

# RAMSEY McPHILLIPS

McPHILLIPS FARMS  
McMINNVILLE, OREGON  
SINCE 1862

Senate Committee on Environment and Natural Resources  
State Capital  
Salem, OR 97301  
Re: SB 1036

March 31, 2017

Honorable Chair Dembrow and Committee Members,

I'm here to alert you that Senate Bill 1036 has two unexpected side effect that I doubt any of the landfill companies have brought to your attention. The adverse financial affect the passage of this bill will have on the excavation industry, especially large clean-up digs that necessitate the removal of contaminated soils and ORS 459.055 which require landfills on farmland to return the landfill site to farm use once it closes.

- 1) **SB 1036 will adversely affect the excavation industry.** Landfills in Oregon take a variety of waste at a variety of costs. One of the discounted loads that landfills take in is called "Beneficial Waste." Beneficial Waste is often lightly contaminated soil or excess earthwork soils that must be removed and transported from construction sites. These soils are called "beneficial" because the landfills need soil to perform a variety of onsite regulatory functions such as daily/final cover of waste, road construction and earthen waste retention walls. This landfill/construction company symbiotic relationship – where excavation companies are charged a greatly reduced rate to bring the soils to the landfill is one of the bedrock rate relationships in the disposal industry. SB 1036 will end this relationship. If landfills such as Riverbend can use onsite soils from the floodplains and farmland that they have bought in forming a buffer from neighbors without being vetted from DOGAMI then the delivered construction soils no longer have a "beneficial use" at the landfills and will be charged as the same rate as regular waste.

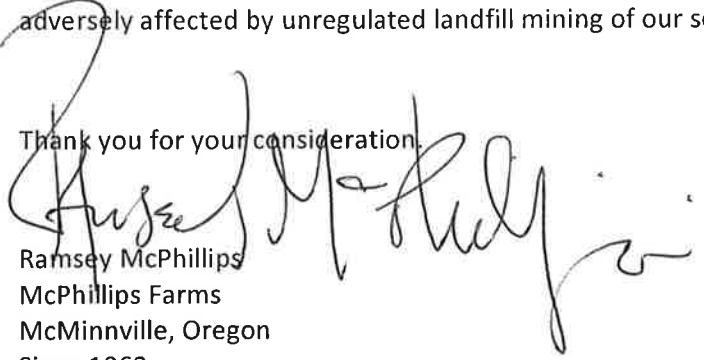
What you will see is landfill companies buying contiguous lands primarily to mine the soils for landfilling cover thereby cutting the excavation industry out of the loop. In fact, this is what has already happened at Riverbend Landfill in McMinnville. Waste Management bought a trailer park, changed the zoning to one tax lot that they designated EFU, stripped it of its lower income trailers and long term tenants and now want to mine the soil to use to cover imported Portland trash.

- 2) **ORS 459.055 requires that landfills in farm use areas be rehabilitated at the end of their use for soil waste disposal to a condition comparable to its original use.** If landfills are allowed to mine their farm soils to cover the landfill without being regulated by DOGAMI – often with class I, II, and III soils used as intermediate cover then what onsite soils will be left to rehabilitate the site to its comparable farm use? ORS 459.055 will directly conflict with SB 1036. Is the

committee requiring that ORS 459.055 be terminated as a condition of SB 1036? I would hope that the Committee would see the wisdom of ORS 459.055 – that if landfills are going to be placed in farmland... on our best soils... that those adjacent soils should neither be used as a victim of the landfilling process or that SB 1036 should be used to undermine the longstanding practice of rehabilitating the farmland to prime farm use once the landfill is closed.

I hope you will seriously consider voting no on SB 1036 so that excavators and farmers alike will not be adversely affected by unregulated landfill mining of our soils.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Ramsey McPhillips". The signature is written in a cursive style with a large initial "R" and a long, sweeping tail.

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