

From: afgm86@comcast.net
To: [SENR Exhibits](#)
Subject: SB1036
Date: Monday, April 03, 2017 9:15:03 AM

Under existing law, landowners must obtain a permit from the Department of Geology and Mineral Industries (DOGAMI) before engaging in "...surface mining...", the stripping away of the top of the earth in order to use that material or to reach what's underneath. The permit requirements include restrictions on the amount of material that may be extracted as well as the total area in which mining may occur. DOGAMI limits mining to 5,000 cubic yards. The permit also limits excavation or disturbance of no more than one acre in any 12-month period unless an operating permit is obtained or the activity is *exempt*. The keyword in this last sentence is *exempt*. This bill would *exempt* landfills (known as dumps, in the old, non-politically correct days) from having to apply to DOGAMI before mining soil. An important cause for concern regarding this proposed change for residents in Yamhill County, is the impact this would have in the area of the Riverbend Landfill, owned by Waste Management. The site is on or near the flood plain for the Yamhill river.

Waste Management's current DOGAMI permit allows unlimited material extraction and requires both a reclamation plan and reclamation security. If this new legislation passes, Riverbend Landfill will be *exempt* from these rules. What happens at the Riverbend Landfill? In addition to receiving trash from Yamhill County residents and the Portland metro area, Waste Management often 'mines' the soil in the flood plain between the dump and the South Yamhill River. My understanding is that the soil from the flood plain is needed for daily and permanent cover of the landfill (otherwise known as trash). Changes to this law as proposed in SB1036 would mean that Waste Management would be able to 'mine' unlimited amounts of soil without having to reclaim the site. This will saddle subsequent owners, and possibly the public at large, with potentially expensive efforts to rehabilitate the site once Waste Management has filled it with trash to the site's limits and then moved on. Is it fiscally prudent to change law that could impose expense to the tax payer? Think this wouldn't happen? Consider the Portland Super Fund site where millions of tax-payer dollars will be required for clean up.

Previously, Waste Management has mined this area without first obtaining the necessary DOGAMI permit. Makes one wonder, what sort of guarantee exists that Waste Management would be a good steward of the land and properly reclaim it? Especially without statutory requirements to do so? Per the bill's definitions. Reclamation means:

"(A) Minimize, as much as practicable, the adverse effects of the surface mining operation or exploration on land, air and water resources; and
(b) Provide for the rehabilitation of surface resources adversely affected by the surface mining operations or exploration through the rehabilitation of plant cover, soil stability and water resources and through other measures that contribute to the subsequent beneficial use of the explored, mined or reclaimed lands."

I suppose if one supports this bill, one does not deem restoration of wet land area a benefit to flood control, wildlife, farming, and the overall public good.

By the way, I find it disturbing that when one goes to the website for this bill, <https://olis.leg.state.or.us/liz/2017R1/Measures/Overview/SB1036>, there is no “Staff Measure Summary / Impact Statements” information. How does one obtain information regarding Senate assessment of impacts of the bill?

Please do not exempt landfills from the requirement to permit from the Department of Geology and Mineral Industries (DOGAMI)!

Jack Kriz
9455 N.E. Glen Hollow
Newberg, Oregon 97132