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April 3, 2017

Helping to shape the use of our natural resources to protect the quality of life in Yamhill County.

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Senate Committee on Environment and Natural Resources  
State Capitol  
Salem, OR 97301

Re: SB 1036

Dear Chair Dembrow and Committee members:

Friends of Yamhill County (FYC) works to protect natural resources through the implementation of land use planning goals, policies, and laws that maintain and improve the present and future quality of life in Yamhill County. We strongly oppose SB 1036.

SB 1036 would exempt landfill activities from certain state agency permit requirements. Currently, fill removal and earthmoving activities at landfills are subject to review and permitting by the Department of Geology and Mineral Industries (DOGAMI). Permitting requires an approved reclamation plan, bonding to ensure reclamation, and consultation between DOGAMI and the Division of State Lands "to protect the waters of this state." SB 1036 would do an end run around those requirements.

The bill is apparently aimed at Waste Management's Riverbend Landfill in Yamhill County. Waste Management has been pursuing an expansion of Riverbend Landfill onto prime farmland on the banks of the Yamhill River, which flows into the Willamette and then through Wilsonville and Portland.<sup>1</sup> They are also seeking a vertical expansion to place more garbage on old unlined cells that are leaking Volatile Organic Compounds into groundwater.

Both the proposed expansion and the day-to-day of operation of the landfill include several activities that currently require review and permitting from DOGAMI. At a minimum, these activities include:

- Mining of topsoil from within the floodplain for use as daily, interim, and final cover on the landfill
- Mining of topsoil to fill of wetlands within the proposed landfill expansion area
- Mining of topsoil to fill a portion of a stream listed as rearing and migration habitat for steelhead and Chinook salmon.
- Mining of topsoil for construction of an access road that will entail culverting a 200 foot portion of that stream and covering it with fill

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<sup>1</sup> Friends of Yamhill County, 1000 Friends of Oregon, Willamette Riverkeeper, the Willamette Valley Winery Association, the state and local Farm Bureaus, the City of McMinnville, the Yamhill County Soil and Water Conservation District, the Stop the Dump Coalition (STDC), and hundreds of local residents, farmers, and businesses are on record in opposition to the expansion. Stormwater discharge pipes from the dump regularly exceed E.coli benchmarks by over 600%. The garbage dump and the proposed expansion area regularly flood. The proposed expansion would destroy wetlands and would impact habitat for listed salmon and steelhead. It would also culvert over 200 feet of stream. It is on seismically unstable soils that are expected to liquefy in the Cascadia Subduction quake. In short, it is an environmental disaster waiting to happen

SB 1036 is a brazen attempt to limit state agency review of these activities. The need for such review is illustrated by a 2014 incident in which Waste Management mined fill without the required permit and was cited by DOGAMI. (see 2014 photograph below).

Please vote NO vote on SB 1036

Sincerely,



Sid Friedman  
Friends of Yamhill County

Mr. Bob Brinkmann  
29 December 2014

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The area mined this year is the dirt triangle center right. The estimated area is 8 acres of excavation. The excavated area is on Tax Lot 400, Map No. 5-5-01, the Landfill on the left is on Tax Lot 200, Map No. 5-5-01