

From: Susan Watkins
To: [SENR Exhibits](#)
Subject: Testimony in OPPOSITION to SB 1036
Date: Friday, March 31, 2017 11:10:43 PM
Attachments: [Wetlands Delineation 2012.pdf](#)

To Senator Denbrow, Chair; Senator Olsen, Vice-Chair; and Members of the Senate Committee on Environment and Natural Resources

I regret that I will be out of town and cannot attend Monday's hearing on SB 1036. I oppose SB 1036 for the following reasons:

SB 1036 would exempt landfills in the state of Oregon from having to comply with rules promulgated by the Department of Geology and Mineral Industries (DOGAMI) to regulate "surface mining."

Under existing law, landowners must obtain a permit from DOGAMI before engaging in "surface mining," which is exactly what it sounds like -- stripping away the top of the earth in order to use that material or to reach what's underneath.

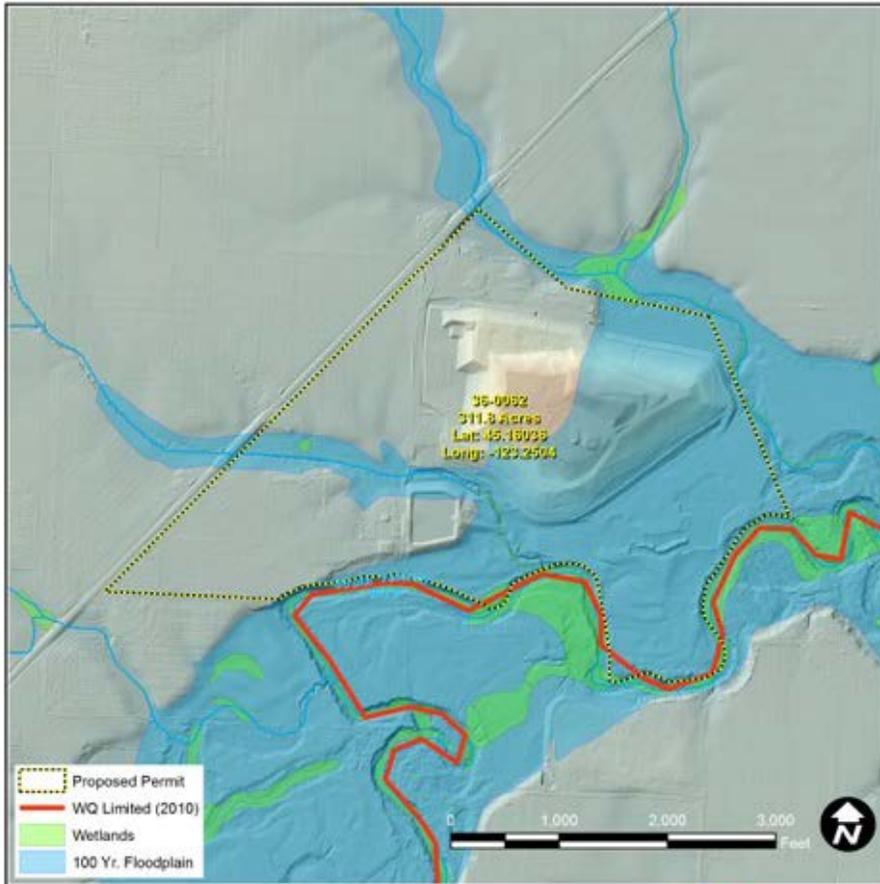
You may wonder how these DOGAMI rules benefit the environment when they are applied in a landfill. When you think about landfills, something akin to Waste Management's landfill in Arlington may come to mind: acres and acres of dry land with a little wheat and a lot of dirt and garbage. Not exactly the kind of landscape we think about protecting when we set out to protect the environment.

But not all landfills are in "waste lands."

I live 1.5 miles from Riverbend Landfill in Yamhill County. Riverbend is, as the name implies, on the bend of a river. In fact, the toe of the landfill is only 400 *feet* from the South Yamhill River. It's in that 400 feet that Waste Management, which owns Riverbend, has been "surface mining."

I have attached two maps. The first map was submitted by Waste Management as part of its 2016 application to DOGAMI for its current surface mining permit. This map [labeled "DOGAMI ID#: 36-0062"] shows the landfill, the river, and the floodplain. The "proposed permit" area denoted on the map [see inset] is coextensive with the landfill boundary. As you can see, about half the landfill proper and most of the area proposed for surface mining lie in the floodplain.

This is exactly the kind of situation that DOGAMI's surface mining rules *should* apply to. In fact, operations in a floodplain require additional studies.



DOGAMI ID#: 36-0062

Permittee: Riverbend Landfill Co.
 Site Name: Riverbend Landfill
 Photo Source: Eagle Digital Imaging 5/4/2011
 Prepared By: E. Buchner 4/22/2015

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the suitability of the information.

ArcGIS v10.2
 Oregon Lambert Projection, NAD 1983 HARN (EPSG# 2994)
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Oregon Dept. of Geology and Mineral Industries
 Mineral Land Regulation and Reclamation Program
 229 Broadbent St. SW
 Albany, OR 97321

The second map was submitted by Waste Management to the Department of State Lands in 2012 for review and approval of a Wetland Delineation Report. As you can see, several wetland areas are marked in the area between the toe of the landfill proper and the South Yamhill River -- in the floodplain, in the "surface mining" zone. These wetlands will hardly be protected by digging them up.

Finally, I have attached a 2012 photograph showing excavation within the area outlined on the Wetland Delineation Map. The photo is taken from the landfill access road looking toward the South Yamhill River (tree line).



It's been estimated that Riverbend will need as much as 540,000 cubic yards of soil to cover the landfill. To obtain an Operating Permit to conduct surface mining to this extent, Waste Management will have to pay what for a multi-national company is a nominal fee (currently \$1,750). Operators must renew permits annually and must file reports with DOGAMI until mining and reclamation are complete.

The real significance of the permit, however, is that applicants must also submit a reclamation plan for the land being mined plus security to ensure the reclamation occurs.

Riverbend's current DOGAMI permit (called "Old River") allows unlimited material extraction and requires both a reclamation plan and reclamation security. If SB 1036 passes, Riverbend will be **exempt** from these rules. In other words, *Riverbend will be able to extract as much soil as it wants without having to reclaim the site.*

Some experts have questioned whether this much soil can be removed from the floodplain without threatening the channel of the South Yamhill River, which is a salmonid-bearing river.

Please protect our rivers and wetlands. Stop this free give-away to Waste Management.

I urge you to **reject** SB 1036.

Susan Watkins

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CLIENT:



PROJECT:

**Riverbend Floodplain
Restoration**

TITLE:

**Wetland Delineation
Report**

**Wetland
Locations and Extents**

LEGEND:

-  Study Area Boundary
-  Major Contour Line
-  Minor Contour Line
-  Wetland Boundary
-  Ordinary High Water / Other Waters Boundary
-  Data Plot
-  Photo Point
-  Soil Test Plot

DRAWING DATA:

Aerial Photograph - 4/2/2011

Plotted: 4/2/2012

FIGURE NO.

6

