want to state also that Ginger put a good array together there and which is real good. And that parallels what you written up too, which goes into more detail, but at least the array works good with economical principles where you can look at one and two. On the positive side, is that enough to negate or stay, if you will, in equilibrium with the negative sites. So at least we have some parameters there with you defining them. And then with Ginger's work on that array that if we don't get at it, the array is there for the experts to say, yeah, economically we can look at that. And we look at supply and demand and demand curves and so forth, if you will, there that have give credence to it.

Ken:

Yes. So what check has... So let me just orient people who aren't as familiar with what's going on. So we are really talking about in the A one subcommittee's report, when you get to section three is where that is the one that's actually dealing with intake of waste and especially intake of waste and factors influencing it into the future. So what Chuck was referring to is there is a table there, it's a very nice communicating device because it shows essentially what some of the factors are influencing the landfill. And it just shows that there's a positive influence, which means the landfill life is extended, there's a negative influence, which means that the landfill life is shortened.

So we have to apologize a bit for the document in section three because if you go there, it kind of looks like a hand grenade went off in a room full of text. There is duplicate material, which is not quite the same, but very similar. And it's very confusing because a lot of material essentially has kind of arrived at the same time and has not been sorted out into actually a workable narrative in the form that you got. So that's kind of the first part of section three is kind of talking about factors and kind of giving you arrows pointing that they're either lengthening landfill life or they're shortening landfill life. So something like population growth would shorten landfill life because if there's more population in the service area for the landfill, that generates more garbage per year. But of course there's a cap on how much the landfill takes in.

So that only if influences a certain amount. So things get complicated very quickly. And so we've tried to identify in this section a number of those factors and to characterize them, whereas for example, if recycling rates were to continue, or if a recession happens and economic activity slows down, then there is less garbage produced in that population, and therefore less garbage means not as much going into the landfill per year, which means a lengthening of the landfill's expected life. So we've tried to isolate those factors and just identify kind of what you can expect from them and whether or not it's expected to be a significant number and significant number, that sort of thing.

I mean a lot of the significance of the impact, the amount of the impact really has to do with how much you believe that factor is actually going to be present in the future. Is it going to be a factor at all? Is there going to be a recession? Is there going to be economic growth? Is there going to be a landfill fire? Is there going to be... There are just a number of factors, and we tried to do some brainstorming and kind of come up with a list and treat them.

So a part which is relatively readable is the next part down, which is talking about various scenarios. And so those have graphs kind of attached to them to communicate visually what each of those scenarios means in terms of landfill life, and you can kind of see it playing out because the graphs go year by year. So there is a baseline operating, which is the official, I don't know if official is the right word, Republic services, they have their own forecast essentially about what is going to be happening at Coffin Butte in the lifetime. And their forecast says that they will be putting in as much as they can. So there's an income, an intake cap of 1.1 million, and I'm simplifying, and they say they all be able to... They'll have that demand essentially going through the remainder of life in the landfill.

And so we talk about the factors and the scenarios that we draw out are really about, well, what happens with that scenario? So what happens if the cap goes away, for example? Or what happens if an expansion is approved? Or what happens if there's climate change legislation and the amount going into the landfill is reduced as a result? Because high methane producing material is diverted, there's an incentives to divert it from the landfill, et cetera. So that is relatively accessible to people. And so you can certainly look and kind of comment on that.

It certainly is appropriate to just talk about the fact that it's very hard to parse out the beginning part because it is hard to parse out, and that's quite legitimate feedback. Okay. I'm sorry, I've kind of gone on and on about that. There's also a section four, which kind of has to do with, there was initial skepticism I would say, about some of the scenarios that were coming forward. And so section four really kind of lays out what the signals of these possible futures signals that we can discern now that indicate that these are actual viable possible futures. That's really what Section four has to do with, so enough for me. Chuck, did you have anything to add?

Chuck:

Thank you, chair. Yes. Some of the stuff that is really out, I remember Sam talking about the Portland airport and landings and stuff like that, but you never know what technology would bring. Just with Zoom alone, they've cut down on a lot of their takeoffs and landings because we have a technology here. So also in the mix of solid waste, there are new technologies coming out. It's hard to look in a crystal ball, but they're starting to get some momentum behind them. Instead of sending all our resources over to China or Japan in particular, the [inaudible 01:38:30]. Now, a lot of them are converting that plastics to energy, so we could go on, but they're just unfolding. And obviously as a capital market takes over a little bit and entrepreneurs come in. I think there's even one being developed. I heard here in Albany looking at that stuff too, so that that'll be unfolding. It's just hard to unfolded in this document now without just talking generally about it instead of specifics. But our experts, when they get on board too, they...

PART 3 OF 4 ENDS [01:39:04]

Chuck:

Instead of specifics. But our experts, when they get on board too, they probably will have more in depth on that that can educate, least myself on it, if you will.

Ken:

Yeah, and I mean, that's a really good point, Chuck. I mean, we really are... This is a very future oriented section of the report, and so it clearly has kind of a relationship with the SMMP, where the SMMP is also very future oriented. But I think, so like considerations that we had with the SMMP, like looking internationally, for example, I mean, you can see technologies which are already in place elsewhere, and this is not just technology technologies, but social technologies about how waste is done. And of course, Oregon is moving in this direction by being one of the leaders and producer responsibility for items that are produced. You begin to enable these sorts of systems that prevent things which have a higher use from entering the landfill. So that's what that whole section is about. So I think that it's really relevant to us here in this advisory council to feel free to comment on those and to review the work of the subcommittee in terms of representing Matt. Yeah, Joel.

Joel:

Yeah, thanks, Ken. In just glancing through this, I think it is an interesting section, especially the scenarios you've gone into. One question that comes to my mind, and I'm thinking of the analogy to water resources and river allocation, and the problem of over allocation, in particular, we... The analogy with rivers is that if you have a certain number of users that are all drawing from the river and that works in good years, but then you get a bad event and suddenly the river's overallocated and you have a problem. With the landfill, how this seems to work out is that there's been lots of contracts signed up that provide a certain annual flow of garbage, but then we have these stochastic events like a COVID crisis or [inaudible 01:41:39], Beachie Creek Fire, and suddenly there's more garbage coming in. And we get these either... If you want to call them violations or exceedances of what was expected.

Is there any discussion of that type of planning that... We've seen some patterns of what I would call stochastic variation in the inflows of the random variability on top of sort of what's expected, how that is accounted for in the overall airspace budget?

Ken:

Yeah. I don't... I'm struggling to understand your point-

Joel:

Okay.

Ken:

... entirely. It's a little over my head perhaps, but I think that... We're up against a wall in many regards in that there's a lot of proprietary data about the inflow to the landfill. And so for example, business contracts, nothing about that has been divulged. So we can't really... We can certainly speculate about them, we can make our own best guess faced with lack of information, that's all we can do really. And a lot of those, you can... I mean, in some cases, of course, those things can be found out quite readily if you just call Marion County and ask them what their business relationship is with, they may indeed just tell you. Just as one example. But there just are a number of other things, which Republic has been reluctant to divulge their projection, saying that they're going to be able to maintain that high rate of intake for the next 20 years or 17 years, whatever it plays out to be.

We can't really examine the assumptions. We don't know what assumptions underlie that. So what assumptions about population growth or whatever. There are certain things that don't seem to be in that assumption, but kind of what exactly is in just hasn't been divulged. Yeah, Chuck.

Joel:

Okay.

Chuck:

Well, let me understand this correctly. The common denominator coming into Coffin Butte is the scale ticket. Last time I was there, they scaled it. And then it's attributed to where you're coming from too, which identifies what county it's coming from and municipality. So if the common denominator is tons, which it is, then everything else is density, and capacity has changed from the tunny. So to answer the question, there is a lot of data that's probably available to the county just from the scale tickets loan by saying... Matter of fact, I think [inaudible 01:44:47] seen it there sometimes, which county it's coming from. And then over the years you can see a pattern from the county. But I think... It is just to talk about it here, so when the experts get on board, and I'm sure... Hopefully they'll have some economists on board that they can look at those dynamics of, "Washington County has grown this much. Yamhill County has grown this much."

So they can start putting those different arrays together, just like you put this one array with Ginger and you together and stuff. So I think it's within the realm, it's just a matter of getting more resources and if you will, professional staff on so they can dive into it and divulge it a little bit better than... In a better timeframe than we can, I should say.

Ken:

Well, I think our role is really... Yes. So I agree with you entirely, Chuck. We're not going to answer these questions. I mean, nobody is saying that we have the resources or the time, really, to do that. But I think... What's important, and I think what's important for this advisory council is to ask the right questions. So just kind of exactly the question that Joel was putting forward, that is the one that will actually inform what experts do, as a matter of fact, get hired. So for example, the Beachie Creek fire, I mean, just brought the prospect of a wildfire coming into the vicinity of Coffin Butte. So what exactly happens if there's a wildfire in that immediate area with the landfill? I mean, how likely is the landfill a catch fire, and what happens to the landfill if it does? I mean, that is something that someone, I hope, is really paying attention to.

And I think an expert can say, "These are the things that should be done to best protect her." To respond or whatever is going on. But it requires someone to actually come forward with that question to just say, "Well, what about a fire?" Asking that question is really what gets that sort of preparation in place. And I don't want to be sensational. I just pull that off the top of my head.

Chuck:

No, it's not sensational.

Ken:

I don't want to be dooming and glooming here, but asking the questions is very important. And that's something that anyone can do. You don't have to be an expert to ask those questions. [inaudible 01:47:33].

Chuck:

It's relative. What you're on point is today we have a waste stream tomorrow we have an energy stream. It's just a matter of is the economics there and technology now to change that from the other, and the next great fire, that looks like charcoal to me. It has a price for it. So I'm being somewhat facetious, but it's just a way of looking at the waste streams and can we turn it into a resource stream, if you will.

Ken:

Okay.

Chuck:

But the good thing about the county bringing on experts that... They're knowledgeable on that. If we can help the county, and... And the director is looking at assistant with information to pick the right one, make sure they got economists on board, make sure they got civil engineers on board, make sure they've got... I hate to say this, a geologist on board.

Ken:

Yeah. I'm sorry, Joel, go ahead.

Joel:

Yeah, I just wanted to clarify. We're talking about experts, but I wonder what we're really talking about here, because they were talking about the SMMP process, which is going to come sometime pretty far in the future perhaps, or at least maybe a year in the future or several years in the future before that's resolved. But the capacity issue for the current landfill is something that's going to come up in the, as I understand, in the land use process, which could be in March of this year. So I feel like we can't really defer some of these things out until some other experts come in. We are... For better or worse, we're sort of what we have. And us, the people. Yeah.

Ken:

That's really a good point. Whoops, go ahead.

Chuck:

Well, yes, also, the county's bringing on legal professionals too. So with legal professionals, that brings experts into the field. And at that time, the experts in waste management and sustainable management. So in the introductory letter he put out January 13th, that mix is in there, if you would. It's just a matter of addressing it as occurrences come up. And that's what's hard to forecast right now, what occurrence is going to come first.

Ken:

Yeah. But I'll just refer to an example. And so this is an SMMP example, and of the SMMPs that we looked at of other counties, there was no county that had... Well, I think... I'm not sure if that's exactly true. Of the counties we looked at, I think only Metro had something in there about climate change. I think all the other counties did not actually have anything in their table of contents of their materials management plans having to do with climate change actually being a factor in their waste future. And so there is in the table of contents that our subcommittee put together, but that's because, essentially, there are citizens who are... Us, who insisted that it be there.

So that's the sort of... What we're talking about is bringing forward those ideas. I mean, that's what these subcommittee reports going to the work group and then going on from there really are going to hopefully shape, essentially, who gets calls at the table and what they talk about if and when a new expansion proposal comes forward. So I hope that's helpful in reviewing the landfill size, particularly sections three and four. Any other questions about that? Chuck, did you...

Chuck:

Oh, chair. That's a good point to bring it. It's just a matter of... We're not an oracle of knowledge, but it is to bring in thoughts and perspectives and interpretations of them. And if I don't understand them, that's the reason I send to Daniel, so he does understand. Give us some insight-

Ken:

Good

Chuck:

... insights there.

Ken:

Yeah. Well, I think, Chuck, you and I, we differ about how oracular we are.

Chuck:

Yeah.

Ken:

I mean, this is just a thing. I mean, you like to rely on experts, whereas I like to rely on my own imagination. I feel that I have A-class imagination, I can match with anyone imagination wise, but that's why we get along so well, Chuck.

Chuck:

Yeah, I know, but it's good, as long as... It's good. And Sam does his dues, no matter how bleak the day is, a little humor will bring out the sunshine.

Ken:

Excellent. Okay, so we have 10 minutes left.

Joel:

History hasn't been...

Ken:

I'm sorry, go ahead, Joel.

Joel:

Were we going to talk about the landfill history or the history part of the document, or did I miss that somehow?

Ken:

Let's see. We should do that now. I'm sorry we glossed over that part.

Joel:

Yeah, because I actually have an awful lot of comments on that.

Ken:

Okay, cool.

Joel:

And probably the most important thing is the timeline. And I think... I'll probably just mark that up because it's going to be a lot of detail there. But I think the timeline is really important. This is something that everyone's going to look at. It's a picture, and there are inaccuracies, misstatements, things that are outright wrong, some things that are just kind of silly, suggesting that farming only started in the 1900s, but that's pretty harmless. But saying, for instance, that the 2005 DEQ Record of Decision stated that the site was in compliance is just actually wrong there. I went through that entire document and there's nowhere in it where it says that the site was in compliance. What it did was lay out conditions to meet compliance, things that VLI would have to do... I think it was VLI or Allied Waste at the time. They would have to, for instance, decommission a well in order to come into compliance.

And they were given a deadline of a year to do that. And they were supposed to put set up monitoring wells. And so that process of compliance is still ongoing, but it's been misrepresented in the timeline and also in the main text. Yeah. Another comment was... To me, there's this an over-emphasis on Soap Creek Valley. I don't even live in Soap Creek Valley, and I'm a neighbor, but there's this Soap Creek Valley here and Soap Creek Valley there, and it makes it seem like the only people who actually live anywhere near the landfill are in Soap Creek Valley. And I thought we sort of tried to cover that in the neighborhood tour. We made a point of going over towards North Albany, looking at Palestine, all the houses up in the hills there. We didn't manage to get to Suver, to the north of us, and we didn't get to Lewisburg, we drove past it.

But there's a lot of... I think it's 10% of the population of Benton County lives within this more or less five mile radius where they're in the view shed, they're in the odor shed, they're in the litter shed, if we could come up with coin terms. And there's no mention of that in the document. It says there's Soap Creek Valley people, and then there's farmland, and E.E. Wilson. So that's kind of a major overarching point and I think it... And where it becomes important is that it's been stated that Soap Creek people are just being NIMBYs, but there's a lot more people that have this in their backyard. So it is actually a pretty important point.

Ken:

No, I... Yeah.

Joel:

Sorry [inaudible 01:56:31]. I shouldn't rant too much. So yeah, if there's any feedback on those things, I do have more things to...

Ken:

Well, I certainly appreciate that. I wasn't really paying very much attention when the history part came together. I was more focused on the future end. So those points all seem really good to me. So Marge, and then Chuck.

Marge:

Yeah, Joel, I think that that's a really good point. And I wish you brought it up earlier so that we could have addressed it because I can see now that there has been an emphasis on Soap Creek Valley in the document, partly because there's so much information available because of Zybak's work. And I think that that is how we got sidetracked to Soap Creek Valley is because there's such an excellent stream of information about that area. But it is a wider area. And as you point out, the whole corridor... I mean, there are people in Polk County who are affected. There are people in North Albany who can see the landfill from the Albany Road. So yeah. And now what I do want to say though is that the Soap Creek area, I think what we were trying to do there, that is all very early in the history... We're not talking about Soap Creek Valley Valley in 1983 or in 2000. We're talking about it in the 1800s and the early 1900s because that is the area that Coffin Butte exists then, right? I mean...

Joel:

Yeah, it's one side of it. I appreciate... What I'll do is I'll send in comments and hopefully there's still time to fix things. And I think really the important document that... Unfortunately, it wasn't documented very well, the neighborhood tour, there were some notes taken by ICM staff, and I'll have comments on those too. They didn't really accurately capture what we did, where we went, what we talked about. And that was really... It was a meeting, actually, of the working group, and what went on in the work group in the neighborhood tour, a big part of that never really came into this document. So I'll have some input on that. But it was part of the process and it should be represented, and I'll try to give you some constructive words on that. Yeah, and there's some things missing. There's a couple of leachate incidents that are left out of the timeline.

There was a 1996 issue where they had to dump 3 million gallons into the river directly. There was a 2000 incident that shows up in the monitoring reports, still being detected and monitoring Well 23. These things, I don't know if they ever came up, they were events in the landfill operation that show there have been some problems. And also, there was the issue of the Helms Well being decommissioned was taken out somehow that was in there in one draft.

Marge:

No, it's back in the draft... It's back in. It's not in the timeline because the timeline is kind of upleveled. I mean, I see that what is in the timeline is that Allied Waste purchases the landfill from the Bun Brothers. I mean, we've got, what, 36... Oh, well, the Ginger has a comment. She hasn't said anything yet, so I'd yield to Ginger.

Ken:

It's got to be brief though, we only have four minutes left. Ginger, go ahead.

Ginger:

Yeah, I'll be really, really fast. I don't want to interject too much into this meeting because I know this is your purview, but I just wanted to convey to Joel that part of the weakness of this process is that what you're seeing is old already in that Marge and Mark Henkels and I have already gone back and done revisions on the history that have not yet been provided to SWAC. And so I feel like, especially when we're talking about the Helms Well, for example, Marge provided me with some additional information. And so that did end up back into the text as well as the leachate issues that you were talking about. And so just to try to clarify that and keep it in mind that that document is still evolving and that some of the points you're bringing up are being addressed because Marge and Mark have already brought them to our attention. So that's all I want to say.

Joel:

Okay. Is there... Thanks, Ginger. Yeah. Is there something more recent that... I mean, I have until tomorrow. I'm leaving for a couple memorial services over the weekend, but if there's something that I could see tomorrow that would help me to be more efficient in my comments.

Ken:

So I'm just going to... To me, that's like crazy making. We have been really tasked with responding to draft three, and so we should respond to draft three. Even if those comments... If those comments have indeed been taken care of in future iterations, then I think that's all good. But to hold anything back and try to check more recent... Believe me, that's just a paper chase that you'll never get out of. So our charter is really to respond to this draft that's been put forward. And so I would really just want us to focus on that. So, Chuck, I know you've been having your hand up there, but it's got to be quick because we only have two minutes left.

Chuck:

No, I just-

Ken:

[inaudible 02:03:06] things to

Chuck:

Say. Yeah, I just want to thank Marge and everybody on that history thing. And what I really appreciate is learning about Greenbury who actually burnt the town down. And on the... Conversely, speaking south of Corvallis, there's a siding there, that's Greenbury, and that's been there for quite a while, and they only name a siding from Southern Pacific after somebody who was shipped a lot and he cut down the forest to ship out. So there's irony in that if you read into it, and I really appreciate what they're saying because it brought a chuckle out.

Ken:

Okay. Cool. All right. Well, it's time for us to wrap up, you guys. Thank you so much. It's been a great conversation. Again, please go back to the document, kind of knowing what we do know now, and get your comments down in writing. So you might want to have... So having page numbers for the comments that you put in, when you're on a certain page, to note that page is really going to make my job a lot easier. And I really encourage you to submit the comments, kind of of all kinds that are going to be helpful, you think to the people who... For the work group, and then going back to the subcommittees in terms of tightening up their product. And I can just speak from my own experience that being on a subcommittee, you really lose the perspective of how it looks from outside.

And so for comments to be something like, "This is really tight, this is really good." That's a good thing for people to hear. That'd be a good thing for me to hear. But also the comments just like going, "This is impenetrable." Or whatever. I mean, that sort of very general sort of comments, I think, would be helpful. And again, we are kind of the public representative, so if you think about interested public people coming to this document, they're kind of relying on us to give a pushback for them. But also, those specific comments, like the ones that you were just describing, Joel, those are even more valuable, right? Because we want things to be factually accurate. So last statements by anyone. Yeah, Joel?

Joel:

Yeah, I just wanted to say I did appreciate all the work that, Marge, she put into the history document, but I just-

Marge:

Well, and Mark Henkels.

Joel:

Yeah. And Mark. Yeah. Yeah. I don't want to be too negative. I just... These were just some things that popped up for me, but I'll try to be helpful and constructive.

Marge:

Okay. Now Darren Nichols has his hand up.

Ken:

Oh, thank you. Yes, Darren.

Darren Nichols:

Hey, good evening, Mr. Chair. Thank you for the robust discussion and the feedback. I appreciate it. I'm sorry you can't see my cameras, it doesn't seem to be working. But I just wanted to double check the process whereby SWAC members will send their comments to you. I thought I heard early on that you were asking for them to send them to you privately. And I just want to remind SWAC that any writings that members make that are leading towards a decision by the body are public record and must be disclosed publicly. So otherwise, SWAC is having, essentially, a serial meeting that's outside the public view. If we can help find a way for that process to happen, I'd like to just make sure we protect the integrity of SWAC's feedback into the Benton County talks trash.

Ken:

Okay, great. Yes. So Daniel had... He read us that right act a little earlier in the program, so we have heard that. But we'll emphasize again, so CC... The comments do come to me because I am compiling them. But you should CC the trash talk and work group. Yeah.

Darren Nichols:

Thank you. Yeah, thank you for that. I just want to remind the members that we're trying to protect the deliberations here for so they're valid and not subject to attack later.

Ken:

Sure. Yes. Yeah. Thank you very much for-

Darren Nichols:

Okay. And thank you.

Ken:

... bring that up again.

Darren Nichols:

Thank you for the discussion.

Ken:

Yep. Okay members, thank you so much. It was very good to hear from all of you, and your engagement is very inspiring.

Joel:

Yeah. Yeah. Thank you, Ken. And Mark's gone, but [inaudible 02:08:04], I guess.

Ken:

Yes. Quite the trooper for us.

Chuck:

Yeah, chair. I just glad to see that Ginger is back up and going. I know she had a battle with COVID there, but it's good that she's up and going, so appreciate that.

Ginger:

[inaudible 02:08:28]. I [inaudible 02:08:29] Mark and if Joel's getting the funk too, I hope everybody's back to full speed our next meetings. So...

Ken:

For me, it's just a cold, I think. It's... Or a bit of rain. Yeah.

Ginger:

Yeah. You've already had it, haven't you, Joel?

Ken:

Yeah. Yeah, a couple times.

Ginger:

That's what I thought.

Ken:

Yeah.

Ginger:

So, all right. Have a good night everybody. Thanks.

Ken:

Yes, indeed. Good night everyone. Thank you. All the public out there participating, we appreciate you tuning in with us. [inaudible 02:09:03].

PART 4 OF 4 ENDS [02:09:09]