



# METROPOLITAN SERVICE DISTRICT

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205

(503) ~~222-0871~~ 248-5470

## MSD BOARD OF DIRECTORS

WASHINGTON PARK ZOO  
EDUCATION BUILDING  
4001 SW CANYON ROAD

JUNE 9, 1978  
2:00 P.M.

## A G E N D A

78-1074  
78-1075

MINUTES  
PUBLIC COMMUNICATIONS

### ADMINISTRATIVE DIVISION

78-1076  
78-1077  
78-1078

CASH DISBURSEMENTS  
CONSTRUCTION DESIGN REVIEW COMMITTEE  
SECURITY GUARD SERVICE BID AWARD

### SOLID WASTE DIVISION

78-1079

VARIANCE REQUEST FOR ROSSMAN'S LANDFILL

### ZOO DIVISION

78-1080

ORDINANCE NO. 59 - FIRST PUBLIC HEARING  
AN ORDINANCE AMENDING ORDINANCE 41  
ESTABLISHING ADMISSION FEES TO THE  
WASHINGTON PARK ZOO

### OTHER BUSINESS

### INFORMATIONAL REPORTS



# METROPOLITAN SERVICE DISTRICT

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205

(503) ~~222-3874~~ 248-5470

## MSD BOARD OF DIRECTORS

WASHINGTON PARK ZOO  
EDUCATION BUILDING  
4001 SW CANYON ROAD

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### A G E N D A

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#### ADMINISTRATIVE DIVISION

7            78-1076            CASH DISBURSEMENTS

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#### SOLID WASTE DIVISION

11           78-1079            VARIANCE REQUEST FOR ROSSMAN'S LANDFILL

#### ZOO DIVISION

40           78-1080            ORDINANCE NO. 59 - FIRST PUBLIC HEARING  
AN ORDINANCE ESTABLISHING FEES FOR  
ADMISSION TO THE WASHINGTON PARK ZOO,  
CRITERIA FOR ADMISSION PASSES TO THE  
ZOO, A PROCEDURE FOR ALLOWING SPECIAL  
ADMISSION DAYS, AND DECLARING AN  
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41

78-1081

SOLID WASTE REVENUE BOND RESOLUTION -  
SELECTION OF UNDERWRITER

INFORMATIONAL REPORTS

78-1074 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES OF THE MAY 26, 1978, BOARD MEETING. THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

78-1075 PUBLIC COMMUNICATIONS

THIS AGENDA ITEM ALLOWS THE BOARD TO CONSIDER COMMENTS FROM THE PUBLIC ON MATTERS NOT LISTED ON THE BOARD AGENDA.

78-1076 CASH DISBURSEMENTS

THE ACCOUNTING DEPARTMENT HAS PREPARED CHECKS NUMBERED FROM 2696 TO 2838 FROM PAYMENT REQUESTS RECEIVED, WHICH WERE APPROVED AS WITHIN MSD BUDGET.

THE STAFF RECOMMENDS APPROVAL FOR PAYMENT OF CHECKS 2696 TO 2838 FOR CHECK REGISTERS DATED MAY 30, 1978, IN THE TOTAL AMOUNT OF \$448.47; MAY 31, 1978, IN THE TOTAL AMOUNT OF \$57,253.15; AND JUNE 9, 1978, IN THE TOTAL AMOUNT OF \$15,642.70.

**METROPOLITAN SERVICE DISTRICT  
BOARD ACTION**

NO. 78-1076 DATE 6-9-78  
YES NO ABST.

BARTELS  
BUCHANAN  
McCREADY  
MILLER  
ROBNETT  
SALQUIST  
SCHUMACHER

	YES	NO	ABST.
BARTELS	/		
BUCHANAN	/		
McCREADY	/		
MILLER	/		
ROBNETT	/		
SALQUIST	/		
SCHUMACHER	/		

*[Handwritten Signature]*  
Clerk of the Board

## 78-1077 CONSTRUCTION DESIGN REVIEW COMMITTEE

IN RESPONSE TO A REQUEST BY THE MSD BOARD, THE STAFF HAS PREPARED A DESCRIPTION OF WORK TO BE PERFORMED BY THE DESIGN REVIEW COMMITTEE AND SUGGESTED MEMBERS:

THE DESIGN REVIEW COMMITTEE WILL BE A STANDING COMMITTEE OPERATING AT THE PLEASURE OF THE MSD BOARD AND CAN BE ACTIVATED BY A COMMITTEE MEMBER, THE MSD BOARD OR MSD STAFF. THE DUTIES OF THIS GROUP WILL BE GENERALLY TO:

1. REVIEW AND COMMENT ON METROPOLITAN SERVICE DISTRICT CAPITAL IMPROVEMENT PROGRAMS AND SCHEDULES.
2. REVIEW SPECIFIC PROJECT ENGINEERING AND ARCHITECTURAL PLANS AND SPECIFICATIONS.
3. REVIEW PROJECT BID PROCEDURES AND BID RESULTS.
4. RECOMMEND TO MSD BOARD SUGGESTED ACTION.
5. ASSIST STAFF IN MONITORING CONSTRUCTION JOB CHANGE ORDERS.

THE SUGGESTED MAKEUP OF THIS COMMITTEE IS AS FOLLOWS:

JAMES ROBNETT - MECHANICAL ENGINEER FOR RAYGO WAGNER COMPANY  
AND MEMBER OF MSD BOARD OF DIRECTORS

DONALD LENGACHER - ELECTRICAL ENGINEER AND PROJECT MANAGER  
FOR PORTLAND GENERAL ELECTRIC

DALE CAMPBELL - CONSTRUCTION ESTIMATOR FOR P AND C CONSTRUCTION  
COMPANY, GRESHAM, OREGON

ROBERT GRAY - CONTRACTOR AND OWNER OF R. A. GRAY CONSTRUCTION  
COMPANY, TIGARD, OREGON

THE STAFF RECOMMENDS THE BOARD ESTABLISH A DESIGN REVIEW COMMITTEE UNDER THE GUIDELINES OUTLINED AND APPOINT MSSRS. ROBNETT, LENGACHER, CAMPBELL, AND GRAY TO THE COMMITTEE.

METROPOLITAN SERVICE DISTRICT  
BOARD ACTION

78-1077 DATE 6-9-78

	ES	NO	ABST.
BARTELS	/		
BUCHANAN	/		
McCREADY	/		
MILLER	/		
ROBNETT	/		
SALQUIST	/		
SCHUMACHER	/		

*[Handwritten Signature]*  
Clerk of the Board

78-1078 SECURITY GUARD SERVICE BID AWARD

STAFF RECEIVED THE FOLLOWING TWO BIDS IN RESPONSE TO A REQUEST FOR BIDS FOR SECURITY GUARD SERVICE AT THE WASHINGTON PARK ZOO:

- . STANLEY SMITH SECURITY, INC.                    \$1,031.33 PER MONTH
- . CITY OF ROSES PATROL                            \$1,581.67 PER MONTH

THIS BID PRICE COVERS ONE MAN ON SWING SHIFT. THE GRAVEYARD SECURITY SHIFT IS NOW BEING COVERED BY ZOO ANIMAL KEEPER PERSONNEL.

THE PRESENT SECURITY GUARD CONTRACT IS WITH STANLEY SMITH SECURITY, AND THE ZOO STAFF HAS INDICATED THEIR SATISFACTION WITH THE SERVICES OF THIS FIRM.

THE STAFF RECOMMENDS AWARDING THE CONTRACT TO STANLEY SMITH SECURITY, INC., FOR SECURITY GUARD SERVICE OVER THE NEXT FISCAL YEAR, AND AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE AGREEMENT.

METROPOLITAN SERVICE DISTRICT  
BOARD ACTION

NO. 78-1078      DATE 6-9-78  
YES      NO      ABST.

BARTELS  
BUCHANAN  
McCREADY  
MILLER  
ROBNETT  
SALQUIST  
SCHUMACHER

	YES	NO	ABST.
BARTELS	///		
BUCHANAN	///		
McCREADY	///		
MILLER	///		
ROBNETT	///		
SALQUIST	///		
SCHUMACHER	///		

*Jean M. Wood*  
Chairman of the Board



78-1079 VARIANCE REQUEST FOR ROSSMAN'S LANDFILL

ON MARCH 27, 1978, PURSUANT TO MSD CODE SECTIONS 12.02.020, 12.02.090, 12.02.100, 12.02.130 AND CHAPTER 20.02, INCLUDING 20.02.120, THE DIRECTOR OF THE SOLID WASTE DIVISION ISSUED CERTIFICATE No. DS-001 TO ROSSMAN'S LANDFILL, INC. THE ISSUANCE OF THE CERTIFICATE FOLLOWED A PERIOD OF COMMENT AND REVIEW DURING WHICH THE STAFF CONSIDERED THE INPUT OF THE EPA, DEQ, AND ALL THE OPERATORS OF SOLID WASTE DISPOSAL SITES WITHIN THE MSD AREA.

MR. JACK PARKER, PRESIDENT OF ROSSMAN'S LANDFILL, INC., BOTH PRIOR TO AND FOLLOWING THE ISSUANCE OF THE CERTIFICATE, HAS OBJECTED TO CERTAIN CONDITIONS CONTAINED WITHIN THE CERTIFICATE, EXPRESSING THE OPINION THAT IT IS NOT NECESSARY FOR CERTAIN ASPECTS OF MSD'S SOLID WASTE MANAGEMENT PROGRAM TO APPLY TO HIS SITE. ON MAY 22, 1978, A FORMAL REQUEST FOR VARIANCE WAS SUBMITTED BY MR. WILLIAM E. HURLY, ATTORNEY FOR ROSSMAN'S LANDFILL, INC.

I. REQUIREMENTS FOR GRANTING A VARIANCE.

PURSUANT TO SECTION 12.02.200 OF THE MSD CODE, THE BOARD MAY GRANT A VARIANCE TO THE REQUIREMENTS OF ANY RULE, REGULATION OR ORDINANCE IF CERTAIN CONDITIONS ARE MET. FOLLOWING IS A REPRINT OF PART OF SECTION 12.02.200:

12.02.200 VARIANCES:

- (1) THE BOARD UPON RECOMMENDATION OF THE DIRECTOR MAY GRANT SPECIFIC VARIANCES FROM PARTICULAR REQUIREMENTS OF ANY RULE, REGULATION OR ORDINANCE TO SUCH SPECIFIC PERSONS OR CLASS OF PERSONS UPON SUCH CONDITIONS AS IT MAY DEEM NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, IF IT FINDS THAT THE PURPOSE AND INTENT OF THE PARTICULAR REQUIREMENT CAN BE ACHIEVED WITHOUT STRICT COMPLIANCE AND THAT STRICT COMPLIANCE:

- A) IS INAPPROPRIATE BECAUSE OF CONDITIONS BEYOND THE CONTROL OF PERSON(S) REQUESTING THE VARIANCE; OR
- B) WILL BE RENDERED EXTREMELY BURDENSOME OR HIGHLY IMPRACTICAL DUE TO SPECIAL PHYSICAL CONDITIONS OR CAUSES; OR
- C) WOULD RESULT IN SUBSTANTIAL CURTAILMENT OR CLOSING DOWN OF A BUSINESS, PLANT, OR OPERATION WHICH FURTHERS THE OBJECTIVES OF MSD OR OF MSD'S PLAN.

(2) ANY PERSON REQUESTING A VARIANCE SHALL MAKE HIS REQUEST IN WRITING AND SHALL STATE IN A CONCISE MANNER FACTS TO SHOW CAUSE WHY SUCH VARIANCE SHOULD BE GRANTED. THE DIRECTOR MAY MAKE SUCH INVESTIGATION AS HE DEEMS NECESSARY AND SHALL GIVE NOTICE OF THE VARIANCE REQUEST IN ACCORDANCE WITH SUBSECTION 12.02.100(2).

II. VARIANCE REQUEST #2 - THE REQUIREMENT OF DAILY COVER AT THE LANDFILL.

CONDITION SD-1 OF ROSSMAN'S CERTIFICATE PRESENTS THE FOLLOWING REQUIREMENT:

<u>REQUIRED ACTIVITIES</u>	<u>MINIMUM FREQUENCY OF PERFORMANCE</u>
COVER ALL WASTES DEPOSITED WITH NOT LESS THAN SIX (6) INCHES OF COMPACTED EARTH OR OTHER APPROVED COVER MATERIAL.	DAILY

THE IDENTICAL REQUIREMENT IS CONTAINED IN THE CERTIFICATES OF ALL FIVE OTHER LANDFILLS IN THE MSD AREA THAT RECEIVE RESIDENTIAL AND COMMERCIAL WASTES.

ROSSMAN'S LANDFILL, INC. HAS REQUESTED THAT THIS REQUIREMENT BE REMOVED FROM THEIR PERMIT.

A. THE ENVIRONMENTAL PROTECTION AGENCY (EPA) STAFF  
RECOMMENDS COVERING DAILY

THE EPA HAS PROPOSED REGULATIONS REGARDING THE OPERATION OF DISPOSAL SITES AS MANDATED BY THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) OF 1976. IN THEIR PROPOSED REGULATIONS PUBLISHED IN THE FEBRUARY 6, 1978 FEDERAL REGISTER, PART II, THE EPA SEEKS TO REQUIRE THE PERIODIC APPLICATION OF COVER MATERIAL. THE REGULATIONS DEFINE "PERIODIC APPLICATION" IN SECTION 257.2(s) AS:

...THE APPLICATION OF SOIL OR OTHER SUITABLE MATERIAL OVER DISPOSED SOLID WASTE AT SUCH FREQUENCIES AND IN SUCH A MANNER AS TO IMPEDE VECTORS AND INFILTRATION OF PRECIPITATION; REDUCE AND CONTAIN ODORS, FIRES, AND LITTER; AND TO ENHANCE THE FACILITY'S APPEARANCE AND FUTURE UTILIZATION.

IN THE OFFICIAL SUMMARY PUBLISHED WITH THE REGULATIONS, THE EPA MAKES THE FOLLOWING STATEMENTS:

COVER MATERIAL SERVES MANY PURPOSES. (1) IT HELPS IN DISEASE VECTOR AND RODENT CONTROL, (2) IT HELPS CONTAIN ODOR, LITTER, AND AIR EMISSIONS, WHICH ENHANCES ESTHETICS, (3) IT LESSENS THE CHANCE AND SPREAD OF FIRES, (4) IT REDUCES INFILTRATION OF RAINWATER BY INCREASING RUNOFF AND THEREBY DECREASES LEACHATE GENERATION AND SURFACE AND GROUND WATER CONTAMINATION, AND (5) IT ENHANCES THE SITE APPEARANCE AND UTILIZATION AFTER COMPLETION.

BECAUSE OF THE MANY ADVANTAGES OF COVER MATERIAL, THE CRITERIA REQUIRE THE USE OF COVER MATERIALS WHERE APPROPRIATE FOR THE DISPOSAL OF "ALL UNSHREDED, UNSTABILIZED, PUTRESCIBLE WASTES." IN REMOTE AREAS, TO MINIMIZE ECONOMIC IMPACT, EPA

RECOMMENDS REGIONALIZATION AND OPERATION OF DISPOSAL SITES ONLY ON DAYS WHEN EQUIPMENT IS AVAILABLE TO APPLY COVER MATERIAL. COVER MATERIAL IS ALREADY A REQUIREMENT FOR SUCH WASTES IN MANY STATES...(EMPHASIS ADDED)

THE OFFICIAL COMMENTS CONTINUE IN REFERENCE TO THE ADVANTAGES OF COVER MATERIAL BY STATING ON PAGE 4950: "IN GENERAL, THESE RESULTS CAN BE ACHIEVED BY COVERING THE SITE AT THE END OF EACH DAY THAT IT IS OPEN TO RECEIVE WASTES."

B. THE ENVIRONMENTAL QUALITY COMMISSION (EQC) AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) REQUIRE ROSSMAN'S TO COVER DAILY.

THE OREGON ADMINISTRATIVE RULES (OAR), SECTION 61, IS THE STATE CODE ON SOLID WASTE MANAGEMENT. THIS CODE IS ENACTED BY THE ENVIRONMENTAL QUALITY COMMISSION (EQC). PARAGRAPH I OF SECTION 61-040(3)(G) READS:

ADEQUATE QUANTITIES OF COVER MATERIAL SHALL BE AVAILABLE TO PROVIDE FOR PERIODIC COVERING OF DEPOSITED SOLID WASTE IN ACCORDANCE WITH THE APPROVED OPERATIONAL PLAN AND PERMIT CONDITIONS. (EMPHASIS ADDED)

ON JULY 18, 1975, THE DEQ STAFF ISSUED A SOLID WASTE DISPOSAL PERMIT, #115, TO ROSSMAN'S LANDFILL. THIS PERMIT, WHICH IS STILL IN EFFECT, CONTAINS THE FOLLOWING CONDITIONS:

LANDFILLING SHALL BE BY THE TRENCH METHOD. ALL WASTES DEPOSITED SHALL BE CONFINED TO THE SMALLEST PRACTICABLE AREA, PUSHED TO ONE END OF THE TRENCH, COMPACTED BY THE RAMP METHOD AT A SLOPE OF 3 HORIZONTAL TO 1 VERTICAL AND COVERED WITH NOT LESS THAN SIX (6) INCHES OF COMPACTED EARTH AT LEAST ONCE EACH OPERATING DAY AND SUCH THAT ALL WASTES ARE COVERED AT THE END OF EACH OPERATING DAY. GROUND OR WOOD WASTES MAY BE USED FOR TEMPORARY INTERMEDIATE COVER MATERIAL.

C. THE MSD BOARD AND STAFF IN SETTING UP AND ENFORCING OUR SOLID WASTE MANAGEMENT PLAN MUST OBEY THE MINIMUM STANDARDS ESTABLISHED BY THE STATE.

SINCE THE STATE SOLID WASTE CODE AND DEQ PERMIT REQUIRE DAILY COVER AT ROSSMAN'S LANDFILL, INC., THE BOARD AND STAFF DO NOT LEGALLY HAVE THE OPTION OF ESTABLISHING STANDARDS LESS STRINGENT THAN THOSE OF THE STATE.

IT APPEARS THAT ONE OPTION AVAILABLE TO ROSSMAN'S LANDFILL, INC. WOULD BE TO APPROACH THE EQC AND DEQ AND ASK THEM TO EXEMPT HIM FROM THE STATE'S MINIMUM STANDARDS.

D. THE MSD STAFF BELIEVES THAT LANDFILLS RECEIVING RESIDENTIAL AND COMMERCIAL WASTES SHOULD COVER ALL EXPOSED WASTES DAILY.

IN ADDITION TO THE OPINIONS AND REQUIREMENTS OF THE EPA, EQC AND THEIR RESPECTIVE STAFFS, THE MSD STAFF INDEPENDENTLY BELIEVES THAT IN ORDER TO INSURE THAT THERE IS NO REASONABLE PROBABILITY OF HARMFUL EFFECTS TO THE ENVIRONMENT, INCLUDING POLLUTION OF THE STATE'S WATER SYSTEMS, DAILY COVER IS AN APPROPRIATE, FAIR REQUIREMENT FOR CONTINUED OPERATION AT ROSSMAN'S LANDFILL. WE FEEL THAT SIX (6) INCHES OF COMPACTED EARTH SHOULD BE PLACED OVER ALL EXPOSED WASTE ON A DAILY BASIS EACH DAY THAT WEATHER PERMITS. ON THOSE DAYS THAT WEATHER DOES NOT ALLOW DIRT TO BE USED, WE FEEL THAT GROUND OR HOGGED WOOD WASTE WILL MAKE AN ACCEPTABLE ALTERNATIVE ON A TEMPORARY BASIS.

ATTACHED AS APPENDIX I IS PART OF A MEMO PREPARED MARCH 23, 1978 SETTING OUT THE STAFF'S ANALYSIS REGARDING THE USE OF DAILY COVER MATERIAL. THE STAFF HAS CONCLUDED THAT THE USE OF COVER MATERIAL ON A DAILY BASIS WILL HELP SOLVE ODOR PROBLEMS,

LITTER PROBLEMS, FIRE PROBLEMS, UNSIGHTLINESS, LEACHATE PROBLEMS, COMPACTION PROBLEMS AND SETTLEMENT PROBLEMS. THE REASONS ARE DETAILED IN THE ATTACHED MEMO.

THE STAFF RECOGNIZES THAT COMPLIANCE WITH THE PERMIT REQUIREMENTS WILL COST MORE THAN NONCOMPLIANCE. WE FEEL, HOWEVER, THAT IN VIEW OF OUR RESPONSIBILITY TO SOLVE WASTE DISPOSAL PROBLEMS IN AN ENVIRONMENTALLY SOUND WAY, OUR OBLIGATION TO FOLLOW STATE MINIMUM STANDARDS, AND THE COSTS OF ALTERNATIVE DISPOSAL METHODS, THE COSTS ARE REASONABLE AND PROPER UNDER THE CIRCUMSTANCES. THE STAFF ALSO MAINTAINS THE POSITION THAT PEOPLE WHO GENERATE WASTE SHOULD PAY FOR ITS PROPER DISPOSAL.

III. VARIANCE REQUEST #3 - THE CONDITION PROHIBITING PLACING DECOMPOSABLE WASTES DIRECTLY INTO THE GROUND WATER.

CONDITION SD-5 OF ROSSMAN'S CERTIFICATE STATES:

NO SOLID WASTES OTHER THAN ROCK, DIRT, BRICK AND CONCRETE RUBBLE SHALL BE DEPOSITED DIRECTLY INTO THE GROUND WATER TABLE OR IN FLOODED TRENCHES OR CELLS.

ROSSMAN'S LANDFILL, INC. HAS STATED IN THEIR VARIANCE REQUEST THAT THE DEQ STAFF HAS PREVIOUSLY WAIVED SIMILAR RESTRICTIONS, AND ASKS THAT THIS CONDITION BE REMOVED FROM THEIR CERTIFICATE.

A. STATE LAW PROHIBITS MSD FROM ALLOWING DISPOSAL OF DECOMPOSABLE WASTES INTO THE GROUND WATER.

THE OREGON ADMINISTRATIVE RULES (OAR), THE STATE SOLID WASTE MANAGEMENT CODE ENACTED BY THE EQC, SPECIFICALLY STATES IN SECTION 61-040(3)(c):

SOLID WASTES OTHER THAN TIRES, ROCK, DIRT, BRICK AND CONCRETE RUBBLE AND SIMILAR NON-DECOMPOSABLE MATERIALS SHALL NOT BE DEPOSITED DIRECTLY INTO THE GROUNDWATER TABLE OR IN FLOODED TRENCHES OR CELLS.

THE STAFF FEELS THAT THE MEANING OF THIS MANDATE IS CLEAR AND NOT OPEN TO REASONABLE DISPUTE.

ROSSMAN'S LANDFILL, INC. CLAIMS THAT THEY HAVE BEEN GRANTED A VARIANCE FROM THIS REQUIREMENT BY THE DEQ STAFF BY THE STAFF REMOVING THIS REQUIREMENT FROM THEIR DEQ PERMIT. THE MSD STAFF BELIEVES THAT THE DEQ STAFF DOES NOT HAVE THE AUTHORITY TO GRANT VARIANCES TO THE OREGON ADMINISTRATIVE RULES, AND THE DEQ STAFF HAS SO STATED IN A MEETING WITH MR. PARKER. ORS 459.225 GRANTS THE VARIANCE POWER TO "THE COMMISSION" (EQC), NOT TO THE DEQ STAFF. FURTHER, OAR 61-080 READS:

61-080 VARIANCES. THE COMMISSION MAY BY SPECIFIC WRITTEN VARIANCE OR CONDITIONAL PERMIT WAIVE CERTAIN REQUIREMENTS OF THESE RULES AND REGULATIONS WHEN CIRCUMSTANCES OF SOLID WASTE DISPOSAL SITE LOCATION, OPERATING PROCEDURES AND/OR OTHER CONDITIONS INDICATE THAT THE PURPOSE AND INTENT OF THESE REGULATIONS CAN BE ACHIEVED WITHOUT STRICT ADHERENCE TO ALL OF THE REQUIREMENTS (EMPHASIS ADDED).

THE EQC HAS NEVER GRANTED A VARIANCE EXEMPTING ROSSMAN'S LANDFILL FROM THIS REQUIREMENT OF STATE LAW. (SEE APPENDIX III)

FURTHER, THE DEQ STAFF HAS STATED TO US AND TO MR. JACK PARKER THAT THEY NOW FEEL THIS DISPOSAL OF WASTES DIRECTLY INTO THE GROUND WATER SHOULD STOP AND THAT THIS REQUIREMENT WILL BE PLACED BACK INTO ROSSMAN'S DEQ PERMIT. (SEE APPENDIX III)

ONCE AGAIN, THE MSD BOARD AND STAFF DO NOT LEGALLY HAVE THE OPTION OF ESTABLISHING STANDARDS LESS STRINGENT THAN THE MINIMUM STANDARDS ESTABLISHED BY THE STATE.

B. THE MSD STAFF BELIEVES THAT PLACING DECOMPOSIBLE WASTES INTO THE GROUND WATER IS A RISKY PROCEDURE AT BEST.

IN ADDITION TO THE FEDERAL AND STATE LAWS THAT PROHIBIT THIS

ACTIVITY, THE STAFF INDEPENDENTLY FEELS THAT SUCH A PRACTICE OF PLACING CONTAMINANTS DIRECTLY INTO THE WATER SYSTEM IS IRRESPONSIBLE AND ESTABLISHES A REASONABLE PROBABILITY OF ADVERSE EFFECTS TO HEALTH AND THE ENVIRONMENT.

THE STAFF'S CONCLUSION RESTS IN PART ON OUR OWN PERSONAL OBSERVATIONS OF THE WATER QUALITY AND WATER FLOW AT THE ROSSMAN'S SITE, AND IN PART ON THE FINDINGS OF THE STATE OF OREGON WATER RESOURCES DEPARTMENT. A STUDY WAS MADE FOR DEQ BY MR. KENT MATHIOT OF THE WATER RESOURCES DEPARTMENT STAFF. HIS REPORT WAS FILED ON MARCH 7, 1978.

ATTACHED AS APPENDIX II IS A COPY OF MR. MATHIOT'S FINDINGS, WITH EMPHASIS ADDED IN THE FORM OF UNDERLININGS. MR. MATHIOT'S REPORT DIRECTLY CONTRADICTS MR. PARKER'S CLAIM THAT NO EVIDENCE OF CONTAMINANTS HAS BEEN OBSERVED AROUND THE ROSSMAN'S SITE.

IT IS THE STAFF'S OPINION THAT PLACING DECOMPOSIBLE MATERIALS INTO THE GROUND WATER CAUSES CONTAMINATION ON A YEAR ROUND BASIS, WITH THIS CONTAMINATION EVIDENCING ITSELF MOST SERIOUSLY IN THE HIGH WATER MONTHS WHEN THE LEACHATE GENERATED BY THIS PRACTICE RUNS THROUGH THE SURFACE COLLECTION SYSTEM RATHER THAN PERCOLATING DIRECTLY INTO THE GROUND WATER SYSTEM.

THE STAFF ONCE AGAIN RECOGNIZES THAT COMPLIANCE WITH THE FEDERAL AND STATE LAWS, AND WITH THE MSD CODE AND CERTIFICATE REQUIREMENTS WILL COST MORE THAN NONCOMPLIANCE. WE AGAIN, HOWEVER, SEE IT AS OUR RESPONSIBILITY TO PROVIDE FOR THE ENVIRONMENTALLY SOUND DISPOSAL OF SOLID WASTES IN A MANNER CONSISTENT WITH FEDERAL AND STATE MANDATES. THE STAFF AGAIN MAINTAINS THE POSITION THAT PEOPLE WHO GENERATE WASTE SHOULD PAY FOR ITS PROPER DISPOSAL.



#### IV. VARIANCE REQUEST #1 - DEAD ANIMALS, OILS AND LIQUIDS

CONDITION SA-1 OF ROSSMAN'S CERTIFICATE READS:

THE CERTIFICATE HOLDER IS AUTHORIZED TO ACCEPT SOLID WASTE AS DEFINED BY SECTION 12-02.030(17) OF THE MSD CODE EXCEPT WHOLE CAR BODIES, LARGE DEAD ANIMALS, WHOLE TIRES, SEWAGE SLUDGES, SEPTIC TANK PUMPINGS, OILS, CHEMICALS, LIQUIDS, HOSPITAL WASTE, AND OTHER MATERIALS WHICH MAY BE HAZARDOUS OR DIFFICULT TO MANAGE UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE MSD SUPPLEMENTARY TO THIS CERTIFICATE.

THE VARIANCE REQUEST STATES THAT THE ANIMAL RESTRICTION IS VAGUE AND UNCERTAIN. THE STAFF RELIES ON THE LANGUAGE OF ORS 601020(2)(B), WHICH EXEMPTS HANDLERS OF SMALL DEAD ANIMALS FROM MEETING STATE REQUIREMENTS:

(B) PERSONS IN CITIES AND TOWNS WHO GATHER AND DISPOSE OF THE BODIES OF DEAD FOWL, CATS, DOGS AND OTHER SMALL ANIMALS, IF THEY GATHER UP AND DISPOSE OF SUCH BODIES OF SMALL ANIMALS IN THE REGULAR COURSE OF THEIR GARBAGE BUSINESS.

THE STAFF HAS INDICATED TO MR. PARKER THAT IF HE FEELS OUR LANGUAGE IS VAGUE AND UNCERTAIN THAT WE WILL BE WILLING TO CHANGE THE RESTRICTION TO "NO DEAD ANIMALS" UNLESS SPECIFICALLY AUTHORIZED IN WRITING.

THE STAFF SEES NO PROBLEM WITH THE OILS AND LIQUIDS RESTRICTION. FOLLOWING A REQUEST BY SOME "ENVIRONMENTAL AUTHORITY", ALL MR. PARKER HAS TO DO TO ACCEPT OILS OR LIQUIDS IS NOTIFY US AND OBTAIN AUTHORITY AS PROVIDED FOR IN THE CERTIFICATE CONDITION. THE STAFF FEELS THAT LARGE QUANTITIES OF OILS AND LIQUIDS ARE NOT PROPER FOR DISPOSAL IN A SOLID WASTE LANDFILL AND SHOULD NOT BE PERMITTED ON AN ONGOING BASIS.

V. VARIANCE REQUEST #4 - TERMINATION UPON VIOLATION

CONDITION SE-10(B) OF ROSSMAN'S CERTIFICATE READS:

THIS CERTIFICATE IS SUBJECT TO TERMINATION IF THE MSD FINDS:

B) THAT THERE HAS BEEN A VIOLATION OF ANY OF THE CONDITIONS CONTAINED HEREIN.

THE VARIANCE REQUEST STATES THAT THIS CONDITION IS UNDULY HARSH.

AS CAN BE SEEN BY SECTION 12.02.130 OF THE MSD CODE, WHICH ESTABLISHES THIS REQUIREMENT, IT IS CONTEMPLATED THAT ANY TERMINATION IS SUBJECT TO THE CONTESTED CASE RULES, WHEREIN THE DIRECTOR WILL HAVE TO ESTABLISH THE LEGITIMACY OF HIS ACTIONS. THE DIRECTOR, HOWEVER, TO INSURE COMPLIANCE WITH THE CONDITIONS OF THE PERMIT, SHOULD HAVE THE ABILITY TO BEGIN THESE CONTESTED CASE PROCEDURES. THE STAFF FEELS THAT FORCING A CONTESTED CASE IS NOT AN UNDULY HARSH ACTION.

VI. VARIANCE REQUEST #5 - TERMINATION UPON CHANGE IN WASTES RECEIVED.

CONDITION SE-10(c) OF ROSSMAN'S CERTIFICATE READS:

THIS CERTIFICATE IS SUBJECT TO TERMINATION IF THE MSD FINDS:

C)...THAT THERE HAS BEEN A SIGNIFICANT CHANGE IN THE QUANTITY OR CHARACTER OF SOLID WASTE RECEIVED OR IN THE METHOD OF SOLID WASTE DISPOSAL.

THE VARIANCE REQUEST STATES THAT THIS CONDITION IS VAGUE AND UNCERTAIN AND UNNECESSARY.

THE STAFF BELIEVES THAT THE CERTIFICATE ISSUED TO ROSSMAN'S LANDFILL, INC., WAS ISSUED BASED UPON A CERTAIN SET OF ASSUMPTIONS AND REPRESENTATIONS REGARDING WASTE QUANTITIES AND CHARACTER FOR MATERIALS RECEIVED AT THE SITE. IF THESE ASSUMPTIONS ARE CHANGED, THEN THE CERTIFICATE BASED UPON THEM MIGHT ALSO REQUIRE CHANGE. ANY TERMINATION UNDER THAT PROVISION WOULD ALSO REQUIRE A CONTESTED CASE PROCEEDING.

#### VII. VARIANCE REQUEST #6 - MSD'S FLOW CONTROL AUTHORITY

CONDITION SE-12 OF ROSSMAN'S CERTIFICATE READS:

THIS CERTIFICATE IS SUBJECT TO MSD'S "FLOW CONTROL" AUTHORITY. WHEN MSD'S PROCESSING FACILITY IN OREGON CITY BECOMES OPERATIONAL, IT WILL BE NECESSARY FOR SOLID WASTES GENERATED IN AT LEAST THE SOUTHERN HALF OF THE MSD AREA TO BE DIRECTED EXCLUSIVELY TO THE PROCESSING FACILITY IN ORDER TO MEET THE TONNAGE DEMANDS. IT MAY BE NECESSARY FOR MSD TO DIRECT SOLID WASTES PRESENTLY GOING TO THIS CERTIFICATE HOLDER'S DISPOSAL SITE TO THE MSD'S PROCESSING FACILITY. THIS CERTIFICATE DOES NOT VEST PERMANENT RIGHTS OR PRIVILEGES IN THE HOLDER TO RECEIVE SOLID WASTES GENERATED WITHIN THE MSD BOUNDARIES. THIS CERTIFICATE IS NOT A GUARANTEE, COMMITMENT OR AGREEMENT BY MSD THAT SOLID WASTES GENERATED IN THE MSD AREA WILL BE DIRECTED OR DELIVERED TO THE DISPOSAL SITE.

THE VARIANCE REQUEST STATES THIS CONDITION SHOULD BE ELIMINATED.

THIS CONDITION PLACED IN THE CERTIFICATE UPON THE RECOMMENDATION OF OUR LEGAL COUNSEL IS A RECITAL OF SOME OF OUR BASIC PREMISES WITH REGARD TO FLOW CONTROL AND IS INTENDED TO MAKE SURE THAT

NO ONE IS BEING MISLED OR LEFT UNINFORMED AS TO MSD'S INTENTIONS. THE STAFF FEELS THAT IT IS AN APPROPRIATE CONDITON WHICH SPECIFICALLY LIMITS THE AUTHORITY BEING GIVEN TO ROSSMAN'S LANDFILL, INC. BY THE ISSUANCE OF THE CERTIFICATE.

#### VIII. LIST OF APPENDIXES

- I. MSD STAFF MEMO ON COVER MATERIAL (MARCH 23, 1978)
- II. WATER RESOURCES DEPARTMENT REPORT ON ROSSMAN'S LANDFILL (MARCH 7, 1978)
- III. LETTER FROM ROBERT E. GILBERT, MANAGER, NORTHWEST REGION OF DEQ (JUNE 6, 1978)
- IV. ROSSMAN'S REQUEST FOR VARIANCE (MAY 22, 1978)
- V. REQUEST FOR INFORMATION FROM MSD STAFF TO JACK PARKER (MAY 30, 1978)
- VI. LETTER FROM JACK PARKER TO MSD STAFF (JUNE 2, 1978)

#### IX. SUMMARY

FOR THE FOREGOING REASONS, THE STAFF BELIEVES THAT DAILY COVERING OF WASTES SHOULD BE REQUIRED AS A STANDARD OF PRACTICE AND THAT DECOMPOSIBLE WASTES SHOULD NOT BE PLACED DIRECTLY INTO THE GROUND WATER SYSTEM. IN ADDITION, WE FEEL THE OTHER CONDITIONS COMPLAINED OF SHOULD REMAIN INTACT.

AS A MEANS OF PROCEEDING BEFORE THE BOARD, AND RECOGNIZING THE ROSSMAN'S LANDFILL, INC.'S BURDEN OF COMING FORWARD AND SHOWING CAUSE WHY A VARIANCE MAY BE AND SHOULD BE GRANTED, WE SUGGEST THE BOARD USE THE FOLLOWING FORMAT:

1. PRESENTATION OF THE APPLICANT'S CASE IN TOTAL.
2. PRESENTATION OF THE STAFF'S CASE IN TOTAL.
3. A BRIEF REBUTTLE BY APPLICANT ADDRESSING ONLY THOSE NEW AND UNEXPECTED ISSUES RAISED BY THE STAFF, IF ANY.
4. A DECISION BY THE BOARD.

X. RECOMMENDATION

BASED ON ROSSMAN'S LANDFILL, INC.'S FAILURE TO SHOW CAUSE WHY THE BOARD CAN OR SHOULD GRANT THESE VARIANCES, THE STAFF RECOMMENDS DENYING ROSSMAN'S LANDFILL, INC.'S REQUESTS FOR VARIANCES.

Motion: To deny the request for variance to the Rossman Landfill permit; to direct Mr. Parker to return within 60 days with a revised operational plan to bring the landfill into compliance with the MSD permit; and to direct staff to work with DEQ and other operators to determine whether changes in state minimum standards should be made and present this information to the Board within 45 days.

METROPOLITAN SERVICE DISTRICT  
BOARD ACTION

NO. 78-1079 DATE 6-9-78

	YES	NO	ASST.
BARTELS	/		
BUCHANAN	/		
MCCREADY	/		
MILLER	/		
ROBNETT	/		
SALQUIST	/		
SCHUMACHER	/		

*Paul M. Wood*  
Clerk of the Board

MEMO

TO: Chuck Kemper  
FROM: Irvine, Keech, Ketterling and Norr  
DATE: March 23, 1978  
RE: REQUIREMENT OF SIX (6) INCHES OF DAILY COVER AT LANDFILLS

---

By means of this memo, we hope to summarize the arguments regarding daily cover requirements and to provide a basis for reaching a staff consensus on this issue.

We have used as a basis for projecting new landfill costs, and have included in our proposed certificates, the requirement of covering the open face of each landfill (except Grabhorn and Obrist) with six (6) inches of dirt every day. Objections have been raised by a number of operators and by Dave Phillips, all of whom propose the use of wood waste, either sawdust or construction debris, as an alternative. These objections raise some good questions concerning this cover requirement as it applies to existing landfills as well as new landfills.

We have identified the following problems that might be reduced to some extent by daily cover: 1) odor; 2) litter; 3) fire; 4) unsightliness; 5) water getting into the fill; 6) lack of proper compaction; and 7) settling of the fill.

We have also identified three types of cover material: wood waste, permeable dirt and impermeable dirt.

ANALYSIS

1. Odor Problems

It is our understanding that the severe odor problems are caused either by the discharge of gas concentrated by a gas collection system or by the depositing of a particularly bad smelling substance into the fill. It appears that the open face is not the cause of most odor problems. Thus, covering daily, although it might reduce some minor odor, would not solve the serious odor problems.

2. Litter Problems

It is our understanding that much of the litter results from winds blowing during the course of dumping and throughout the day. Good compaction can reduce a significant amount of litter, and covering daily can prevent litter from blowing. Dirt cover, however, probably will not prevent litter to any greater extent than would wood cover.

### 3. Fire Problems

It seems to us that dirt is a superior fire retardant to wood. Either a permeable or impermeable dirt cover every day would serve to protect against both the outbreak of fire by separating the filled materials from the atmosphere, and the spread of fire by isolating each day's materials. It is our understanding that good compaction is probably the single best fire prevention technique.

### 4. Unsightliness

Many of the complaints we receive deal with the visual pollution of unsightliness. Either wood or dirt as a daily cover should serve to eliminate the public viewing an open face after hours and give at least the appearance of a well-run fill.

### 5. Water Getting Into the Fill

Leachate production is increased as water enters the fill. Assuming adequate off-site drainage, the only water getting into the fill comes in the form of rain. Covering at the end of each day with an impermeable dirt cover and properly sloping to achieve surface runoff can prevent rain water from entering the filled material during the night and from entering the previous day's material should it rain during the next working day. Thus, with adequate dirt cover, water should only be reaching, at most, the layer of waste being deposited during the day it rains. It appears that wood waste will not prevent water from seeping into the fill and that a permeable dirt cover would not be a significant improvement over wood for water shedding purposes.

### 6. Lack of Proper Compaction

Proper compaction can reduce blowing litter, help reduce fire risk, the possibility of vectors, and produce a better looking, more structurally sound fill. Given the flexibility or sponginess inherent in a six inch wood layer, a layer of dirt would provide a superior base upon which to compact the following day's material.

### 7. Settling of the Fill

As wood decays, it settles along with the rest of the materials in the fill. Using dirt as a daily cover would add structural strength to the fill by creating a periodic structural foundation for materials, and avoids the concentration of wood wastes in one layer.

## COUNTER-ANALYSIS

We have identified the following problems associated with the use of dirt as a daily cover: 1) availability of dirt; 2) cost of dirt; 3) operational

problems; 4) fairness of changing the rules at this time; and 5) has the damage been done?

#### 1. Availability of Dirt

This year seems to be a good year for dirt at the King Road site, but a poor year everywhere else. The argument has been raised that not enough dirt can be secured to cover each site daily.

#### 2. Cost of Dirt

Even if dirt is available, the high cost of dirt, relative to wood waste, appears to be significant. Requiring daily dirt cover will most likely lead to price hikes at all sites. It should be noted, however, that the daily use of wood waste as cover will also increase operating costs for those sites that do not receive an adequate supply for disposal.

#### 3. Operational Problems

When dirt mixes with water, it becomes mud. Mud is difficult to work with, can not be used to cover adequately, causes driving problems for public as well as commercial vehicles, and gets tracked into the streets. All operators indicate that if there is too much mud, they are forced to shut down. The two problem areas are: 1) working on a open face that is muddy; and 2) having vehicles drive and turn around in mud.

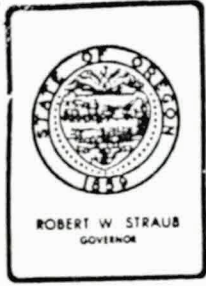
#### 4. Fairness of Changing the Rules at This Time

DEQ has authorized the use of dirt or other approved materials for daily cover. Wood waste is an approved material. DEQ has not enforced their cover requirement, however. Thus, operators who have established a business based on the approval of wood as a cover would have their standards changed if we require a switch to dirt. New landfills, however, could be bid or designed to meet any standards with the understanding that higher standards might lead to higher costs. The fact that DEQ has not enforced existing standards appears to be of little significance. It is the existance of the standard that is important.

#### 5. Has the Damage Been Done?

Maybe yes, maybe no. Certainly the damage has not been done in new landfills. In the existing sites, perhaps the problems mentioned above will not be seriously compounded by allowing operations to continue with an enforced daily wood cover.





**Water Resources Department**  
**MILL CREEK OFFICE PARK**  
555 13th STREET N.E., SALEM, OREGON 97310

**RECEIVED**  
MAR 9 1978  
METRO SERVICE DISTRICT  
PHONE 378-8455

TO: Charles Gray  
FROM: Kent Mathiot  
SUBJECT: Rossman's Land Fill

DATE: March 7, 1978

In response to your request for ground water information concerning Rossman's Land Fill in Oregon City, I submit the following report. My remarks are based on (1) observations made during three visits to the site and (2) a review of pertinent geologic and hydrogeologic information.

Conclusions: The geologic and hydrogeologic conditions and the fill design at the Rossman site are such that leachate, generated in the fill, enters directly into the underlying shallow ground water body. Contamination levels are considerably higher in the fine grained sediments that underlie the highly permeable sands and gravels. The lowest levels observed, occurred in the thicker zones of coarse grained alluvium. The variation in contaminant level is due to a higher rate of ground water movement and dilution of contaminants in the more permeable materials.

Contaminant levels in the fine-grained sediments show a consistent and significant decline with time that suggests a reduction in the level of contaminant generation within the fill. Mounding of the ground water table beneath the fill site causes contaminants to move out from the area of the fill in all directions, and eventually migrate with local ground water flow to discharge points along nearby natural or artificial surface drainageways. The extent of ground water contamination outside the fill area has not been determined. Within the fill area, however, it appears that leachate contaminated ground water is entering the main east-west drainageway and the surface water collection sump where it is eventually pumped into the small tributary to Abernethy Creek that flows along the southeast edge of the fill. During periods of high ground water levels leachate contaminated ground water may enter directly into this tributary.

Recommendations: Future work at Rossman's should be designed to (1) protect any ground water users in the area from leachate contaminated ground water, (2) minimize the effect on ground water quality from the yet to be completed filling operations, (3) prevent on site leachate or leachate contaminated ground water from entering directly into surface water drainageways, (4) provide continuing information on ground water quality in the fill area.

Any wells developing ground water from the alluvial deposits within the area bounded by the land fill on the east, the Willamette River on the west, the Clackamas River on the north, and Abernethy Creek on the south should be identified and periodically checked for water quality.

In the area that is yet to be filled, excavation of native soil material should be kept to a minimum in order to allow some natural treatment of leachate prior to it reaching the water table.

All surface water drainageways on the property should be kept well above the level of the ground water table, or should be routed through water tight pipes. The surface water collection sump should be lined so that only surface waters would be collected and pumped into the tributary to Abernethy Creek. If, after taking these steps, the water quality problems in the tributary persist, then the possibility of collecting the lechate along the east edge of the fill and spray irrigating on the land fill could be considered.

A double completion monitoring well should be constructed near the center of the unfilled area, and monitoring of surface and ground water quality and water levels should be continued.

**Geology:** The fill is situated on the east half of the flood plain lowlands southeast of the confluence of the Clackamas and Willamette Rivers, (Figure 1). The lowland area is underlain by approximately 50 feet of unconsolidated river alluvium; the upper portion consists primarily of sand, silt, and clay, and the lower portion consists of sands and gravel. These geologically recent sediments are underlain by approximately 100 feet of older fine-grained sedimentary deposits that cover an undetermined thickness of flow basalts.

**Hydrology:** The Clackamas and Willamette Rivers form the north and west boundaries of the lowland area on which the fill is situated. Abernethy Creek, a westerly flowing perennial stream, forms the southern boundary. A small unnamed tributary to Abernethy Creek flows south along the eastern edge of the fill site. This tributary follows the general course of an older, natural drainageway that has been altered considerably by ditching and related activities designed to drain surface water away from the fill area. A large pond formed by a gravel excavation operation is located approximately 1200 feet northwest of the Rossman property.

**Hydrogeology:** Two aquifers are present in the area of Rossman's Land Fill. They are the deep basalt aquifer and the shallow sedimentary aquifer. The ground water in the basalts that underlie the area at depth enters the ground water flow system in upland recharge areas. The water then moves down gradient under confined flow conditions to discharge points in the Willamette Valley. Ground water in the basalt aquifer is separated from overlying ground water by the poor vertical permeability of the basalt and is, therefore, afforded some measure of protection from surface contaminants.

Ground water in the sedimentary aquifer that overlies the basalt is not separated from surface contaminants by natural barriers. It is, therefore, subject to contamination from lechate generated in the landfill. Ground water in these sediments is supplied by the infiltration of rain that falls directly on the fill and adjacent flood plain lowlands, by the movement of ground water into the area from local and intermediate ground water flow systems, by run-off from adjacent upland areas, and, to a minor degree, by the upward movement of ground water from the lower basalt aquifer. In addition, during seasonal flooding, ground water in the shallow alluvium is recharged by water from the stream channels moving into bank storage. The ground water entering these sediments is eventually discharged via seeps, or as underflow to the surface streams and rivers that surround the lowland area.

Two distinct units having considerably different hydrogeologic characteristics can be identified within the sedimentary aquifer. They are the porous and permeable sand and gravels, and the underlying silts and clays. Ground water in these alluvial deposits is unconfined and is in direct hydraulic connection with the water in adjacent surface water channels. Prior to the construction of the fill, the gradient or slope of the water table in these alluvial deposits was most likely quite flat with ground water movement being away from the surface streams and into the gravels during winter and spring months, and from the gravels toward the surface streams during the summer and fall months.

In August and September of 1973, five ground water monitoring wells were constructed at the Rossman Land Fill (Figure 1). Since September of 1974, periodic water table measurements have been made. These measurements indicate that mounding of the ground water table has occurred beneath the filled area. Lechate now moves out from the fill area in all directions. Lechate contaminated ground water moves toward discharge points along surface drainageways within the fill and flows to areas outside the fill boundaries. The extent of contaminant movement outside of the fill boundaries has not been determined. However, it is anticipated that contaminants will move with ground water flow to discharge points along Abernethy Creek and the Willamette River.

A surface water collection sump and pumping system has been constructed near the mid-point of the drainageway along the east edge of the fill. The system is designed to collect surface drainage from the unfilled portions of the site along with the flow from three highway drainage systems and pump the water into a higher drainageway that runs along the southeast edge of the completed fill. The bottom of the sump is at approximately 7.5 feet elevation and the pumping system is designed to keep the water level in the sump at between 8.5 and 10.5 feet elevation. As a result, the sump is a low point on the local ground water table and contaminated ground water moves toward the pumping station. Additional information on ground water conditions at the fill site is contained in the attached appendix.

Ground Water Quality: Periodic ground water quality samples have been collected from the five monitoring wells since January 1, 1974. By evaluating the levels of three common land fill contaminant indicators (Figure 2), along with records of water table fluctuations, several conclusions can be made: (1) well 2a, the only well completed in the fine-grained materials consistently shows the poorest water quality, and has contaminant levels that are apparently not effected by water table fluctuations, (2) the contaminant levels in the shallow or gravel wells appear to be effected by ground water table fluctuations with the highest readings coming during low (dilution) or high (excessive leaching) ground water stages, (3) the lowest contaminant levels are commonly found in those wells which are completed in the thickest sections of coarse grain alluvium, (4) contaminant levels in the deep well show consistent and significant decline with time.

clh

cc: Bob Keech  
Scott Parker  
Rick Gates



Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229- 5209

June 6, 1978

Mr. Merle Irvine, Manager  
Metropolitan Service District  
1220 S. W. Morrison  
Portland, Oregon 97205

Re: SW - Rossman's Landfill, Inc.  
Clackamas County

Dear Mr. Irvine:

Our records indicate that the disposal of solid wastes into trenches at Rossman's Landfill, Inc. was not authorized by either a change in the Solid Waste Disposal Permit or by EQC variance. However, there was verbal agreement with Rossman's Landfill, Inc. for this method of operation since issuance of the initial permit in 1973.

In particular, permission was given to allow shallow excavation just above the ground water table. It was recognized that during high water periods these trenches would be flooded for short-term durations. Filling of solid wastes at that time would be confined to the smallest area practicable and for the shortest possible time.

As a result of recent leachate problems at the site and a reevaluation of the landfill's operational plan we believe such a procedure is no longer appropriate. Accordingly, we support MSD's Solid Waste Disposal Site Certificate and in particular Conditions SC-4, SD-5 and SD-8.

If we can clarify any of the above items or if we can be of any further assistance please contact me at 229-5209.

Sincerely,

Robert E. Gilbert  
Manager  
Northwest Region

REG/mjb

cc: Rossman's Landfill, Inc.  
Attn: Jack W. Parker, President  
Solid Waste Management Division



Contains  
Recycled  
Materials

IN THE METROPOLITAN SERVICE DISTRICT

In the Matter of the Certificate	)	
	)	
of	)	Certificate No.
	)	DS-001
ROSSMAN'S LANDFILL, INC.	)	
	)	
	)	

REQUEST FOR VARIANCE PURSUANT  
TO ORDINANCE 12.02.200(2)

Rossman's Landfill, Inc., ("the Applicant"), contends that in the following listed particulars the purposes and intents of the Metropolitan Service District's requirements can be achieved without strict compliance and that strict compliance:

(a) Is inappropriate because of conditions beyond the control of the Applicant;

(b) Will be rendered extremely burdensome or highly impractical due to special physical conditions or causes; and

(c) Would result in substantial curtailment or closing down of the operation which furthers the objectives of the Metropolitan Service District or of the Metropolitan Service District's Plan.

1. SA-1 prohibits accepting "large dead animals," "oils" and "liquids." The animal restriction is vague and uncertain. The Applicant has been requested to take dead dogs and cats. This might be considered to be large. Also, at the request of environmental authorities, the Applicant accepts oils and liquids.

2. SD-1 requires six inches of compacted earth or "other approved cover" (which is vague and uncertain) on a daily basis which cannot be done and is not necessary.

3. SD-5 prohibits dumping wastes other than rock and dirt into groundwater or flooded trenches. Similar restrictions have previously been waived by the Department of Environmental Quality for the reason that the water table at the site is such that there is absolutely no evidence of contamination. DEQ has maintained monitoring wells around the site, and the water has tested within acceptable limits. To apply this restriction would be tremendously expensive to the applicant.

4. SE-10 b. provides that the certificate could be terminated by a single violation of any conditions, which is unduly harsh.

5. SE-10 c. provides for termination if there is a change in the quantity or character of the solid waste received. That is vague and uncertain and unnecessary and should be eliminated.

6. SE-12 should be eliminated. If the applicant were to sign the certificate, it, in effect, would be an agreement by it that it had absolutely nothing. SE-12 would permit the District, in effect, to terminate the certificate at any time it chose to do so.

Dated this 22nd day of May, 1978.

BERNARD, HURLEY, HODGES & KNEELAND  
Attorneys for Applicant

By William E. Hurley  
William E. Hurley



**METROPOLITAN SERVICE DISTRICT**

1220 S. W. MORRISON ROOM 300 PORTLAND, OREGON 97205  
(503) 248-5470

APPENDIX II

May 30, 1978

Mr. Jack Parker  
Rossman's Landfill, Inc.  
1101 - 17th Street  
Oregon City, Oregon 97045

Dear Jack:

We have received the Request for Variance submitted on your behalf by William E. Hurley on May 23, 1978. We intend to present your request to the Solid Waste Advisory Committee on Monday, June 5, 1978, and to the MSD Board of Directors on Friday, June 9, 1978. You are welcome to attend and participate in both these hearings.

The staff will be presenting recommendations on your requests at both these meetings. On the basis of the material you have submitted to date, the staff will recommend against your requests. We are particularly concerned with paragraphs 2 and 3 of your request.

Variance Request No. 2

You have indicated that six inches of compacted earth or other approved cover on a daily basis "cannot be done and is not necessary", and allege that the purposes and intents of MSD's requirements can be achieved without strict compliance. To help the staff evaluate your claim, please supply us with documents, drawings, financial statements, studies or other evidence which:

- a. Lists in particular those purposes and intents to which you refer;
- b. Indicate in particular what conditions are beyond your control;
- c. Indicate in particular which special physical conditions or causes render strict compliance extremely burdensome or highly impractical, and the financial impact of altering or remedying these conditions or causes;
- d. Indicate how or why strict compliance will result in curtailment or closing down of your operation;

Page 2  
Mr. Jack Parker  
May 30, 1978

- e. Indicate in detail alternative plans or means of operation which have been explored which would be in compliance with MSD's requirements and reasons why these means of operation cannot be used; and
- f. Indicate whether increased disposal rates could satisfy your financial concerns.

Variance Request No. 3

You have indicated that you wish to be allowed to dump wastes other than rock and dirt into the groundwater table or flooded trenches. To help the staff evaluate your request, please supply us with documents, drawings, financial statements, studies or other evidence which:

- a. List in particular those purposes and intents to which you refer;
- b. Indicate in particular what conditions are beyond your control;
- c. Indicate in particular which special physical conditions or causes render strict compliance extremely burdensome or highly impractical, and the financial impact of altering or remedying these conditions or causes;
- d. Indicate how or why strict compliance will result in curtailment or closing down of your operation;
- e. Indicate in detail alternative plans or means of operation which have been explored which would be in compliance with MSD's requirements and reasons why these means of operation cannot be used;
- f. Indicate whether increased disposal rates could satisfy your financial concerns; and
- g. Document the waiver by the Environmental Quality Commission of their OAR 61-040(3)(c) which prohibits depositing materials other than rock, dirt, brick, concrete and other non-decomposable materials into flooded trenches or into the groundwater.



Page 3  
Mr. Jack Parker  
May 30, 1978

Your submission of these materials will be necessary to allow us to further evaluate your requests for variance and to allow us to review for the MSD Board of Directors why you feel these variances are justified.

Please feel free to contact us with any questions you might have. For your benefit and for ours, we would like to settle these matters as soon as possible.

Very truly yours,



Paul Norr  
SOLID WASTE  
COMPLIANCE OFFICER

PN:amn

cc: Janice Stewart, MSD Legal Counsel  
William E. Hurley

File No. 1.20.B/4.02(a)

ROSSMAN'S LANDFILL, INC.

1101 17TH STREET  
OREGON CITY, OREGON 97045  
(503) 656-0636

RECEIVED  
JUN 5 1978  
METRO SERVICE DISTRICT  
June 20 1978

Mr. Paul Norr  
Metropolitan Service District  
1220 S. W. Morrison  
Room 300  
Portland, OR 97205

Dear Mr. Norr:

As I explained to you on the phone, I do not have sufficient time to go into great detail in response to the questions you have posed in your letter of May 30, 1978. However, I have the following comments:

Regarding our Variance Request No. 2 concerning the daily cover, I will emphasize again that the words "cannot be done and is not necessary" is the verbage of our attorney and does not quite express our position. We would never take the position that something "cannot be done". We are basically contending that the economic burden of performing this operation is not justified by the facts. The use of earth cover in the Willamette Valley is not practical in the winter months and is certainly not adaptable to our present system of operation. You asked "What conditions are beyond your control?" Certainly, the answer would be "weather". Every landfill operator will tell you that attempting to place compacted earth on a daily basis is impractical in the winter. This leads us to the possibility of utilizing wood wastes for interum cover material. This has been our procedure in the past. However, we have not been placing the full six inches called for in our Department of Environmental Quality Permit as our supply of this material is limited. It is our opinion that the interum cover at our location serves no other purpose than "eye appeal", provided that a fresh lift of refuse is placed over the previous day's deposit. This solves all the problems that are of concern, other than visual. A light spread of wood wastes disposes of this problem. It is important also to realize that there are less than five homes who can view this property and they are on top of the bluff overlooking the property. In the wintertime, it is dark by the time we close, so the visual problem is not relevant at that time of year.

It is obvious that Rossman's financial concerns would be satisfied by a rate increase, if sufficient to offset these additional costs. However, we feel that the public should not be burdened with excessive costs when the benefits are inconsequential. There are other concerns, however. Wood wastes are in short supply and there is a heavy demand (primarily for landscaping purposes) on what materials that are available. Since 50' x 350' is the smallest practical area that we could work on a daily basis, we would need 118,000 cubic yards per year of wood wastes. It

seems inappropriate to waste a material for which there is a demand and fill the landfill with "good material" especially since we have no present alternative disposal method or other landfill sites on hand. We have been unable, to date, to locate a long range supply. We have located some material which would cost \$3.00 per cubic yard delivered to our site. We therefore would have an annual cost of approximately \$354,000.00. Based upon our present volumes, we receive approximately 1,000,000 cubic yards of refuse. This would mean an increase in cost of 35¢ per cubic yard, or a 38% increase over what Rossman is presently receiving, just for this one item.

We feel that this increase, coupled with the recent 16¢ MSD increase, will cause indiscriminant illegal dumping of materials. We feel strongly about our fiduciary responsibility to the public and think that MSD should consider this issue in the same vein.

Regarding our variance request No. 3 relative to dumping waste into flooded trenches, we have the following comments: First, let us identify the issues on this item. There is no question that Rossman's has had, for approximately the last six months, a surface leachate problem. We have defined surface leachate as leachate or water containing leachate that may be identified by: (1) visual inspection, i.e., it can be seen; (2) odor emanating from a water source; (3) fungus or other growth that would be an indicator of the presence of leachate. My letter of March 31, 1978 dealt with our proposed resolution of the surface leachate problems and, aside from interum problems in the North landfill area, is not related or relative to the issue under discussion. These surface leachate problems have and will be dealt with effectively. The issue under discussion here is the question of ground water contamination by leachate.

Our present Department of Environmental Quality Permit allows us to dump into flooded trenches (I have enclosed photocopy of letter deleting G-3 in our Permit. You will also note that S-16 of our Permit also deletes G-3). The fact that the Department of Environmental Quality has seen fit to remove this condition from all of our permits, present and past, indicates that they felt there was no serious health or environmental problem created by our operation. This procedure has been followed on our site since 1968 and there has been no health or environmental problems created by this procedure. In addition, monitoring wells located within the perimeters of the landfill have never indicated sufficient problem for the DEQ to express concern. Even the recent report of Mr. Kent Mathiot of the Water Resources Department of the State of Oregon indicated that the water from a shallow and a deep monitoring well located within fifty feet of buried garbage fell close to the drinking water limits when tested for conductivity, sodium and chlorides, which are the common leachate indicators. It is particularly interesting to note the rapid improvement

in the quality of water tested from the deep well. As good as these tests appear to be, it must be realized that these monitoring wells are in close proximity to garbage. There is no evidence of contamination of water off the landfill site from ground water sources.

The requirement that we discontinue our present operation would require us to import all of the cover material. The only source of material with sufficient quantity that we have knowledge of is in close proximity to the landfill site. However, there is litigation pending to stop removal of this material. If this lawsuit should be successful, we do not know where we would get the material.

In any event, we do not feel that it has been demonstrated that environmental damage is being done utilizing the present methods and that the financial burden to the public is not warranted. We estimate it would require approximately 150,000 cubic yards of dirt at an additional cost to Rossman's of \$3.00 per cubic yard (assuming we can use the site referred to above) or a total expenditure of \$450,000.00. The remaining area at the landfill (approximately fifteen acres in size) would normally accommodate about 2,000,000 "pay yards" of refuse. The 150,000 cubic yards of imported material would decrease the available volume (assuming the same finished elevation) by 2.5 (compaction factor) X 150,000 or 375,000 "pay yards". Therefore, not considering an interest factor on the investment, we would have a necessary increase in cost of  $\$450,000.00 \div 1,625,000$  cubic yards or 28¢ per cubic yard increase or a 30% increase for this one item. Again, it is obvious that a satisfactory rate increase would solve Rossman's "financial concerns". However, we do not feel that the need for this change has been demonstrated by the Metropolitan Service District.

In summary, we do not feel that the public should be made to pay for costly procedures when a need for these procedures has not been effectively demonstrated. We are all aware of inflationary trends -- we are all aware of the taxpayers' revolt -- we are all aware of costly bureaucratic policies. Let us therefore make sure that these expenditures are not imposed upon the public without thorough consideration of the facts.

I am sure you realize it is difficult to convey all of our thoughts regarding these issues in so brief a letter. I hope, however, that the information I have provided will be of assistance to you.

Yours truly,

ROSSMAN'S LANDFILL, INC.

By: 

Jack W. Parker, President

JWP:jh

cc: Solid Waste Advisory Board  
Metropolitan Service District Board  
William E. Hurley

Enclosure



**DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229- 5301

July 18, 1975

**ROBERT W. STRAUB**  
~~LOAN McCALL~~  
GOVERNOR

Mr. Jack W. Parker, President  
Rossman's Landfill, Inc.  
1101 17th Street  
Oregon City, Oregon 97045

Re: S.W. - Rossman's Landfill  
Permit #115

Dear Mr. Parker:

This will acknowledge receipt of your letter of June 23, 1975, regarding the proposed permit conditions on your Solid Waste Permit #115.

As per your request, we have deleted the proposed permit conditions S6 and G3. It should be noted that these conditions were not included in your previous Solid Waste Disposal Permit.

You are urged to carefully read the permit and take all steps necessary to comply with the conditions contained therein.

If you have any questions or if we can clarify any of the above items, please feel free to contact the Solid Waste Management Division at 229-5353 or Mr. Charles H. Gray of the Portland Region at 238-8471.

Sincerely,



LOREN KRAMER  
Director

CHG:mm

Attachment (1)

cc: Clackamas County Department of Public Works

cc: Metropolitan Service District

cc: Portland Region



September 13, 1968

Mr. George Rossman  
1556 S. W. 7th Avenue  
West Linn, Oregon 97068

Dear Mr. Rossman:

This is to give you formal notification of the decision of the Board of County Commissioners made on or subsequent to September 13, 1968, relative to your conditional use application, which involves property located at east of 82nd drive, north of Abernathy and described as Tax Lots 65, 66, westerly 1/2 of 47, 48, 49 and 49-2-1, Geo. Abernathy D.L.C., and Hiram Straight D.L.C., Section 29, T2S, R2E.

The Board has carefully studied the reasons used as a basis for the appeal of Mr. Duke, as well as all correspondence and opinions orally expressed to the Board, and after serious consideration, it is our decision that the appeal be denied and your request be approved subject to the following conditions: (1) Limitation of the Sanitary Land Fill operation to a 40-acre tract. Location of the land fill operation to be determined by the staff; (2) The entire working area to be enclosed by a sight-obscuring fence of a type to be approved by the staff; (3) Use of this property for the land fill operation to be permitted only between the hours of 5:00 A.M. and 7:00 P.M.; (4) There shall be no storage of metal scrap material on the site unless it is entirely covered with dirt or is enclosed within a sight-obscuring fence; (5) All dumped materials shall be completely covered each day; (6) None of the above-mentioned fences shall be closer than 50 feet to the right-of-way of Abernathy Road. Said area shall be planted and maintained with native annual and evergreen plants; (7) The entry road, between Abernathy Road and the 50-foot setback, shall be constructed to county road standards; (8) Approval by the County Commissioners for inclusion of a sanitary land fill in the conditional use section pertaining to an I-2 Zone; (9) Approval by the Board of Adjustment for variances from the various sections of the Zoning Ordinance pertaining to dumps, (sanitary land fills); (10) Subsequent to action taken by Clackamas County, the proposed project shall be reviewed by the State Sanitary Authority with approval given prior to any operation of the facility.

Mr. George Rossman  
Page -2-  
September 13, 1968

If you have any questions concerning this matter, please contact this office.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

cc: Board of County Commissioners

# COUNTY OF CLACKAMAS

Fred Stefani, Commissioner  
Thomas D. Telford, Commissioner  
Robert Schumacher, Commissioner

## PLANNING DEPARTMENT

940 Warner-Milne Road  
Oregon City, Oregon 97045

Phone 655-8491

July 10, 1974

Rossman's Landfill, Inc.  
1101 - 17th Street  
Oregon City, Oregon 97045

Gentlemen:

Re: File No. CU-26-74

This is to advise you that at the regular meeting of the County Planning Commission, Monday, July 8, 1974, your application for a Conditional Use Permit to continue and expand the present sanitary landfill and related activities on property described as Tax Lot 900, Section 29, T2S, R2E, was presented and carefully studied.

The Commission, upon considering all the facts and evidence presented, felt that your request should be granted subject to the following conditions:

1. Compliance with Department of Environmental Quality and Solid Waste Commission regulations.
2. Relocate landfill entrance to 82nd Avenue to alleviate traffic congestion upon completion of the southerly portion.
3. Public Works Department to approve location of new entrance.
4. No filling is to take place on the site west of 82nd Avenue.
5. Landscaping plan to be submitted on the new entrance area, to be reviewed and approved by the County Design Review Committee.

Evidence presented has strongly indicated public need as well as benefit related to location, access and cost. The ingress and egress to the site being relocated will improve the accessibility. Agency endorsements have indicated a strong support for this site. Indiscriminate dumping may be curtailed by locating good sites



Rossman's Landfill, Inc.  
July 10, 1974  
Page 2

within good proximity of its users. It further appears that physical attributes of the site are good. Leachate is not a problem here. The proposed plan appears to be benefited by this site.

There is a fifteen (15) day waiting period provided by the Zoning Ordinance as an "appeal period" which must be satisfied before any other action can be taken; therefore, after July 23, 1974, you may proceed with your plans, unless an appeal is filed opposing the decision. You will be notified if an appeal is filed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely yours,

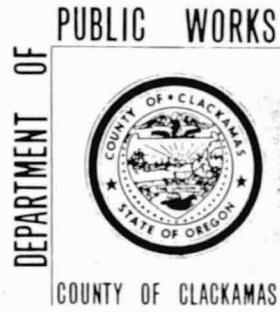


DOMINIC MANCINI  
Acting Planning Director

DM:vs

cc: Board of County Commissioners

Appendix VIII



JOHN C. MCINTYRE  
DIRECTOR

DON D. BROADSWORD  
Operations Director

WINSTON W. KURTH  
County Engineer

DAVID J. ABRAHAM  
Utilities Director

RICHARD L. DOPP  
Development  
Services  
Administrator

June 8, 1978

Merle Irvine  
Manager, Implementation & Compliance  
Metropolitan Service District  
1220 S.W. Morrison Street, Room 300  
Portland, Oregon 97205

This letter is in response to your letter of June 6, 1978. The answers to your questions are as follows:

#1 & #2 - The fact that Rossman has not applied the required daily cover of approved cover material, such as wood waste or earth, violates their DEQ permit and thus violates their Franchise and Conditional Use Permit both of which state in part that Rossman must comply with the O.R.S. 459 and any rule promulgated under ORS 459. Rossman, to date, has been convicted once of failure to cover and thus has a violation of the Conditional Use Permit and Franchise.

The filling in flooded trench was addressed in a letter from DEQ dated February 17, 1973 granting Rossman's a variance to fill in flooded trenches. I felt this was a legitimate variance and, therefore, I feel that filling in flooded trenches, as has been occurring, is not a violation of their Conditional Use Permit. Rossman's has complied with the other requirements of the County Franchise and County Conditional Use Permit.

#3 - Clackamas County did grant a rate increase in February, 1974 specifically to cover the cost of providing a daily cover of wood waste. Just prior to granting this rate increase, the energy shortage hit and there was a drastic decrease in volume which had an adverse affect on revenue at the landfill. Two rate increases have been granted since this rate increase. One was a general cost increase at the landfill and the last increase was to cover the cost of the scales.

I will attend the MSD Board Hearing on June 9, 1978 as you requested.

WINSTON W. KURTH, County Engineer

By *David G. Phillips*

DAVID G. PHILLIPS, Solid Waste Administrator

/keg

# OREGON REVISED STATUTES

Appendix X

**459.015 Policy.** In the interest of protection of the public health, safety and welfare, it is declared to be the policy of the State of Oregon to establish a comprehensive state-wide program for solid waste management which will:

(1) Retain primary responsibility for management of adequate solid waste management programs with local government units, reserving to the state those functions necessary to assure effective programs, cooperation among local government units and coordination of solid waste management programs throughout the state.

(2) Promote research, surveys and demonstration projects to encourage resource recovery.

(3) Promote research, surveys and demonstration projects to aid in developing more sanitary, efficient and economical methods of solid waste management.

(4) Provide advisory technical assistance and planning assistance to local government units and other affected persons in the planning, development and implementation of solid waste management programs.

(5) Develop, in coordination with federal, state and local agencies and other affected persons, long-range plans including regional approaches to promote reuse, to provide land reclamation in sparsely populated areas, and in urban areas necessary disposal facilities for resource recovery.

(6) Provide for the adoption and enforcement of minimum performance standards necessary for safe, economic and proper solid waste management.

(7) Provide authority for counties to establish a coordinated program for solid waste management, to regulate solid waste management and to license or franchise the providing of service in the field of solid waste management.

(8) Encourage utilization of the capabilities and expertise of private industry in accomplishing the purposes of ORS 459.005 to 459.105 and 459.205 to 459.285.

(9) Promote means of preventing or reducing at the source, materials which otherwise would constitute solid waste.

(10) Promote application of resource recovery systems which preserve and enhance the quality of air, water and land resources.

[1971 c.648 §1; 1975 c.239 §2]

**459.045 Rules.** (1) The commission shall adopt reasonable and necessary solid waste management rules governing the:

(a) Accumulation, storage, collection, transportation and disposal of solid wastes to prevent vector production and sustenance, transmission of diseases to man or animals, air pollution, pollution of surface or ground waters, and hazards to service or disposal workers or to the public.

(b) Location of disposal sites, giving consideration to the adaptability of each disposal site to the population served, topography and geology of the area and other characteristics as they affect protection of ground and surface waters and air pollution; minimum standards of design, management and operation of disposal sites; and open burning and salvage operations at disposal sites.

• • •

[1971 c.648 §5; 1973 c.835 §137]

459.020 [1967 c.248 §1; repealed by 1971 c.648 §33]

APPLICATION TO THE METROPOLITAN SERVICE DISTRICT  
FOR A CERTIFICATE  
FOR A NEW OR MODIFIED SOLID WASTE DISPOSAL SITE

A. REFERENCE INFORMATION

Official Name of Proposed Disposal Facility	Disposal Site Operator
ROSSMAN'S LANDFILL, INC.	JACK W. PARKER
County	Address
CLACKAMAS	777 So. Cherry Circle Lake Oswego, OR 97034
Address or Location	City, State, Zip Code
1101 17th Street Oregon City, OR 97045	Telephone 656-0636

B. FACILITY LOCATION AND GENERAL DESCRIPTION

LOCATION 1101 17th Street, Oregon City (across from county shops)

Sec. (s) \_\_\_\_\_ T \_\_\_\_\_, R \_\_\_\_\_ W.M.

DESCRIPTION - Briefly summarize the proposal for solid waste processing and/or disposal.

Continued landfilling, by trench method.

(see cover letter)

C. REQUIRED EXHIBITS

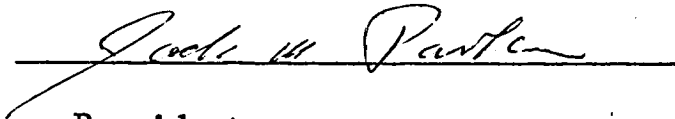
- EXHIBIT A. Attach a complete FEASIBILITY STUDY REPORT prepared in compliance with the Rules and Regulations Pertaining to Solid Waste Management Program, including all information, maps, reports, and exhibits required.
- EXHIBIT B. Attach a statement or other document from the property owner which shows the arrangement by which the official applicant has control of the disposal site.
- EXHIBIT C. Complete the attached GENERAL INFORMATION form.
- EXHIBIT D. Attach a statement concerning the current zoning and land use designation and whether approvals from agencies having land use jurisdictions have been obtained.
- EXHIBIT E. Attach a statement reviewing if public hearings have been held regarding this proposal.

OPTIONAL EXHIBITS The following exhibits need not accompany this application unless the MSD specifically requests submittal at this time; however, these exhibits must be submitted to the MSD and approved in writing before a disposal site may be established, operated, or modified.

- EXHIBIT F. Final detailed plans and specifications for construction and operation of the proposed disposal site prepared in accordance with MSD Ordinance.
- EXHIBIT G. A detailed operational plan and time table including the proposed method and sequence of site development, utilization, and operation, and a proposal for monitoring and reporting any environmental effects resulting therefrom.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Official Applicant (or legally authorized representative)



TITLE President

DATE July 14, 1977

GENERAL INFORMATION

PROPOSED SOLID WASTE DISPOSAL SITE

NAME OF SITE Rossman's Landfill, Inc.  
 ADDRESS OR GENERAL LOCATION OF SITE 1101 17th Street  
Oregon City, OR 97045  
 COUNTY Clackamas

CHECK APPROPRIATE  
 BOX OR FILL IN  
 REQUESTED INFORMATION

1. SITE OWNED BY - Public Agency  Private   
 NAME Jack W. Parker  
 ADDRESS 777 So. Cherry Circle, Lake Oswego 97034
2. PERSON RESPONSIBLE FOR OPERATION OF SITE  
 NAME Scott Parker  
 TITLE Vice-President  
 ADDRESS 15961 S. Hunter Avenue, Oregon City 97045  
 PHONE 655-0683
3. SITE DESCRIPTION - S. 29 T. 2S R. 2E Total Acreage 124.3 Total Acreage Available for Land Disposal 100 Distance from Nearest Community 1/2 mile  
 Name of Community Oregon City Distance from Nearest Residence 1/4 mi  
 Name of Nearest Public Road 17th Street Distance from Public Road adjacent  
 Distance to Nearest Well or Spring 3000 Feet. Distance to Nearest Stream or Lake 1/2 mi
4. GENERAL CHARACTER OF SITE - (OPERATIONAL AREA) - Quarry or Barrow Pit  Level   
 Gully-Canyon  Hillside  Marsh, Tideland, Or Flood Plain   
 Other This site used to be marshland but since has been dewatered
5. ZONING - Is the property zoned? Yes  No  Present Land Use Zone I-2  
 Restrictions Clackamas County zoning restrictions for an \*-2 zone together with Conditional Use restrictions
6. HAS A PUBLIC HEARING ON THE PROPOSED SITE BEEN HELD? Yes  No  Is a Public Hearing planned before the site is operated? Yes  No  N/A
7. POPULATION DATA - Estimated population to be served by site 1/2 metropolitan Portland
8. PLANNED USE OF THE COMPLETED SITE - Not Determined  Park or Recreation Area   
 Agriculture  Light Construction  Other industrial park
9. ESTIMATED LIFE EXPECTANCY OF SITE - Number of years 4 Vol. in cu.yds. 800,000/yr
10. ACCESS ROAD - Existing  To be constructed   
 Maintained by Clackamas County  
 Type of Road Surface paved Width 3 lane Length public road

11. WILL SITE BE OPEN TO PUBLIC? Yes  No  Fee Charged? Yes  No   
Open for use 7 day(s) per week, Hours of Operation 8 a.m. to 5 p.m.  
24 hours no Sunday 10 A .M./4 P.M.

12. WILL CARETAKER BE ON DUTY DURING OPERATIONAL HOURS? Yes  No   
Planned facilities for caretaker - Suitable shelter  Toilet  Handwashing   
None

13. (FOR INDUSTRIAL WASTE DISPOSAL SITES ONLY) N/A

A. OTHER INDUSTRIES TO UTILIZE THE SITE FOR DISPOSAL \_\_\_\_\_  
\_\_\_\_\_

B. ESTIMATED TOTAL SOLID WASTE TO BE DEPOSITED ANNUALLY \_\_\_\_\_ Cubic Yards

C. TYPES OF SOLID WASTE TO BE DEPOSITED 1. \_\_\_\_\_, % of Total;  
2. \_\_\_\_\_, % of Total; 3. \_\_\_\_\_,  
% of Total; 4. \_\_\_\_\_, % of Total; 5. \_\_\_\_\_,  
% of Total.

D. PERMITS - DO YOU HAVE A DEQ WATER OR AIR POLLUTION CONTROL PERMIT? Yes  No   
Identify \_\_\_\_\_  
DO YOU HAVE A FEDERAL NPDES PERMIT? Yes  No  Permit No. \_\_\_\_\_  
IS THE DISPOSAL SITE LICENSED OR FRANCHISED BY A COUNTY OR CITY? Yes  No   
Identify \_\_\_\_\_

14. SURFACE WATER - Is surface water diverted away from operation area? Yes  No   
Proposed method of control pipew to pumping station then into  
Abernethy Creek

Is site subject to flooding? Yes  No  (if YES, explain under REMARKS, #22)

15. ESTIMATED GROUND WATER LEVEL - Have test holes been dug? Yes  No  Date See Exh G&H  
Number of holes See Exh G Average depth varies Ground water encountered  
Yes  No  Average depth of water from surface 8' Sketch of Test Holes  
attached, Yes  No  Groundwater monitoring wells planned? Yes  No

16. MARK ITEMS WHICH ARE TO BE EXCLUDED - None  All putrescible wastes  Bulky  
combustible material large Dead Animals  Waste oil  Sewage solids   
Junk automobiles  Large appliances  Demolition wastes  Tires   
Hazardous materials  Other see DEQ Permit

17. PLANNED FIRE PROTECTION - Firebreak  Water under pressure  Other   
Fire truck plus 5 minute response time from fire department

18. PLANNED SOURCE OF WATER UNDER PRESSURE DURING EQUIPMENT OPERATION - Surface \_\_\_\_\_  
Well \_\_\_\_\_ 300 gallon or larger storage tank  Other tank mounted  
on fire truck with a pump

19. PLANNED FREQUENCY OF COMPACTION AND COVER - Daily   X   Twice weekly \_\_\_\_\_  
Weekly \_\_\_\_\_ Monthly \_\_\_\_\_ Other \_\_\_\_\_
20. COVER MATERIAL - Adequate cover material available on site? Yes   X   No \_\_\_\_\_  
(If no, explain under REMARKS, #22) Estimated depth of soil in operational area \_\_\_\_\_  
Characteristics of soil - Loam \_\_\_\_\_ Sand \_\_\_\_\_ Clay   X   Sandy-clay \_\_\_\_\_ Gravel \_\_\_\_\_  
Other   wood wastes used for interim cover
21. EQUIPMENT TO BE USED AT SITE (Specify type and size )   (3) D-8 Caterpillar tractors;  
  (2) 826-B Caterpillar compactors; (1) 12-E motorgrader; (1) Michigan  
  loader; (2) Northwest draglines
22. REMARKS:   This property was subject to annual flooding. However, we have  
  precluded this by our pumping station and our diking system. Since we  
  have taken over the operation, the landfill itself has never been under  
  water.

Signature of person completing form \_\_\_\_\_

*Jack M. Patten*

TITLE \_\_\_\_\_

DATE   July 14, 1977  

PHONE \_\_\_\_\_

  656-0636



ROSSMAN'S LANDFILL, INC.

1101 17TH STREET

OREGON CITY, OREGON 97045

(503) 656-0636

March 31, 1978

Mr. Merle Irvine  
Metropolitan Service District  
1220 S. W. Morrison  
Room 300  
Portland, OR 97205

Mr. Charles H. Gray  
Department of Environmental Quality  
1234 S. W. Morrison  
Portland, OR 97205

Gentlemen:

You requested, at our meeting on March 21, 1978, that I advise Metropolitan Service District of our short and long term solutions to the leachate and odor problems. I believe it was your intent that these problems would be responded to at the same time we dealt with the questions pertaining to the conditions of our permit which we understand would be within 45 days of issuance of the permit. Since I consider these issues of an emergent nature, I would prefer to respond to them at this time so that you will be appraised of both how we perceive the problems and our proposed solutions thereto.

With regard to the leachate problems, I will only deal with what I refer to as "surface leachate" and will not deal at this time with questions pertaining to potential ground water problems. The ground water question will be dealt with in conjunction with our permit. My definition of "surface leachate" is leachate or water containing leachate that may be identified by (1) visual inspection, i.e., it can be seen; (2) odor emanating from a water source; (3) fungus or other growth that would be an indicator of the presence of leachate. We have located and identified the following sources of leachate:

- (1) Infiltration of leachate into our northernmost pumping system. This is a pumping system installed to handle surface drainage entering the landfill site at the northernmost end through a 24" culvert which had been installed by the State Highway Department. This culvert handled the surface runoff from a portion of the Parkplace industrial area. We installed pipes and pumps as shown on Exhibit "A" which is enclosed. We first identified the leachate from this source by observation of a fungus-like growth just downstream from the discharge point of the pumps. Further investigation disclosed a slight odor from the water as it was discharging from the pumps. Water analysis taken both above and below the pump confirmed the presence of some leachate from this source. A visual inspection of the manhole and the retention sump area indicated some infiltration of leachate into the system.

SHORT TERM SOLUTION:

Water enters this system through the existing culvert only during the rainy season. We believe that this pipe system can be grouted, calked or sealed to preclude this infiltration once the water has stopped running into the system, thereby allowing us to put men down the manholes to work on these pipes.

LONG RANGE SOLUTION:

The water that enters the State culvert pipe which creates the pumping problem could be re-routed through the railroad underpass. This water would then ultimately be picked up by the existing 48" pipe that serves to drain the property directly to the west of the landfill entrance. This could be accomplished by filling the property in the immediate area of the entrance of the State culvert. We need the approval of the railroad company and the permission from Metropolitan Service District (the property owner directly west of the landfill) to divert the water to their site. If the above were accomplished, the need for the pumping station would no longer exist and the pumping system could then be removed and the system abandoned.

- (2) We have observed some leachate entering our East-West ditch. This leachate has been entering just above the existing water level in the ditch. It has been our conclusion that this infiltration was being encouraged by a drawn-down of the water table in areas previously filled with garbage. Our procedure has been, in the past, that no putrescibles were placed any closer than 75 feet from this ditch. We felt that 75 feet should be sufficient to preclude this movement and even though the quantities entering the East-West ditch are minimal, it is obvious that there is some movement of the leachate toward the ditch.

SHORT TERM SOLUTION:

The East-West ditch connects with our pumping station that raises the water so that it gravity flows into Abernethy Creek. We have, in the past, been pumping the water down to approximate elevation 10.'. We have changed the position of our floats so as to allow the water level in the East-West ditch to raise to elevation 15.5'. This is still slightly below the contiguous water table but by allowing the water to rise, the draw-down will be less, thereby reducing the flow significantly.

LONG RANGE SOLUTION:

- (a) It is our plan that the East-West ditch will ultimately be filled. We have left this area open as insurance against the possibility that the 48" culvert that drains the property to the west might become unduly distorted due to subsidence of the ground under the pipe, thereby rendering it unsuitable. If this should happen, the drainage could be accomplished by draining through the East-West ditch. As long as the East-West ditch remains open, we have the ability to install a large culvert in this East-West ditch that could handle the drainage from the west. In any event, a water-tight pipe would be laid through this area properly backfilled (size to be determined with consideration to the above problem). This water-tight pipe, together with a cut-off wall at the eastern end where it discharges into the sump hole, would eliminate the leachate problems from this area.
- (b) Assuming the 48" pipe continues to be serviceable, there is the possibility that the existing drainage that is flowing into this East-West ditch could be re-routed outside the landfill area directly to Abernethy Creek. Engineering on this possibility is being done at this time. If this turns out to be feasible, the entire ditch could be filled and properly sealed at the eastern end and this again would correct the problem.
- (3) Some leachate has appeared on the south slope paralleling the East-West ditch. The leachate is seeping out of the slope approximately five feet above the water surface in the East-West ditch. This seepage area is approximately 100 feet long. We have determined that it has been caused by insufficient depth of cover material on this slope.

SHORT TERM SOLUTION:

We attempted to cover this area with additional dirt but due to the wet ground conditions we were unable to properly compact the material. Therefore, the leachate was still evident in some locations. We have applied lime to the area which has reduced the odor problems. We felt that the leachate from this source will diminish as the rains let up.

LONG RANGE SOLUTION:

As soon as ground conditions will allow, this situation can be easily corrected by placing a properly compacted clay seal over the area. We are confident this will cure this situation as it has been effective in all other areas.

- (4) A small amount of leachate has been observed coming out of our 48" culvert pipe which connects with the property due west of the landfill site. The amount appears to be negligible and is apparently due to some infiltration of water into the pipe system.

LONG RANGE SOLUTION:

As soon as weather permits, a visual inspection inside the the pipe will be made followed by calking or sealing of apparent infiltration points.

- (5) A water collection system consisting of a concrete pipe system, together with manholes located at low spots on our filled grade, picks up surface drainage from the south 40 acres and drains it in an easterly direction to a concrete sump. This sump is pumped by a submersible pump, which is activated by a float system, into the drainage ditch which flows south into Abernethy Creek. Again, we have observed some leachate coming out of the pump discharge point which would again indicate some infiltration into this piping system. It is our belief that during heavy rain and runoff periods that this leachate is highly diluted and not of great quantity. During the summer months it appears to become more concentrated.

SHORT TERM SOLUTION:

Allow the pump to continue functioning during the winter months but do not pump at all in the summertime. Runoff that might occur in the summertime would be allowed to build a head in the manholes which would encourage seepage out into the original ground in which the pipe was laid. If we should find that the seepage was insufficient, a sprinkler system could be installed and this material could be sprinkled back over the landfill and allowed to evaporate.

LONG RANGE SOLUTION:

When a second lift is placed upon this area (which is our long range plan) the drainage pattern will be altered so that this system will no longer be necessary for the drainage of this area; therefore, there will no longer be a problem.

- (6) A considerable amount of leachate was observed coming out of the northernmost trench area. We were initially at a loss to understand why there was so much in evidence in this area since it was not typical of what our past history had shown us to be normal. It was this leachate that we believed to be the main source of the strong odor problem that appeared approximately

two months ago. (Odor problem will be discussed later). We have determined that the cause of this excessive leachate was due to two things. First, we were obliged to leave open (unsealed with clay cover) a large area in order that we could have a ramp to get down to where our new pumps were to be installed. Unfortunately, the pumps did not arrive when delivery had been promised and we experienced heavy rains during the period; thus, the rains were allowed to penetrate the garbage and hence the increase in leachate. Second, we discovered that we had not sealed with dirt a large area that had been covered with sawdust. This sawdust area lay just west of the location from which the leachate was appearing. Some dirt had been tracked onto the sawdust area and it wasn't readily apparent that it had not been properly sealed. Again, the rains penetrated through this area instead of properly running off. These two situations are what brought about the extraordinary leachate problem in the northern area. (Needless to say, we are totally to blame for the two errors made in this area. First, we should not have relied upon a delivery date. In hindsight, there were other ways we could have proceeded. Second, not properly sealing the area covered with sawdust was a mistake that should not have been made.

LONG TERM SOLUTION:

The sawdust area has now been sealed and the existing leachate has been covered with another trench. This problem has been resolved.

All of the sources of surface leachate discussed (except some appearing in the East/West ditch) have to be caused by rain infiltrating the cover material. We are currently in the process of filling and/or draining some of the sunken areas where water is ponding. We are also planning to re-work and recompact some areas that have cracked open. Since leachate has not been in evidence until this year and since our standing water (ponding) has been much worse this winter than any prior year, it is our belief that correction of the surface drainage provided for better runoff will mitigate all leachate problems.

The above outlines how we perceive the problems, together with proposed solutions. As of this writing, the majority of the odor problem appears to have been resolved. If you have any suggestions on our planned procedure, please contact us.

Yours truly,

ROSSMAN'S LANDFILL, INC.

By \_\_\_\_\_

Jack W. Parker, President

JWP:jh

Enclosure

78-1080 ORDINANCE NO. 59 - FIRST PUBLIC HEARING

AN ORDINANCE ESTABLISHING FEES FOR ADMISSION TO THE WASHINGTON PARK ZOO, CRITERIA FOR ADMISSION PASSES TO THE ZOO, A PROCEDURE FOR ALLOWING SPECIAL ADMISSION DAYS, AND DECLARING AN EMERGENCY.

OTHER BUSINESS

BARTELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBNETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

78-1081 SOLID WASTE REVENUE BOND RESOLUTION - SELECTION OF UNDERWRITER

*Jean M. [Signature]*  
Clerk of the Board

MEETINGS HELD WITH PUBLISHER'S PAPER COMPANY AND MSD BOND COUNSEL INDICATE SEVERAL ITEMS WHICH CAN POSSIBLY BE RESOLVED PRIOR TO COMPLETION OF THE RESOURCE RECOVERY PROJECT FINANCIAL REPORTS (TENTATIVELY JUNE 23, 1978). THESE ITEMS INVOLVE A RESOLUTION ESTABLISHING PROJECT QUALIFIED COSTS, AND COMMENCEMENT OF BOND UNDERWRITER SELECTION.

LEGAL AND BOND COUNSEL ARE PREPARING THE RESOLUTION, WHICH WILL BE PROVIDED AT THE BOARD MEETING AS TIME ALLOWS.

THE PROPOSED UNDERWRITER SELECTION PROCESS CONSISTS OF INVITING THE FOLLOWING FIVE FIRMS SELECTED BY THE STAFF, BOND COUNSEL, AND LEGAL COUNSEL FOR THEIR EXPERTISE IN THIS AREA TO PREPARE WRITTEN PROPOSALS AND ATTEND AN ORAL INTERVIEW: DILLON REED, FIRST BOSTON CORPORATION, WHITE WELD, INC., PAINE WEBBER, SALOMON BROS.

A SELECTION COMMITTEE WOULD THEN USE THE WRITTEN PROPOSALS AND ORAL INTERVIEWS TO RECOMMEND A BOND UNDERWRITER FOR THE MSD BOARD'S APPROVAL. THE STAFF PROPOSES THE SELECTION COMMITTEE CONSIST OF DEAN GISVOLD, MSD LEGAL COUNSEL; HOWARD RANKIN OR JOHN OSBOURNE, MSD BOND COUNSEL; CORKY KETTERLING, MSD STAFF MEMBER; SIDNEY BARTELS, MSD BOARD MEMBER; AND A DESIGNATED REPRESENTATIVE FROM PUBLISHER'S PAPER Co. ACCEPTABLE TO PUBLISHERS AND THE TIMES MIRROR CORP.

THE STAFF WOULD ATTEMPT TO COMPLETE THIS TASK AS SOON AS POSSIBLE AND PRIOR TO THE JULY 14 BOARD MEETING.

THE STAFF RECOMMENDS AUTHORIZATION BY THE MSD BOARD TO PROCEED WITH BOND UNDERWRITER SELECTION AS OUTLINED IN THE STAFF REPORT.

METROPOLITAN SERVICE DISTRICT

BOARD OF DIRECTORS

GUEST ATTENDANCE LIST

DATE: June 9, 1978

NAME	REPRESENTATION
John M. Wylk	City of Portland
Louise Behas	MSD staff
Audred Runstein	
D BAANDT	
John Hankie	Multnomah Co.
Lanya Celli	"
David J. Phillips	Clackamas County
Walter M. Cate	CLACKAMAS COUNTY
Bob Brown	DEQ
Bob Gilbert	DEQ
Jack M. Parton	Rossman's Landfill
Scott Parker	ROSSMAN'S LANDFILL
WARREN WIFF	STAFF
KAY RICH	"