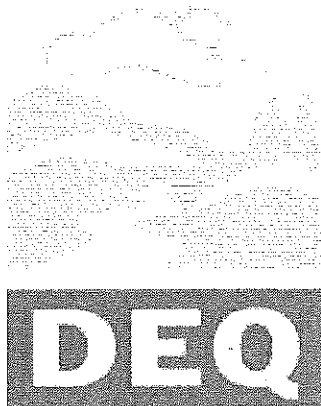


6/19/1987

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

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ENVIRONMENTAL QUALITY COMMISSION

Minutes of the Special Meeting
June 19, 1987

811 S. W. Sixth Avenue
Portland, Oregon

On June 19, 1987, at 1:30 p.m., a special telephone conference call of the Oregon Environmental Quality Commission convened. Present by conference call connection were Chairman James Petersen in Bend, Vice Chairman Arno Denecke in Salem, Commissioner Wallace Brill in Medford, Commissioner Sonia Buist in Portland, Commissioner Mary Bishop in Portland, and Assistant Attorney General David Ellis in Salem. Present in the Director's Office on the sixth floor of the Department of Environmental Quality office at 811 SW Sixth Avenue in Portland, Oregon, were Director Fred Hansen, several members of the Department staff, a representative from Metro, and a number of citizens including attorneys representing the Ramsey Lake and Bacona Road community neighborhood organizations, Waste Management Inc., and Tidewater Barge Lines.

The purpose of the special conference telephone call was to finalize the content of the proposed Findings of Fact and Conclusions and Order, regarding establishment of Bacona Road as a regional landfill site, as directed by the Commission at the June 12, 1987, meeting.

Chairman Petersen noted that each Commissioner received a revised draft of the Findings of Fact and Order from the Department the previous day and a letter with suggested revisions from the Port of Portland. He also noted that Metro staff had proposed

changes to the revised Order. It was determined that the Commission had not received copies of an objection to the revised Findings submitted to the Department late the previous day by Mr. Ed Sullivan, attorney, representing the Helvetia/Mountaintdale Preservation Coalition (HMPC).

At Chairman Petersen's request, Ed Sullivan read the text of the objections to the draft revised Findings of Fact aloud for the Commission. Assistant Attorney General, David Ellis, summarized the Department's response to five objections posed by Mr. Sullivan. Director Hansen noted that the contested case proceeding on the landfill site selection will provide an opportunity for entertaining objections of the nature presented by HMPC.

Chairman Petersen requested that language changes to the Order, as suggested by Metro staff, be read aloud. David Luneke of Metro read the proposed revisions to page 3, paragraph 2 g, of the Order. These changes would release the DEQ from obligation to develop the Bacona Road site solely upon passage of a resolution, by Metro, that the site was no longer needed. Director Hansen informed the Commission that Rena Cusma, Metro Executive, contrary to Metro staff suggestions, testified that morning in Salem that Metro supports the language of the revised order as proposed by DEQ. By consensus the Commission agreed that the Department's version of the draft Order more accurately reflects their intent: DEQ's obligation to develop the Bacona Road site would expire when Metro decided the site was no longer needed, and the District had entered into binding agreements guaranteeing the disposal of all the District's waste for a period of not less than 20 years.

Chairman Petersen noted that language included in the revised Findings of Fact page 7, paragraph 2, comparing the Bacona Road site and the Ramsey Lake site would require participation of the Ramsey Lake site opponents in the contested case hearing. By consensus the Commission approved language proposed by Assistant Attorney General David Ellis to eliminate mention and comparison of the Bacona Road and Ramsey Lake sites in the Findings of Fact and Conclusions.

David Ellis informed the Commission of his opinion that the record of the proceedings on the landfill site selection does not support the implied conclusion included in the Findings of Fact (page 7,

paragraph 2), that landfill siting at the Bacona Road site would not have a significant impact on regional economic development. There were no objections to Chairman Petersen's suggestion that this reference be eliminated from the findings.

Vice Chairman Denecke clarified his understanding that the proposed Order, as amended during this meeting, would be interpreted to mean that if the Bacona Road site is eliminated as a result of the contested case proceeding that a new order of the Commission could be passed directing the DEQ to establish the Ramsey Lake site.

Assistant Attorney General Ellis suggested minor changes be made to pages 5 and 8 of the Findings of Fact to clarify the reports being referred to in the document. He also suggested that the signature block be changed to allow Fred Hansen to sign the Order on behalf of the Commission. There were no objections to these suggestions.

It was MOVED by Commissioner Buist, seconded by Commissioner Bishop and passed unanimously that revisions to the proposed draft Findings of Fact and Conclusions and Order on Bacona Road, as amended during the meeting, be approved.

Chairman Petersen apologized to Mr. Sullivan for the short time given to review the Department's proposed draft language for the draft Findings of Fact and Order. While recognizing the time constraints placed on the Department in these circumstances, Chairman Petersen requested the Department take all steps possible to provide sufficient time and notice for review in the future.

There was no further business and the meeting was adjourned.



Environmental Quality Commission

811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

June 16, 1987

To: Environmental Quality Commission

From: Fred Hansen, Director

Subject: Revised Draft Order and Findings - Landfill Siting Decision

Attached are revised draft findings and an order directing the Department to establish the Bacona Road landfill site. These documents have been revised from the original to reflect specific Commission motions and language approved at your meeting June 12, 1987. New material added to the original draft of these documents is underlined in each document.

It has been suggested that the Commission conduct a conference call to determine whether these documents accurately reflect the Commission's direction to establish a landfill site at Bacona Road. Tina Payne of my office is telephoning each of you to schedule this call for either Friday, June 19, 1987 or Monday, June 22, 1987.

Attachments 1 - Order
2 - Findings of Fact and Conclusions

Cathy Fitch:m
SM1065.A
229-5110

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Establishment)
of a Solid Waste Disposal Site to) FINDINGS OF FACT AND
Serve Clackamas, Multnomah and) CONCLUSIONS
Washington Counties.)
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D I S C U S S I O N D R A F T

I.

INTRODUCTION

The 1985 Legislature, through passage of 1985 Or Laws, ch 679 (the Act) vested the Department of Environmental Quality (DEQ) and the Environmental Quality Commission (EQC) with the responsibility to site a solid waste disposal facility to serve the Portland Metropolitan Tri-County area. The Act also requires the Metropolitan Service District (MSD) to develop and implement a comprehensive waste reduction program for the Tri-County area. The timely siting of a solid waste disposal facility to serve the Tri-County area is of critical concern because of the imminent closure of the St. Johns Landfill which now serves as the areas only existing general purpose landfill.

In order to carry out its responsibility, DEQ began a process which involved the development of a comprehensive list of potential disposal sites by May 1986; the completion and submission to EQC of a study identifying 12 to 18 preferred and appropriate sites in June 1986; and the selection by DEQ of three recommended sites for detailed feasibility analysis by November 1, 1986. The Feasibility Study Report for the Bacona Road potential landfill site (Feasibility Study) was prepared for DEQ by

the firm of CH2M Hill, with assistance from EMCON Associates; Cooper Consultants, Inc.; Sweet, Edwards and Associates, Inc.; Jones and Jones; and Kittelson and Associates.

II.

FINDINGS

A. These findings are made pursuant to section 4 of 1985 Or Laws ch 679, in support of EQC's order directing DEQ to establish a solid waste disposal site at the Bacona Road site. (The Order).

1. In performing its study, DEQ and its consultants have reviewed applicable state and federal environmental laws and regulations. The laws and regulations reviewed include those listed in Exhibit A to these findings, and by this reference incorporated herein. The Feasibility Study presents technical data and analyses sufficient for a determination of the feasibility of establishment of a disposal site at the Bacona Road site. The EQC finds that the provisions of ORS Chapter 467 and the Oregon Administrative Rules promulgated thereunder will be complied with if the disposal site is built and operated according to the standards set forth in Chapters 3 and 4 of the feasibility study. Enforcement or final judgment concerning actual compliance with other specific state or federal laws or regulations is not within the EQC's authority. The order requires DEQ (or its contractor) to obtain all necessary state and federal permits and comply with all applicable state and federal laws and regulations. The order requires DEQ (or its Contractor) to implement all measures contained in Sections 3 and 4 of the Feasibility Study (or

substitute measures with greater or equal levels of protection) in development and operation of the disposal site, including the environmental protection features of the design criteria set forth on page 3-3 of the Feasibility Study. The order prohibits DEQ from issuance of a solid waste disposal permit unless all applicable state and federal laws and regulations and the Section 3 and 4 standards of the Feasibility Study are complied with.

CONCLUSION

The Commission finds that the establishment of a disposal site at the Bacona Road site will comply with applicable state statutes, rules of the Commission and applicable federal regulations.

2. Adverse noise, odor and visual impacts of landfilling can be minimized by use of natural and/or artificial barriers between the active landfill and adjacent properties. Buffering features of this site will be those set forth on pages 4-81 through 4-87 of the Feasibility Study.

The effects of buffering and other mitigation measures on noise will be those described on pages 4-58 through 4-68 of the Feasibility Study.

The effects of buffering and other mitigation measures on odor will be those described on pages 4-21 through 4-26.

The effects of buffering features and other mitigation measures on visual resources will be those described on pages 4-81 through 4-87 of the Feasibility Study.

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The order requires implementation of the measures set forth on pages 4-21 through 4-26, 4-58 through 4-68, and 4-81 through 4-87 of the Feasibility Study, which will mitigate adverse noise, odors and visual effects of landfilling at the location.

CONCLUSION

The Commission finds that the size of the disposal site is sufficiently large to allow buffering for mitigation of adverse effects by natural or artificial barriers.

3. Transportation characteristics of the Bacona Road site are set forth on pages 2-79 through 2-86 of the Feasibility Study. The location of the disposal site will have the impacts described on pages 4-72 through 4-77. The order requires implementation of the measures set forth on pages 4-78 through 4-79 of the Feasibility Study.

CONCLUSION

The Commission finds that projected traffic will not significantly contribute to dangerous intersections or traffic congestion considering road design capacities, existing and projected traffic counts, speed limits and the number of turning points.

4. The Bacona Road site has or is served by the public services and facilities described on pages 2-94 through 2-97 of the Feasibility Study. The necessary public facilities for development and operation of the site are either in place at the site or near by, or can be extended or constructed for the site as set forth on pages 4-89 through 4-91 of the Feasibility Study.

CONCLUSION

The Commission finds that facilities necessary to serve the disposal site can be available or planned for the area.

5. Forestry is the dominant land use in the site area, and increased fire potential is a significant potential conflict as a result of landfill operation. The Neighborhood Protection Plan includes twenty-seven fire prevention and suppression measures that address this issue. (See pages 4-39 through 4-45).

Some residential development also exists in the area (see pages 2-69 through 2-76).

Conflicts with surrounding uses resulting from landfilling may include:

- o Site screening.
- o Odors.
- o Safety and security risks.
- o Noise levels.
- o Dust and other air pollution.
- o Bird and vector problems.
- o Damage to fish and wildlife habitats.

The conceptual and final design, construction and operation of the landfill will incorporate the following environmental protection features:

- o A double-lined landfill.
- o A leachate collection system with leachate treatment.
- o A leak detection system between liners.

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- o A gas control system, installed as the landfill is constructed.
- o Daily cover of the active landfill face.
- o Groundwater monitoring.

The design, construction and operation of the landfill will incorporate the measures and standards of the Neighborhood Protection Plan summarized on Table 4-1 and explained in Chapter 4 of the Feasibility Study.

CONCLUSION

The Commission finds that the Bacona Road disposal site may be designed and operated to mitigate conflicts with surrounding uses to the extent practicable.

B. Statewide land use planning goal findings.

1. Section 2(2)(a) of the Act directs the EQC to give due consideration to the statewide planning goals.

CONCLUSION

The Commission finds selection of the Bacona Road site complies with applicable statewide planning goals, as set forth in attached Exhibit B.

C. Other considerations.

1. Section 2(2)(b) and (c) of the Act directs the EQC to give due consideration to information received during consultation with local governments and from public comment and hearings.

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CONCLUSIONS

The Commission has given due consideration to information received from public comment and hearings as evidenced in the findings under statewide planning goals 1 and 2 (see Exhibit B) and in the attached Response Summary hereby incorporated as Exhibit C.

2. Section 2(2)(d) of the Act directs the Commission to give due consideration to other factors the Commission considers relevant. The Commission considers the following factors relevant:

(a) The cost of acquisition, development and operation of the Bacona Road disposal site will be lower than the Ramsey Lake site.

(b) The projected life of the Bacona Road disposal site is longer than the Ramsey Lake site; and

(c) Development of the Ramsey Lake site as a disposal site may have significant impacts on regional economic development.

CONCLUSION

The Commission finds that the Bacona Road site is more appropriate for development as a disposal site under the factors set forth in Section 2(a) through (c) above.

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D. DEQ Study

1. Section 5(2) of the Act directs the Commission in selecting a disposal site to review the study prepared by DEQ and the sites recommended by DEQ under Section 3 of the Act. The Commission has reviewed the study and finds it relevant for the following reasons:

(a) The study demonstrates that selection of the Bacona Road site complies with the criteria set forth in Section 4 of the Act; and

(b) The study provides information and evidence in support of the Commission's other considerations set forth in Subparagraphs C III 1-3 of these findings.

E. Sites Considered by EQC

The Commission recognizes that private interests have come forward and requested Commission consideration of sites other than the sites recommended by DEQ, including sites given preliminary consideration by DEQ, but not recommended by DEQ under Section 3 of the Act. The Commission does not intend to consider these sites under its authority provided by SB 662. However, the Commission does not wish to foreclose consideration of any potential solid waste disposal site by Metro, and encourages DEQ and Metro to further evaluate these disposal options.

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III.

CONCLUSIONS

Based upon the findings set forth above and in the final Feasibility Study Report and its appendices, the Commission concludes that selection of the Bacona Road site satisfies the statutory criteria set forth in the Act.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

In the Matter of the Establishment)
of a Solid Waste Disposal Site to) ORDER
Serve Clackamas, Multnomah and)
Washington Counties.)
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D I S C U S S I O N D R A F T

1. Introduction

The Legislative Assembly charged the Environmental Quality Commission (EQC) and Department of Environmental Quality (DEQ) with the responsibility for locating and establishing a solid waste disposal site to serve the Clackamas, Multnomah and Washington tri-county area. Oregon Laws 1985, Chapter 679 (the Act). The Act requires EQC to issue its order not later than July 1, 1987, directing DEQ to establish the disposal site.

DEQ and its prime consultant, the firm of CH2M Hill have prepared a report entitled the Final Feasibility Study Report for the Bacon Road landfill site (the "Feasibility Study"). The Feasibility Study is comprised of six sections and Appendices A through H.

The sections address introductory materials (Section 1), the existing environment at the Bacon Road site (Section 2), the conceptual site plan for development of a landfill at the Bacon Road site (Section 3), the Neighborhood Protection Plan (NPP) for the Bacon Road site (Section 4), the cost estimate for development of the Bacon Road site (Section 5) and references (Section 6). The appendices contain the technical information, assumptions, DEQ ratings and other information supporting the six narrative sections of the Feasibility Study.

2. Conditions

a. The findings of fact and conclusions of EQC, including all exhibits thereto, attached to this order are hereby incorporated into this order.

b. The Feasibility Study for the Bacona Road site, including all appendices is hereby adopted as findings and conclusions of EQC, and by this reference incorporated into this order.

c. The environmental protection features of the design criteria set forth on page 3-3 of the Feasibility Study are hereby adopted by the EQC and shall be incorporated into the facility design and required by the DEQ as a condition of issuance of the solid waste disposal permit.

d. The requirements of the NPP (Section 4 of the Feasibility Study) are hereby adopted by EQC. All of the measures designed to eliminate or minimize adverse effects of the development and operation of a solid waste disposal facility at Bacona Road, contained in the NPP, shall be incorporated into the design and operation of the facility, except that measures may be replaced with alternative measures which provide a standard of protection or mitigation which is equal to or greater than the measure replaced. DEQ shall require implementation of the NPP as a condition of issuance of the solid waste disposal permit.

e. All NPP measures which specify operational standards or methods shall be required conditions of the solid waste disposal permit issued by DEQ.

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f. DEQ or any local government unit under contract with DEQ to establish the disposal site pursuant to Section 7(1)(a) of the Act, shall obtain all state and federal permits necessary to establishment, development and operation of the disposal facility, and comply with all applicable state and federal laws and regulations.

g. The St. Johns Landfill will reach capacity and be closed between 1989 and 1991. The impending closure of St. Johns Landfill and the resulting need to cite and establish a new disposal site within or for Clackamas, Multnomah or Washington Counties led to enactment of the Act. The EQC has, pursuant to the Act, selected the Bacona Road site. However, if the Metropolitan Services District (MSD) decides, in exercising its authority under ORS 268.317 and 268.318, that the Bacona Road site is not necessary to protect the health, safety, and welfare of the tri-county area upon closure of the St. Johns Landfill and if the MSD enters into binding agreements for the disposal of all of the solid waste of the district at disposal sites other than Bacona Road for a period of not less than twenty (20) years, then all authority for DEQ to establish a disposal site under this order shall expire.

h. The EQC shall not order the establishment of a disposal site at Ramsey Lake under the Act.

3. Order

Based upon the above-referenced findings and conclusions of EQC, and subject to the conditions set forth above, the Environmental Quality Commission for the State of Oregon hereby orders the Department of Environmental Quality to establish a solid waste disposal facility at the Bacona Road site.

DATED this ____ day of ____ 1987.

Mary V. Bishop
Commissioner

Wallace B. Brill
Commissioner

A. Sonia Buist
Commissioner

Arno H. Denecke
Commissioner

James E. Petersen
Chairperson

NOTICE: Interested parties may seek EQC review of this order by contested case. Petitions for review must be filed with the Environmental Quality Commission or before June 26, 1987. Petitions must contain the information required by Oregon Administrative Rule 137-03-005(3) (copies of this and other applicable procedural rules may be obtained from the Department of Environmental Quality, telephone (503 229-5731). If no contested case is requested, this Order shall become final on June 29, 1987. Judicial review of this order is governed by Oregon Laws 1985, Chapter 679, Section 6.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Establishment)	
of a Solid Waste Disposal Site to)	FINDINGS OF FACT AND
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I.

INTRODUCTION

The 1985 Legislature, through passage of 1985 Or Laws, ch 679 (the Act) vested the Department of Environmental Quality (DEQ) and the Environmental Quality Commission (EQC) with the responsibility to site a solid waste disposal facility to serve the Portland Metropolitan Tri-County area. The Act also requires the Metropolitan Service District (MSD) to develop and implement a comprehensive waste reduction program for the Tri-County area. The timely siting of a solid waste disposal facility to serve the Tri-County area is of critical concern because of the imminent closure of the St. Johns Landfill which now serves as the areas only existing general purpose landfill.

In order to carry out its responsibility, DEQ began a process which involved the development of a comprehensive list of potential disposal sites by May 1986; the completion and submission to EQC of a study identifying 12 to 18 preferred and appropriate sites in June 1986; and the selection by DEQ of three recommended sites for detailed feasibility analysis by November 1, 1986. The Feasibility Study Report for the Bacona Road potential landfill site (Feasibility Study) was prepared for DEQ by

the firm of CH2M Hill, with assistance from EMCON Associates; Cooper Consultants, Inc.; Sweet, Edwards and Associates, Inc.; Jones and Jones; and Kittelson and Associates.

II.

FINDINGS

A. These findings are made pursuant to section 4 of 1985 Or Laws Chapter 679, in support of EQC's order directing DEQ to establish a solid waste disposal site at the Bacona Road site. (The Order).

1. In performing its study, DEQ and its consultants have reviewed applicable state and federal environmental laws and regulations. The laws and regulations reviewed include those listed in Exhibit A to these findings, and by this reference incorporated herein. The Feasibility Study presents technical data and analyses sufficient for a determination of the feasibility of establishment of a disposal site at the Bacona Road site. The EQC finds that the provisions of ORS Chapter 467 and the Oregon Administrative Rules promulgated thereunder will be complied with if the disposal site is built and operated according to the standards set forth in Chapters 3 and 4 of the feasibility study. Enforcement or final judgment concerning actual compliance with other specific state or federal laws or regulations is not within the EQC's authority. The order requires DEQ (or its contractor) to obtain all necessary state and federal permits and comply with all applicable state and federal laws and regulations. The order requires DEQ (or its Contractor) to implement all measures contained in Sections 3 and 4 of the Feasibility Study (or

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substitute measures with greater or equal levels of protection) in development and operation of the disposal site, including the environmental protection features of the design criteria set forth on page 3-3 of the Feasibility Study. The order prohibits DEQ from issuance of a solid waste disposal permit unless all applicable state and federal laws and regulations and the Section 3 and 4 standards of the Feasibility Study are complied with.

CONCLUSION

The Commission finds that the establishment of a disposal site at the Bacona Road site will comply with applicable state statutes, rules of the Commission and applicable federal regulations.

2. Adverse noise, odor and visual impacts of landfilling can be minimized by use of natural and/or artificial barriers between the active landfill and adjacent properties. Buffering features of this site will be those set forth on pages 4-81 through 4-87 of the Feasibility Study.

The effects of buffering and other mitigation measures on noise will be those described on pages 4-58 through 4-68 of the Feasibility Study.

The effects of buffering and other mitigation measures on odor will be those described on pages 4-21 through 4-26.

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The order requires implementation of the measures set forth on pages 4-21 through 4-26, 4-58 through 4-68, and 4-81 through 4-87 of the Feasibility Study, which will mitigate adverse noise, odors and visual effects of landfilling at the location.

CONCLUSION

The Commission finds that the size of the disposal site is sufficiently large to allow buffering for mitigation of adverse effects by natural or artificial barriers.

3. Transportation characteristics of the Bacona Road site are set forth on pages 2-79 through 2-86 of the Feasibility Study. The location of the disposal site will have the impacts described on pages 4-72 through 4-77. The order requires implementation of the measures set forth on pages 4-78 through 4-79 of the Feasibility Study.

CONCLUSION

The Commission finds that projected traffic will not significantly contribute to dangerous intersections or traffic congestion considering road design capacities, existing and projected traffic counts, speed limits and the number of turning points.

4. The Bacona Road site has or is served by the public services and facilities described on pages 2-94 through 2-97 of the Feasibility Study. The necessary public facilities for development and operation of the site are either in place at the site or near by, or can be extended or constructed for the site as set forth on pages 4-89 through 4-91 of the Feasibility Study.

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CONCLUSION

The Commission finds that facilities necessary to serve the disposal site can be available or planned for the area.

5. Forestry is the dominant land use in the site area, and increased fire potential is a significant potential conflict as a result of landfill operation. The Neighborhood Protection Plan (Section 4 of the Feasibility Study) includes twenty-seven fire prevention and suppression measures that address this issue. (See pages 4-39 through 4-45).

Some residential development also exists in the area (see pages 2-69 through 2-76).

Conflicts with surrounding uses resulting from landfilling may include:

- o Site screening.
- o Odors.
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The conceptual and final design, construction and operation of the landfill will incorporate the following environmental protection features:

- o A double-lined landfill.
- o A leachate collection system with leachate treatment.
- o A leak detection system between liners.
- o A gas control system, installed as the landfill is constructed.

- o Daily cover of the active landfill face.
- o Groundwater monitoring.

The design, construction and operation of the landfill will incorporate the measures and standards of the Neighborhood Protection Plan summarized on Table 4-1 and explained in Chapter 4 of the Feasibility Study.

CONCLUSION

The Commission finds that the Bacona Road disposal site may be designed and operated to mitigate conflicts with surrounding uses to the extent practicable.

B. Statewide land use planning goal findings.

1. Section 2(2)(a) of the Act directs the EQC to give due consideration to the statewide planning goals.

CONCLUSION

The Commission finds selection of the Bacona Road site complies with applicable statewide planning goals, as set forth in attached Exhibit B.

C. Other considerations.

1. Section 2(2)(b) and (c) of the Act directs the EQC to give due consideration to information received during consultation with local governments and from public comment and hearings.

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CONCLUSIONS

The Commission has given due consideration to information received from public comment and hearings as evidenced in the findings under statewide planning goals 1 and 2 (see Exhibit B) and in the attached Response Summary hereby incorporated as Exhibit C.

2. Section 2(2)(d) of the Act directs the Commission to give due consideration to other factors the Commission considers relevant. The Commission considers the following factors relevant:

(a) The cost of acquisition, development and operation of the Bacona Road disposal site; and

(b) The projected life of the Bacona Road disposal site.

The Commission finds that the estimated costs for acquisition, development and operation of the Bacona Road disposal site set forth in Section 5 of the Feasibility Study are acceptable. The Commission finds the estimated site life of the Bacona Road site of 47 years, without an alternative technology facility, acceptable (see Section 3 of the Feasibility Study for site life discussion).

CONCLUSION

The Commission finds that the Bacona Road site is appropriate for development as a disposal site under the factors set forth in Section 2(a) and (b) above.

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D. DEQ Study

1. Section 5(2) of the Act directs the Commission in selecting a disposal site to review the study prepared by DEQ and the sites recommended by DEQ under Section 3 of the Act. The DEQ has also supervised preparation of the Feasibility Study. The Commission has reviewed the study and Feasibility Study and finds them relevant for the following reasons:

(a) The study and Feasibility Study demonstrate that selection of the Bacona Road site complies with the criteria set forth in Section 4 of the Act; and

(b) The study and Feasibility Study provide information and evidence in support of the Commission's other considerations set forth in Subparagraphs C 2 (a) and (b) of these findings.

E. Sites Considered by EQC

The Commission recognizes that private interests have come forward and requested Commission consideration of sites other than the sites recommended by DEQ, including sites given preliminary consideration by DEQ, but not recommended by DEQ under Section 3 of the Act. The Commission does not intend to consider these sites under its authority provided by SB 662. However, the Commission does not wish to foreclose consideration of any potential solid waste disposal site by Metro, and encourages DEQ and Metro to further evaluate these disposal options.

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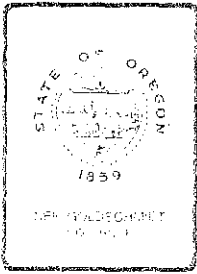
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III.

CONCLUSIONS

Based upon the findings set forth above and in the final Feasibility Study Report and its appendices, the Commission concludes that selection of the Bacona Road site satisfies the statutory criteria set forth in the Act.



Environmental Quality Commission

811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

June 16, 1987

To: Environmental Quality Commission

From: Fred Hansen, Director

Subject: Revised Draft Order and Findings - Landfill Siting Decision

Attached are revised draft findings and an order directing the Department to establish the Bacona Road landfill site. These documents have been revised from the original to reflect specific Commission motions and language approved at your meeting June 12, 1987. New material added to the original draft of these documents is underlined in each document.

It has been suggested that the Commission conduct a conference call to determine whether these documents accurately reflect the Commission's direction to establish a landfill site at Bacona Road. Tina Payne of my office is telephoning each of you to schedule this call for either Friday, June 19, 1987 or Monday, June 22, 1987.

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- 2 - Findings of Fact and Conclusions

Cathy Fitch:m
 SM1065.A
 229-5110

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In the Matter of the Establishment)	
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FINDINGS

A. These findings are made pursuant to section 4 of 1985 Or Laws ch 679, in support of EQC's order directing DEQ to establish a solid waste disposal site at the Bacona Road site. (The Order).

1. In performing its study, DEQ and its consultants have reviewed applicable state and federal environmental laws and regulations. The laws and regulations reviewed include those listed in Exhibit A to these findings, and by this reference incorporated herein. The Feasibility Study presents technical data and analyses sufficient for a determination of the feasibility of establishment of a disposal site at the Bacona Road site. The EQC finds that the provisions of ORS Chapter 467 and the Oregon Administrative Rules promulgated thereunder will be complied with if the disposal site is built and operated according to the standards set forth in Chapters 3 and 4 of the feasibility study. Enforcement or final judgment concerning actual compliance with other specific state or federal laws or regulations is not within the EQC's authority. The order requires DEQ (or its contractor) to obtain all necessary state and federal permits and comply with all applicable state and federal laws and regulations. The order requires DEQ (or its Contractor) to implement all measures contained in Sections 3 and 4 of the Feasibility Study (or

substitute measures with greater or equal levels of protection) in development and operation of the disposal site, including the environmental protection features of the design criteria set forth on page 3-3 of the Feasibility Study. The order prohibits DEQ from issuance of a solid waste disposal permit unless all applicable state and federal laws and regulations and the Section 3 and 4 standards of the Feasibility Study are complied with.

CONCLUSION

The Commission finds that the establishment of a disposal site at the Bacona Road site will comply with applicable state statutes, rules of the Commission and applicable federal regulations.

2. Adverse noise, odor and visual impacts of landfilling can be minimized by use of natural and/or artificial barriers between the active landfill and adjacent properties. Buffering features of this site will be those set forth on pages 4-81 through 4-87 of the Feasibility Study.

The effects of buffering and other mitigation measures on noise will be those described on pages 4-58 through 4-68 of the Feasibility Study.

The effects of buffering and other mitigation measures on odor will be those described on pages 4-21 through 4-26.

The effects of buffering features and other mitigation measures on visual resources will be those described on pages 4-81 through 4-87 of the Feasibility Study.

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The order requires implementation of the measures set forth on pages 4-21 through 4-26, 4-58 through 4-68, and 4-81 through 4-87 of the Feasibility Study, which will mitigate adverse noise, odors and visual effects of landfilling at the location.

CONCLUSION

The Commission finds that the size of the disposal site is sufficiently large to allow buffering for mitigation of adverse effects by natural or artificial barriers.

3. Transportation characteristics of the Bacona Road site are set forth on pages 2-79 through 2-86 of the Feasibility Study. The location of the disposal site will have the impacts described on pages 4-72 through 4-77. The order requires implementation of the measures set forth on pages 4-78 through 4-79 of the Feasibility Study.

CONCLUSION

The Commission finds that projected traffic will not significantly contribute to dangerous intersections or traffic congestion considering road design capacities, existing and projected traffic counts, speed limits and the number of turning points.

4. The Bacona Road site has or is served by the public services and facilities described on pages 2-94 through 2-97 of the Feasibility Study. The necessary public facilities for development and operation of the site are either in place at the site or near by, or can be extended or constructed for the site as set forth on pages 4-89 through 4-91 of the Feasibility Study.

CONCLUSION

The Commission finds that facilities necessary to serve the disposal site can be available or planned for the area.

5. Forestry is the dominant land use in the site area, and increased fire potential is a significant potential conflict as a result of landfill operation. The Neighborhood Protection Plan includes twenty-seven fire prevention and suppression measures that address this issue. (See pages 4-39 through 4-45).

Some residential development also exists in the area (see pages 2-69 through 2-76).

Conflicts with surrounding uses resulting from landfilling may include:

- o Site screening.
- o Odors.
- o Safety and security risks.
- o Noise levels.
- o Dust and other air pollution.
- o Bird and vector problems.
- o Damage to fish and wildlife habitats.

The conceptual and final design, construction and operation of the landfill will incorporate the following environmental protection features:

- o A double-lined landfill.
- o A leachate collection system with leachate treatment.
- o A leak detection system between liners.

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- o A gas control system, installed as the landfill is constructed.
- o Daily cover of the active landfill face.
- o Groundwater monitoring.

The design, construction and operation of the landfill will incorporate the measures and standards of the Neighborhood Protection Plan summarized on Table 4-1 and explained in Chapter 4 of the Feasibility Study.

CONCLUSION

The Commission finds that the Bacona Road disposal site may be designed and operated to mitigate conflicts with surrounding uses to the extent practicable.

- B. Statewide land use planning goal findings.
 - 1. Section 2(2)(a) of the Act directs the EQC to give due consideration to the statewide planning goals.

CONCLUSION

The Commission finds selection of the Bacona Road site complies with applicable statewide planning goals, as set forth in attached Exhibit B.

- C. Other considerations.
 - 1. Section 2(2)(b) and (c) of the Act directs the EQC to give due consideration to information received during consultation with local governments and from public comment and hearings.

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CONCLUSIONS

The Commission has given due consideration to information received from public comment and hearings as evidenced in the findings under statewide planning goals 1 and 2 (see Exhibit B) and in the attached Response Summary hereby incorporated as Exhibit C.

2. Section 2(2)(d) of the Act directs the Commission to give due consideration to other factors the Commission considers relevant. The Commission considers the following factors relevant:

(a) The cost of acquisition, development and operation of the Bacona Road disposal site will be lower than the Ramsey Lake site.

(b) The projected life of the Bacona Road disposal site is longer than the Ramsey Lake site; and

(c) Development of the Ramsey Lake site as a disposal site may have significant impacts on regional economic development.

CONCLUSION

The Commission finds that the Bacona Road site is more appropriate for development as a disposal site under the factors set forth in Section 2(a) through (c) above.

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D. DEQ Study

1. Section 5(2) of the Act directs the Commission in selecting a disposal site to review the study prepared by DEQ and the sites recommended by DEQ under Section 3 of the Act. The Commission has reviewed the study and finds it relevant for the following reasons:

(a) The study demonstrates that selection of the Bacona Road site complies with the criteria set forth in Section 4 of the Act; and

(b) The study provides information and evidence in support of the Commission's other considerations set forth in Subparagraphs C III 1-3 of these findings.

E. Sites Considered by EQC

The Commission recognizes that private interests have come forward and requested Commission consideration of sites other than the sites recommended by DEQ, including sites given preliminary consideration by DEQ, but not recommended by DEQ under Section 3 of the Act. The Commission does not intend to consider these sites under its authority provided by SB 662. However, the Commission does not wish to foreclose consideration of any potential solid waste disposal site by Metro, and encourages DEQ and Metro to further evaluate these disposal options.

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III.

CONCLUSIONS

Based upon the findings set forth above and in the final Feasibility Study Report and its appendices, the Commission concludes that selection of the Bacona Road site satisfies the statutory criteria set forth in the Act.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Establishment)
of a Solid Waste Disposal Site to) ORDER
Serve Clackamas, Multnomah and)
Washington Counties.)
)
)

D I S C U S S I O N D R A F T

1. Introduction

The Legislative Assembly charged the Environmental Quality Commission (EQC) and Department of Environmental Quality (DEQ) with the responsibility for locating and establishing a solid waste disposal site to serve the Clackamas, Multnomah and Washington tri-county area. Oregon Laws 1985, Chapter 679 (the Act). The Act requires EQC to issue its order not later than July 1, 1987, directing DEQ to establish the disposal site.

DEQ and its prime consultant, the firm of CH2M Hill have prepared a report entitled the Final Feasibility Study Report for the Bacona Road landfill site (the "Feasibility Study"). The Feasibility Study is comprised of six sections and Appendices A through H.

The sections address introductory materials (Section 1), the existing environment at the Bacona Road site (Section 2), the conceptual site plan for development of a landfill at the Bacona Road site (Section 3), the Neighborhood Protection Plan (NPP) for the Bacona Road site (Section 4), the cost estimate for development of the Bacona Road site (Section 5) and references (Section 6). The appendices contain the technical information, assumptions, DEQ ratings and other information supporting the six narrative sections of the Feasibility Study.

2. Conditions

a. The findings of fact and conclusions of EQC, including all exhibits thereto, attached to this order are hereby incorporated into this order.

b. The Feasibility Study for the Bacona Road site, including all appendices is hereby adopted as findings and conclusions of EQC, and by this reference incorporated into this order.

c. The environmental protection features of the design criteria set forth on page 3-3 of the Feasibility Study are hereby adopted by the EQC and shall be incorporated into the facility design and required by the DEQ as a condition of issuance of the solid waste disposal permit.

d. The requirements of the NPP (Section 4 of the Feasibility Study) are hereby adopted by EQC. All of the measures designed to eliminate or minimize adverse effects of the development and operation of a solid waste disposal facility at Bacona Road, contained in the NPP, shall be incorporated into the design and operation of the facility, except that measures may be replaced with alternative measures which provide a standard of protection or mitigation which is equal to or greater than the measure replaced. DEQ shall require implementation of the NPP as a condition of issuance of the solid waste disposal permit.

e. All NPP measures which specify operational standards or methods shall be required conditions of the solid waste disposal permit issued by DEQ.

///

///

D R A F T

f. DEQ or any local government unit under contract with DEQ to establish the disposal site pursuant to Section 7(1)(a) of the Act, shall obtain all state and federal permits necessary to establishment, development and operation of the disposal facility, and comply with all applicable state and federal laws and regulations.

g. The St. Johns Landfill will reach capacity and be closed between 1989 and 1991. The impending closure of St. Johns Landfill and the resulting need to cite and establish a new disposal site within or for Clackamas, Multnomah or Washington Counties led to enactment of the Act. The EQC has, pursuant to the Act, selected the Bacona Road site. However, if the Metropolitan Services District (MSD) decides, in exercising its authority under ORS 268.317 and 268.318, that the Bacona Road site is not necessary to protect the health, safety, and welfare of the tri-county area upon closure of the St. Johns Landfill and if the MSD enters into binding agreements for the disposal of all of the solid waste of the district at disposal sites other than Bacona Road for a period of not less than twenty (20) years, then [all authority for] DEQ ^{shall not be required} to establish a disposal site under this order [shall expire.]

h. The EQC shall not order the establishment of a disposal site at Ramsey Lake under the Act.

3. Order

Based upon the above-referenced findings and conclusions of EQC, and subject to the conditions set forth above, the Environmental Quality Commission for the State of Oregon hereby orders the Department of Environmental Quality to establish a solid waste disposal facility at the Bacona Road site.

DATED this ____ day of ____ 1987.

Mary V. Bishop
Commissioner

Wallace B. Brill
Commissioner

A. Sonia Buist
Commissioner

Arno H. Denecke
Commissioner

James E. Petersen
Chairperson

NOTICE: Interested parties may seek EQC review of this order by contested case. Petitions for review must be filed with the Environmental Quality Commission or before June 26, 1987. Petitions must contain the information required by Oregon Administrative Rule 137-03-005(3) (copies of this and other applicable procedural rules may be obtained from the Department of Environmental Quality, telephone (503 229-5731). If no contested case is requested, this Order shall become final on June 29, 1987. Judicial review of this order is governed by Oregon Laws 1985, Chapter 679, Section 6.

Summary of Proposed Revisions

Order ¶g. Re: Cutting Baconna loose.

- reference to all waste / 20yr. is too inflexible
 - ✓ DEQ staff suggest revising to read "... agreements providing for or allowing for disposal of ... (20) years."
 - ✓ Metro suggests revising to allow dropping of Baconna upon passage of a resolution by Council that site is not needed.
- reference to DEQ authority "shall expire".
 - ✓ DEQ staff suggest less absolute language eg. "DEQ not required to establish ..."
- Metro suggests additional ¶ precluding DEQ development of W-29 until Council decision made.
- What to do about Ramsay lake?
 - ✓ Port suggests strengthening language to say no to m-5 even after contested case hearing.

Findings ① Re: findings that Baconna is "more appropriate" than Ramsay - FD. 7 & 2. (a) - (c)
✓ Port recommends eliminating comparison so scope of contested case will not be a comparison of sites.

② H/MPC

- Rules should have been adopted
- Fed/State rules compliance inadequate
- Land use goal findings "
- Response Summary "

Findings and Order

1. Metro:

- Wants dropping of Bacona contingent upon 'Council Resolution'.
- DEQ to be precluded from developing Bacona prior to Resolution.

2. H/MPC

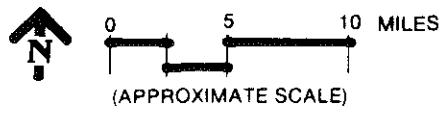
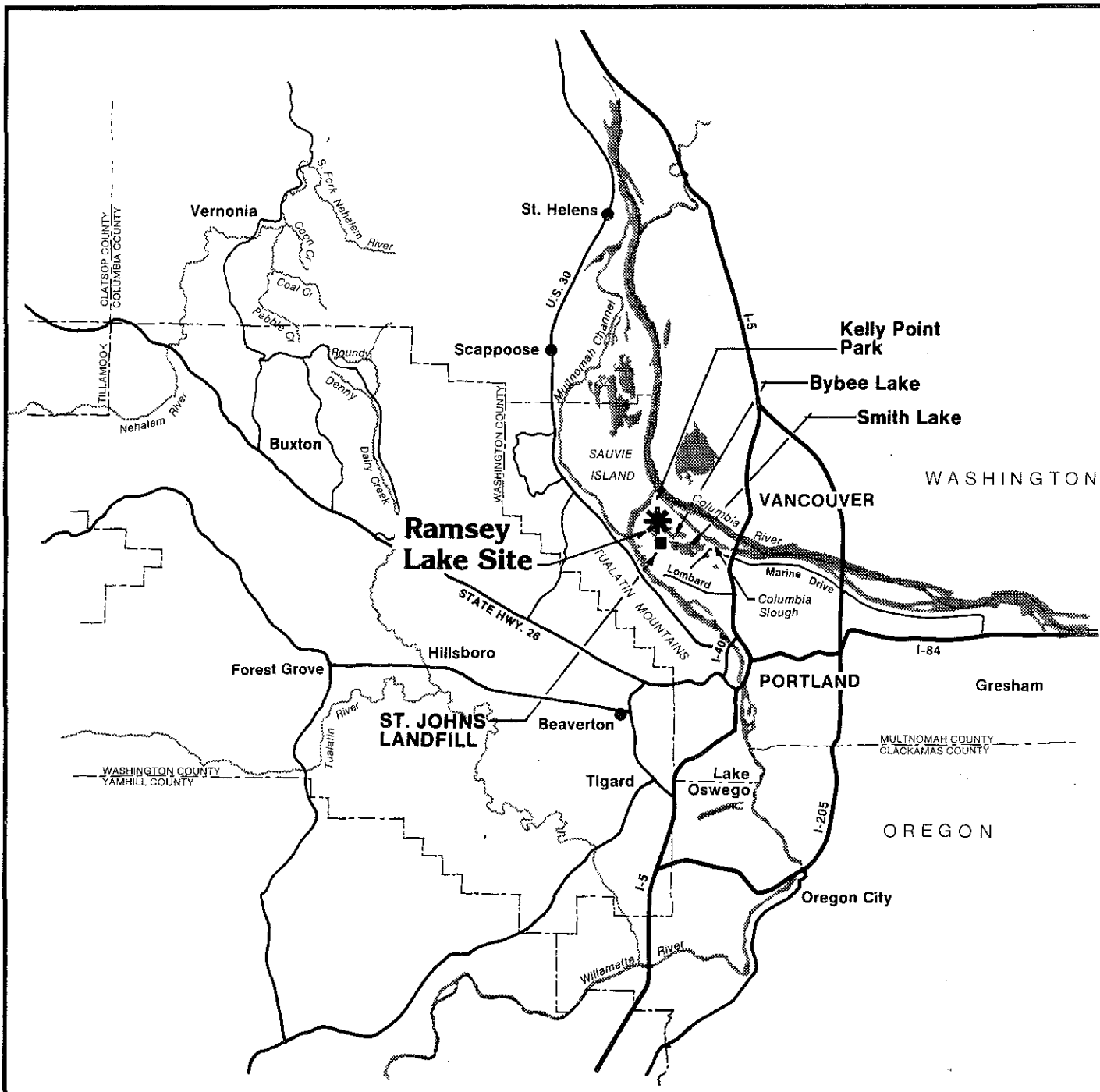
- Rules: should have adopted, particularly on Sec. 2 findings
- Approach wrong on fed/state rule compliance
- Land use: inadequate, particularly on 'state agency compliance'
- Response Summary inadequate

3. Port of Portland

- No Ramsey Lake - amend sect. 3 to say "even after cont. case hearing"
- Contested Case should not be comparison of sites

4. DEQ / 662 staff

- concern about 'g' wording - too inflexible ("all" - "20 years")
- findings referencing Section 3 Report need to be changed.
- concern about 'authority expires' → how about 'not required'



STATE OF OREGON
DEPARTMENT OF
ENVIRONMENTAL QUALITY

VICINITY MAP
LANDFILL SITING STUDY
RAMSEY LAKE SITE



June 18

To: Fred

From: Steve Greenwood

Re: Contingency Fund at Bacona Rd.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 18 1987

OFFICE OF THE DIRECTOR

(1) The Neighborhood Protection Plan at Bacona Road does include a 'contingency fund' be built up to accommodate any water quality problems. However, the NPP does not specify the amount of the fund, nor does it refer to the amounts in the cost analysis.

(2) There are a number of contingencies built into the cost estimates for Bacona Rd:

- \$5.7 million in one-time construction costs (not water-quality related)
- \$3.6 million for each cell development "
- * \$1.1 million annually, "allowance for accidents" during the life of the landfill (47 years)
- * \$500^{thousand} annually built in to the post closure costs, to take care of any water-related problems

(3) These estimates (above) were intended to be conservative, and were not intended as necessarily the required reserve or required fee. (All of our cost estimates were done using conservative estimates.) The amount for post closure would, of course, be better collected as part of the tipping fee during the life of the landfill. However, to require the \$500 ^{thousand} ~~per~~ per year to be collected during the active life is likely to be extravagant and not prudent with the public's money.

(4) I have discussed this with Danko and asked him to discuss with Fawbush's staff person.

We both agree that the figure for the contingency fee should probably be set during the permit application stage, rather than now.

(5) Our current rules require that the post-closure costs be estimated and included as part of the closure permit. Then, 5 years prior to closure, these post-closure costs are covered in a reserve ^(closure) fund that is built up through tipping fees. Proposed EPA regs would make this process happen at the beginning of the landfill life, rather than wait.

1 PROPOSED AMENDMENTS TO B-ENGROSSED HOUSE BILL 2619

2 On page 1 of the printed B-engrossed bill, line 2, after
3 "459.235" insert "and section 3, chapter 679, Oregon Laws 1985".

4 Delete lines 4 through 22 and delete pages 2 through 6 and
5 insert:

6 "SECTION 1. Sections 2 to 11 of this Act are added to and made
7 a part of ORS 459.005 to 459.285.

8 "SECTION 2. Each local government unit that has a disposal site
9 operating under the provisions of ORS 459.005 to 459.285 and for
10 which the local government unit collects a fee may apportion an
11 amount of the service or user charges collected for solid waste
12 disposal at each publicly owned or franchised solid waste disposal
13 site within or for the local government unit and dedicate and use
14 the moneys obtained for rehabilitation and enhancement of the area
15 in and around the disposal site from which the fees have been
16 collected. That portion of the service and user charges set aside
17 by the local government unit for the purposes of this section shall
18 be not more than \$1 for each ton of solid waste. If a local
19 government unit apportions moneys under this section, the same
20 local government unit may not also impose a surcharge under section
21 6 of this 1987 Act.

22 "SECTION 3. Each local government unit shall establish a
23 citizens advisory committee to select plans, programs and projects
24 for the rehabilitation and enhancement of disposal sites for which
25 the local government unit has apportioned moneys under section 2 of
26 this 1987 Act.

1 "SECTION 4. As used in sections 2 and 3 of this 1987 Act,
2 'disposal site' has the meaning given that term in ORS 459.005, but
3 does not include a material recovery, recycling or reuse facility.

4 "SECTION 5. (1) Except as otherwise provided by rules adopted
5 by the Environmental Quality Commission under subsection (3) of
6 this section, after July 1, 1988, a regional disposal site may not
7 accept solid waste generated from any local or regional government
8 unit within or outside the State of Oregon unless the Department of
9 Environmental Quality certifies that the government unit has
10 implemented an opportunity to recycle that meets the requirements
11 of ORS 459.165 to 459.200 and 459.250.

12 "(2) The Environmental Quality Commission shall adopt rules to
13 establish a program for certification of recycling programs
14 established by local or regional governments in order to comply
15 with the requirement of subsection (1) of this section.

16 "(3) Not later than July 1, 1988, the commission shall
17 establish by rule the amount of solid waste that may be accepted
18 from an out-of-state local or regional government before the local
19 or regional government must comply with the requirement set forth
20 in subsection (1) of this section. Such rule shall not become
21 effective until July 1, 1990.

22 "(4) Subject to review of the Executive Department and the
23 prior approval of the appropriate legislative review agency, the
24 department may establish a certification fee in accordance with ORS
25 468.065.

26 "(5) After July 1, 1988, if the metropolitan service district
27 sends solid waste generated within the boundary of the metropolitan

1 service district to a regional disposal site, the metropolitan
2 service district shall:

3 "(a) At least semiannually operate or cause to be operated a
4 collection system or site for receiving household hazardous waste;

5 "(b) Provide residential recycling containers, as a pilot
6 project implemented not later than July 1, 1989; and

7 "(c) Provide an educational program to increase participation
8 in recycling and household hazardous materials collection programs.

9 "SECTION 6. (1) Each board of county commissioners that has a
10 regional disposal site operating under provisions of ORS 459.005 to
11 459.285 may impose a surcharge on the solid waste received at the
12 regional disposal site. The county may negotiate with the owner or
13 operator of the regional disposal site to establish the amount of
14 the surcharge imposed under this subsection.

15 "(2) In lieu of the negotiated surcharge imposed under
16 subsection (1) of this section, the board of county commissioners
17 shall unilaterally impose the following surcharge:

18 "(a) For the first 2,000 tons per day \$ 0.75/ton

19 "(b) For each ton between 2,000 to
20 4,000 tons per day \$ 1.00/ton

21 "(c) For each ton above
22 4,000 tons per day \$ 1.25/ton

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

25 "(a) The surcharge shall be adjusted annually in accordance
26 with the Portland Consumer Price Index;

1 "(b) At least 10 percent of the surcharge shall go into a
2 transition fund to be used by the county after the regional
3 disposal site is closed; and

4 "(c) Of the remaining 90 percent of the surcharge, give
5 priority in expending the moneys to mitigation of adverse impacts
6 on the area in and around the regional disposal site including but
7 not limited to rehabilitation and enhancement of the area,
8 development of alternate water systems, road construction and
9 maintenance and mitigation of adverse affects on wildlife and the
10 environment, if provisions to mitigate such adverse impacts are not
11 assured by permit conditions or bond requirements.

12 "SECTION 7. As used in sections 7 to 11 of this 1987 Act:

13 "(1) 'Committee' means a local citizens advisory committee
14 established under section 8 of this 1987 Act.

15 "(2) 'Permittee' means a person operating a regional disposal
16 site under a permit issued under ORS 459.245.

17 "SECTION 8. (1) The board of county commissioners of a county
18 in which a regional disposal site is proposed to be located shall
19 establish a local citizens advisory committee when the Department
20 of Environmental Quality receives an application for a regional
21 disposal site within the county. The board shall select members of
22 the committee who reflect a fair and equal representation of each
23 of the following groups:

24 "(a) Residents residing adjacent to the regional disposal site.

25 "(b) Owners of real property adjacent to the regional disposal
26 site.

27 "(c) Persons who reside in or own real property within the
28 county in which the regional disposal site is located.

1 "(d) Employes of the permittee.

2 "(e) Local organizations and citizen interest groups whose
3 majority of members either:

4 "(A) Are electors of the county in which the regional disposal
5 site is located; or

6 "(B) Own real property in the county in which the regional
7 disposal site is located.

8 "(2) Members of the local citizens advisory committee shall
9 serve a term of two years. The committee shall elect from among
10 its members a chairperson of the committee with such duties and
11 powers as the committee imposes. The committee shall meet at least
12 four times each year for so long as the regional disposal site is
13 proposed or operating.

14 "SECTION 9. Notwithstanding the term of office specified by
15 section 8 of this 1987 Act, of the initial members of a local
16 citizens advisory committee created pursuant to section 8 of this
17 1987 Act, one-half shall serve for a term ending one year after
18 their appointment.

19 "SECTION 10. The duties of the local citizens advisory
20 committee established under section 8 of this 1987 Act shall
21 include but need not be limited to:

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

25 "(2) Providing a forum for citizen comments, questions and
26 concerns about the regional disposal site and promoting a dialogue
27 between the community in which the regional disposal site is to be
28 located and the owner or operator of the regional disposal site.

1 The committee shall prepare an annual written report summarizing
2 the local citizens' concerns and the manner in which the owner or
3 operator is addressing those concerns. The report shall be
4 considered by the Department of Environmental Quality in issuing
5 and renewing a solid waste permit under ORS 459.245.

6 "SECTION 11. The permittee shall notify the local citizens
7 advisory committee established under section 8 of this 1987 Act
8 when the permittee proposes to apply for a change to any state or
9 local permit.

10 "SECTION 12. ORS 459.005 is amended to read:

11 "459.005. As used in ORS 459.005 to 459.285, unless the
12 context requires otherwise:

13 "(1) 'Affected person' means a person or entity involved in the
14 solid waste collection service process including but not limited to
15 a recycling collection service, disposal site permittee or owner,
16 city, county and metropolitan service district.

17 "(2) 'Area of the state' means any city or county or
18 combination or portion thereof or other geographical area of the
19 state as may be designated by the commission.

20 "(3) 'Board of county commissioners' or 'board' includes county
21 court.

22 "(4) 'Collection franchise' means a franchise, certificate,
23 contract or license issued by a city or county authorizing a person
24 to provide collection service.

25 "(5) 'Collection service' means a service that provides for
26 collection of solid waste or recyclable material or both.

27 "(6) 'Commission' means the Environmental Quality Commission.

1 "(7) 'Department' means the Department of Environmental
2 Quality.

3 "(8) 'Disposal site' means land and facilities used for the
4 disposal, handling or transfer of or resource recovery from solid
5 wastes, including but not limited to dumps, landfills, sludge
6 lagoons, sludge treatment facilities, disposal sites for septic
7 tank pumping or cesspool cleaning service, transfer stations,
8 resource recovery facilities, incinerators for solid waste
9 delivered by the public or by a solid waste collection service,
10 composting plants and land and facilities previously used for solid
11 waste disposal at a land disposal site; but the term does not
12 include a facility subject to the permit requirements of ORS
13 468.740; a landfill site which is used by the owner or person in
14 control of the premises to dispose of soil, rock, concrete or other
15 similar nondecomposable material, unless the site is used by the
16 public either directly or through a solid waste collection service;
17 or a site operated by a wrecker issued a certificate under ORS
18 822.110.

19 "(9) 'Land disposal site' means a disposal site in which the
20 method of disposing of solid waste is by landfill, dump, pit, pond
21 or lagoon.

22 "(10) 'Land reclamation' means the restoration of land to a
23 better or more useful state.

24 "(11) 'Local government unit' means a city, county,
25 metropolitan service district formed under ORS chapter 268,
26 sanitary district or sanitary authority formed under ORS chapter
27 450, county service district formed under ORS chapter 451, regional
28 air quality control authority formed under ORS 468.500 to 468.530

1 and 468.540 to 468.575 or any other local government unit
2 responsible for solid waste management.

3 "(12) 'Metropolitan service district' means a district
4 organized under ORS chapter 268 and exercising solid waste
5 authority granted to such district under ORS chapters 268 and 459.

6 "(13) 'Permit' includes, but is not limited to, a conditional
7 permit.

8 "(14) 'Person' means the state or a public or private
9 corporation, local government unit, public agency, individual,
10 partnership, association, firm, trust, estate or any other legal
11 entity.

12 "(15) 'Recyclable material' means any material or group of
13 materials that can be collected and sold for recycling at a net
14 cost equal to or less than the cost of collection and disposal of
15 the same material.

16 "(16) 'Regional disposal site' means:

17 "(a) A disposal site selected pursuant to chapter 679, Oregon
18 Laws 1985; or

19 "(b) A disposal site that receives, or a proposed disposal site
20 that is designed to receive more than 75,000 tons of solid waste a
21 year from commercial haulers from outside the immediate service
22 area in which the disposal site is located. As used in this
23 paragraph, 'immediate service area' means the county boundary of
24 all counties except a county that is within the boundary of the
25 metropolitan service district. For a county within the
26 metropolitan service district, 'immediate service area' means the
27 metropolitan service district boundary.

1 "[(16)] (17) 'Resource recovery' means the process of obtaining
2 useful material or energy resources from solid waste and includes:

3 "(a) 'Energy recovery,' which means recovery in which all or a
4 part of the solid waste materials are processed to utilize the heat
5 content, or other forms of energy, of or from the material.

6 "(b) 'Material recovery,' which means any process of obtaining
7 from solid waste, by presegregation or otherwise, materials which
8 still have useful physical or chemical properties after serving a
9 specific purpose and can, therefore, be reused or recycled for the
10 same or other purpose.

11 "(c) 'Recycling,' which means any process by which solid waste
12 materials are transformed into new products in such a manner that
13 the original products may lose their identity.

14 "(d) 'Reuse,' which means the return of a commodity into the
15 economic stream for use in the same kind of application as before
16 without change in its identity.

17 "[(17)] (18) 'Solid waste collection service' or 'service' means
18 the collection, transportation or disposal of or resource recovery
19 from solid wastes but does not include that part of a business
20 operated under a certificate issued under ORS 822.110.

21 "[(18)] (19) 'Solid waste' means all putrescible and
22 nonputrescible wastes, including but not limited to garbage,
23 rubbish, refuse, ashes, waste paper and cardboard; sewage sludge,
24 septic tank and cesspool pumpings or other sludge; commercial,
25 industrial, demolition and construction wastes; discarded or
26 abandoned vehicles or parts thereof; discarded home and industrial
27 appliances; manure, vegetable or animal solid and semisolid wastes,
28 dead animals and other wastes; but the term does not include:

1 "(a) Hazardous wastes as defined in ORS 466.005.

2 "(b) Materials used for fertilizer or for other productive
3 purposes or which are salvageable as such materials are used on
4 land in agricultural operations and the growing or harvesting of
5 crops and the raising of fowls or animals.

6 "[~~(19)~~] (20) 'Solid waste management' means prevention or
7 reduction of solid waste; management of the storage, collection,
8 transportation, treatment, utilization, processing and final
9 disposal of solid waste; or resource recovery from solid waste; and
10 facilities necessary or convenient to such activities.

11 "[~~(20)~~] (21) 'Source separate' means that the person who last
12 uses recyclable material separates the recyclable material from
13 solid waste.

14 "[~~(21)~~] (22) 'Transfer station' means a fixed or mobile facility
15 normally used, as an adjunct of a solid waste collection and
16 disposal system or resource recovery system, between a collection
17 route and a disposal site, including but not limited to a large
18 hopper, railroad gondola or barge.

19 "[~~(22)~~] (23) 'Waste' means useless or discarded materials.

20 "[~~(23)~~] (24) 'Wasteshed' means an area of the state having a
21 common solid waste disposal system or designated by the commission
22 as an appropriate area of the state within which to develop a
23 common recycling program.

24 "SECTION 13. ORS 459.235 is amended to read:

25 "459.235. (1) Applications for permits shall be on forms
26 prescribed by the department. An application shall contain a
27 description of the existing and proposed operation and the existing
28 and proposed facilities at the site, with detailed plans and

1 specifications for any facilities to be constructed. The
2 application shall include a recommendation by the local government
3 unit or units having jurisdiction and such other information the
4 department deems necessary in order to determine whether the site
5 and solid waste disposal facilities located thereon and the
6 operation will comply with applicable requirements.

7 "(2) Subject to the review of the Executive Department and the
8 prior approval of the appropriate legislative review agency, permit
9 fees may be charged in accordance with ORS 468.065 (2).

10 "(3) If the application is for a regional disposal facility,
11 the applicant shall file with the department a surety bond in the
12 form and amount established by rule by the commission. The bond or
13 financial assurance shall be executed in favor of the State of
14 Oregon and shall be in an amount as determined by the department to
15 be reasonably necessary to protect the environment, and the health,
16 safety and welfare of the people of the state. The commission may
17 allow the applicant to substitute other financial assurance for the
18 bond, in the form and amount the commission considers satisfactory.

19 "SECTION 14. Section 3, chapter 679, Oregon Laws 1985, is
20 amended to read:

21 "Sec. 3. (1) The Department of Environmental Quality shall
22 conduct a study, including a survey of possible and appropriate
23 sites, to determine the preferred and appropriate disposal sites
24 for disposal of solid waste within or for Clackamas, Multnomah and
25 Washington Counties.

26 "(2) The study required under this section shall be completed
27 not later than July 1, 1986. Upon completion of the study, the
28 department shall recommend to the commission preferred locations

1 for disposal sites within or for Clackamas, Multnomah and
2 Washington Counties. The department may recommend a location for a
3 disposal site that is outside those three counties, but only if the
4 city or county that has jurisdiction over the site approves the
5 site and the method of solid waste disposal recommended for the
6 site. The recommendation of preferred locations for disposal sites
7 under this subsection shall be made not later than January 1, 1987.

8 "(3) The department shall investigate, evaluate, review and
9 process any permit application for landfills and associated
10 transfer stations proposed to receive solid waste from Multnomah,
11 Clackamas and Washington Counties.

12 "SECTION 15. (1) The Department of Environmental Quality shall
13 study the management of solid waste throughout the state. The
14 study shall include:

15 "(a) A review of the capacity of all domestic solid waste
16 disposal sites and the need for locating new sites;

17 "(b) The identification of significant regional solid waste
18 disposal problem areas; and

19 "(c) A survey of local governments to determine their
20 willingness to participate in regional solid waste management
21 planning.

22 "(2) Not later than December 15, 1988, the Director of the
23 Department of Environmental Quality shall make the results of the
24 study required under subsection (1) of this section available to
25 the President of the Senate and the Speaker of the House of
26 Representatives of the Sixty-fourth Legislative Assembly, who shall
27 refer the results of the study to the appropriate legislative
28 committee.

1 "SECTION 16. Section 3, chapter 679, Oregon Laws 1985 is
2 repealed July 1, 1989."



Port of Portland

Box 3529 Portland, Oregon 97208
503/231-5000
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June 18, 1987

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 19 1987

James E. Peterson, Chairman
Mary V. Bishop
Wallace B. Brill
A. Sonia Buist
Arno H. Denecke
Environmental Quality Commission
811 S.W. Sixth Avenue
Portland, OR 97204

OFFICE OF THE DIRECTOR

Dear Chairman and Commissioners:

I first want to thank you for your thoughtful review of materials provided by Port staff and consultants during the deliberations which led to the landfill site selection last week. Having been involved in the solid waste issue for some time, I personally recognize the difficult task you faced.

A solution to the region's solid waste problem remains a concern to the Port. As you know, we have followed the "Eastern Oregon" solution with some interest. Given the strong interest of at least two private companies in the concept and the apparent acceptance of the idea by citizens in the outlying communities, this solution does appear to be achievable.

A key to the "Eastern Oregon" approach is the siting of a Portland transfer station. Given the interested companies' apparent desire for both rail and barge transportation alternatives, the Rivergate Industrial District is certainly a possible location for such a transfer facility. We will continue to work with the appropriate parties in an attempt to site a transfer station that works for the disposal companies and that will minimize adverse impacts on current or future Rivergate tenants.

Again, thank you for your continued attention to the Port's concerns. Our primary interest in the Ramsey Lake landfill issue was to preserve prime industrial property; it has never been our intent to totally



Port of Portland offices located in Portland, Oregon, U.S.A., Boise, Idaho, Chicago, Illinois, New York, N.Y., Washington, D.C., Hong Kong, Manila, Seoul, Singapore, Sydney, Taipei, Tokyo, Henley-on-Thames, England

Environmental Quality Commission

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shelter ourselves from the region's solid waste problem. We feel we can be a productive part of the solution if the "Eastern Oregon" approach is pursued.

Please call me if you have any questions or comments.

Sincerely,



Lloyd Anderson
Executive Director

cc: Fred Hansen ✓
Port of Portland Commission

01F305

JUST IN TIME... A HAPPY ENDING TO A TRASHY STORY



THIS TIME SELECT, DON'T SETTLE

Now, more than ever before, we must pay attention to our trash.

Twenty-six hundred tons of it. That's how much we produce in the Portland-metropolitan area each day.

For a little while longer, we may continue to bury it in the St. Johns Landfill. But time is running out because the old landfill will close.

THE WET ONES: BACONA ROAD AND RAMSEY LAKE.

Two sites under consideration have raised serious environmental issues. They are passionately opposed by neighbors.

The Bacona Road site in northwest Washington County sits atop a complex groundwater system. The Ramsey Lake site is located on Port of Portland land zoned for industrial use near St. Johns. Both sites receive as much as 50 inches of rainfall a year.

Because of potential groundwater contamination problems, experts say the sites would require millions of taxpayer dollars to develop as landfills.

The more you know about these two choices, the more you think: "Why can't we find a better site?"

INTRODUCING A BETTER SOLUTION.

Waste Management Inc. (WMI) has a better idea.

Under WMI's plan, trash would be sent in closed containers on daily trains to a landfill in Eastern Oregon's Gilliam County. The proposed site is located about 140 miles east of Portland. Studies show that the cost to consumers would be com-

THE WASTE MANAGEMENT OF OREGON ALTERNATIVE

petitive with any new local landfill.

This is a sensible solution which respects our environment. It takes advantage of private sector expertise. And, it provides numerous benefits to the public. Think about it.

Our new sanitary landfill — built to meet the highest environmental safety standards — would be privately owned and operated. In addition, a new recycling center would be built in Portland. This "Portland Recycling and Waste Transfer Station" will allow us to remove recyclables from the waste stream, reducing the amount of trash being transported to Gilliam County.

As a subsidiary of the nation's most experienced solid waste management company, Waste Management of Oregon has the technical and financial resources to deliver the results we all can live with.

And no taxpayer dollars would be required to build and operate the Waste Management alternative.

AN ENVIRONMENTALLY SUPERIOR LANDFILL SITE.

From an environmental standpoint, the Gilliam County site — a 2,000-acre tract of desert rangeland — offers superior climatic and geologic conditions for a sanitary landfill. Low rainfall east of the Cascade Mountains reduces the likelihood of surface water mixing with garbage to produce leachate, a contaminate which could pollute subsurface groundwater.

WMI has responded to hard questions about the project from Gilliam County residents. Four community briefings have been held. The site has been thoroughly studied by scientists and engineers.

AN ENVIRONMENTAL SOLUTION WITH ECONOMIC BENEFITS, TOO.

Gilliam County stands ready to benefit economically from the arrival of this new industry.

Millions of dollars will be invested in the county to build the landfill. Thirty new jobs will be created with an estimated yearly payroll in excess of \$700,000.

Tax revenues to the county will increase, possibly lowering the local tax burden. A community rail service will be saved. And, through other local fees, hundreds of thousands of additional dollars will be available yearly for county improvement projects.

A COMPANY WITH EXPERIENCE AND RESOURCES FOR THE JOB.

We know how a landfill should be operated. It takes a long-term commitment, technical and financial resources... and it requires respect for the land. In Oregon, Waste Management will design and build a state-of-the-art facility, backed by an aggressive monitoring and inspection program to assure protection for the environment.

It can be done. Waste Management, Inc., is an industrial leader, operating more than 125 landfills in the U.S.

Finally, we know that Oregon is a special place. Doing business here challenges us to do something extra to protect the environment. Our corporate commitment to waste reduction and recycling will help make Oregon a model for progressive solutions.

We are delighted to be doing business in Oregon. We'd like to tell you more about our company or our proposal. Please contact us for more information by writing:

Rick Daniels, Project Manager
Waste Management
of Oregon, Inc.
5300 NE Skyport Way
Portland, OR 97218

A HAPPY ENDING IN 5 SIMPLE STEPS.

Oregonians know that there are no short cuts in maintaining our quality of life.

When it comes to landfills, here are some things worth keeping in mind:

- 1) **Select, don't settle.** We have to live with our choice of a landfill for decades. Pick the best environmental site. Don't settle for less.
- 2) **Pick a dry, remote spot.** Trying to site a landfill on wet land areas with neighbors nearby is just asking for trouble.
- 3) **Choose a community that wants it.** Locate the landfill in a community that is prepared to permit it and to live with it.
- 4) **Deliver economic benefits along with the trash.** Use the landfill to focus economic development strategies. The host community can benefit from increased tax revenues and other fees.
- 5) **Select a proven professional to run it.** Hire a firm with the know-how to operate a state-of-the-art facility... A sanitary landfill that will allow us to manage our society's wastes and protect our environment for generations to come.



**Waste Management
of Oregon**

TELL THEM WHAT YOU THINK.

If you want your opinion known on this important issue, use this coupon today and tell the Oregon Environmental Quality Commission what you think about the decision it is about to make.

Oregon Environmental Quality Commission 811 SW Sixth Avenue Portland, OR 97205

Dear EQC:

Name: _____

Address: _____