

WRITTEN PUBLIC COMMENTS RECEIVED  
PRIOR TO THE  
BOARD OF COMMISSIONERS' SESSION  
ON  
THURSDAY, August 12, 2021  
AT  
10:00 A.M.

Questions, concerns or comments about these items can be directed  
to staff or the Commissioners by contacting the Commissioners' office at

(503) 434-7501

OR

[BOCINFO@co.yamhill.or.us](mailto:BOCINFO@co.yamhill.or.us)

## Carolina Rook

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**From:** Brian Kimball <info@sg.actionnetwork.org>  
**Sent:** Thursday, August 5, 2021 1:41 PM  
**To:** BOC Info  
**Subject:** Public Comment: Lindsay Berschauer Must Resign

[This email originated outside of Yamhill County]

Public Comment Yamhill County,

It's time for Commissioner Berschauer to resign. Taxpayers have been left footing the bill for Yamhelas Westsider Trail grants. We repaid over \$1.1 million in grant money to the State of Oregon with nothing to show for it.

Commissioner Berschauer has berated county employees in public meetings, putting the county at legal risk for workplace violations. She has issued numerous unenforceable and toothless resolutions and letters to the Governor, but she has done nothing to benefit us, Yamhill County citizens.

Most recently, Lindsay Berschauer opposed \$323,000 in public health investment for Yamhill County because she is unwilling to submit a plan to ensure equitable vaccine access for marginalized communities. Our community needs this money.

Yamhill County citizens deserve a commissioner who represents them efficiently and in good faith. Lindsay Berschauer is too incompetent, too unprofessional, and too wasteful for Yamhill County. She should resign now.

Brian Kimball  
b.kimball26@gmail.com  
1720 NE Galloway St  
McMinnville , Oregon 97128

## Carolina Rook

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**From:** Melissa Wong <info@sg.actionnetwork.org>  
**Sent:** Thursday, August 5, 2021 1:47 PM  
**To:** BOC Info  
**Subject:** Public Comment: Lindsay Berschauer Must Resign

[This email originated outside of Yamhill County]

Public Comment Yamhill County,

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Melissa Wong  
mcwong7415@gmail.com  
1720 NE Galloway St  
McMinnville , Oregon 97128

## Carolina Rook

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**From:** Barbara Tracy <info@sg.actionnetwork.org>  
**Sent:** Thursday, August 5, 2021 7:53 PM  
**To:** BOC Info  
**Subject:** Public Comment: Lindsay Berschauer Must Resign

[This email originated outside of Yamhill County]

Public Comment Yamhill County,

It's time for Commissioner Berschauer to resign. Taxpayers have been left footing the bill for Yamhelas Westsider Trail grants. We repaid over \$1.1 million in grant money to the State of Oregon with nothing to show for it.

Commissioner Berschauer has berated county employees in public meetings, putting the county at legal risk for workplace violations. She has issued numerous unenforceable and toothless resolutions and letters to the Governor, but she has done nothing to benefit us, Yamhill County citizens.

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Barbara Tracy  
b.d.bessac@att.net  
265 NE Dunn Place  
McMinnville , Oregon 97128

## Carolina Rook

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**From:** David Tracy <info@sg.actionnetwork.org>  
**Sent:** Thursday, August 5, 2021 8:05 PM  
**To:** BOC Info  
**Subject:** Public Comment: Lindsay Berschauer Must Resign

[This email originated outside of Yamhill County]

Public Comment Yamhill County,

It's time for Commissioner Berschauer to resign. Taxpayers have been left footing the bill for Yamhelas Westsider Trail grants. We repaid over \$1.1 million in grant money to the State of Oregon with nothing to show for it.

Commissioner Berschauer has berated county employees in public meetings, putting the county at legal risk for workplace violations. She has issued numerous unenforceable and toothless resolutions and letters to the Governor, but she has done nothing to benefit us, Yamhill County citizens.

Most recently, Lindsay Berschauer opposed \$323,000 in public health investment for Yamhill County because she is unwilling to submit a plan to ensure equitable vaccine access for marginalized communities. Our community needs this money.

Yamhill County citizens deserve a commissioner who represents them efficiently and in good faith. Lindsay Berschauer is too incompetent, too unprofessional, and too wasteful for Yamhill County. She should resign now.

David Tracy  
d.l.tracy@att.net  
265 NE Dunn Place  
Mcminnvild, Oregon 97128

## Carolina Rook

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**From:** Jessica Schofield <jes@thec47.com>  
**Sent:** Monday, August 9, 2021 10:48 AM  
**To:** BOC Info  
**Subject:** question on school mask mandates

[This email originated outside of Yamhill County]

Hi There,

I am a deeply concerned citizen and I am reaching out to you regarding the recommendations set forth by OHA and their ever changing guidance regarding safety and precautions in regards to Covid-19 and masking. I was under the impression that control of things such as masking of children in schools would now be up to counties and local school districts and I'd like to see effective push back against the Governor's latest statewide mandate.

The new recommendation of masks for children in K-12 in the fall is a bad idea on so many levels. It violates the Governor's own promise to place safety protocols into the hands of local authorizes who know best what is most appropriate in their own communities at any given time. Masking in schools blocks proper student teacher communication, hinders in-person learning activities and creates an anxious and unwelcoming experience for young kids in the classroom. It allows for racial or economic disparity as it keeps kids out of school that may be unwilling or unable to wear a mask. And...Anyone with a small child knows that kids fidget, touch their faces, move their masks on and off, on their heads, necks, tables, etc.. causing more bacteria from the child's handling of the mask to end up on their faces than is prevented. In many US states and other countries masks are NOT recommended in school settings as the risks outweigh the benefits. When mask mandates were removed in those settings, the covid-19 infection rates there did NOT drastically increase. Children are the least likely to be adversely affected by Covid-19 and oftentimes don't even contract the disease or transmit the disease. If infected their symptoms are milder and short lived. It has been determined in a number of studies that children are not "super spreaders" of the disease and most of their teachers or staff, who would be at risk, are either vaccinated or are able to make their own choices regarding weather or not masking and other precautions are right for them. Schools and other organizations have also already improved their air ventilation systems and cleaning protocols which will help in preventing the spread regardless of mask use.

If I am ill, immunocompromised, elderly or simply cautious of my own health, I can and will take my own precautions to take care. We can and do already have existing rules and procedures for protecting each other from common viruses and illness. By implementing OHA's constantly changing mask mandates and other blanket rules, organizations, local government leaders and Universities unwittingly develop policies which solidify the segregation of all Oregonians and press us into a mindset that we all get the jab or else! Now..this approach may be the point from the Governor and OHA's perspective but it truly seems counter productive at best and totalitarian at worst.

What can we do to fight against sweeping state "mandates" and bring back local control so citizens, local businesses, private schools and public schools so our local groups can work to move forward in our own communities the ways we see fit?

Let's work to stop spreading and perpetuating fear by restricting the very freedom of choice and body autonomy that this country was founded on. Let children go to school to be educated this year. Can we please let teachers and staff focus on educating students in-person without policing mask mandates imposed on them or facing fines or punishment?

I look forward to your response,  
Jessica Schofield  
Oregonian

## Carolina Rook

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**From:** Lindsay Berschauer  
**Sent:** Wednesday, August 11, 2021 9:25 PM  
**To:** BOC Info  
**Subject:** Fwd: Opposed to the mask mandate and Yamhill county

Sent from my iPhone

Begin forwarded message:

**From:** "Rick S." <rykdean@yahoo.com>  
**Date:** August 11, 2021 at 3:21:09 PM PDT  
**To:** Lindsay Berschauer <berschauerl@co.yamhill.or.us>  
**Subject:** **Opposed to the mask mandate and Yamhill county**

[This email originated outside of Yamhill County]

Hello Ms. Berschauer

I am writing to ask if there is anything that Yamhill county commissioners can do regarding the latest mask mandate to come from the governor's office. I strongly disagree with forcing people to wear mask at indoor spaces, especially those who have been vaccinated. It does not make sense to me to continue to punish businesses and people with these mandates.

I don't know what your particular view is on the issue, but I ask if anything can be done to stop this mandate in our county.

Thank you for your time and all you do for the county.

Rick Schlachter  
Dundee, Oregon



## Carolina Rook

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**From:** Lindsay Berschauer  
**Sent:** Wednesday, August 11, 2021 9:23 PM  
**To:** BOC Info  
**Subject:** Fwd: Masked mandate again

Sent from my iPhone

Begin forwarded message:

**From:** Keith Gorges <kgorges58@gmail.com>  
**Date:** August 11, 2021 at 4:35:11 PM PDT  
**To:** Lindsay Berschauer <berschauerl@co.yamhill.or.us>  
**Subject:** Masked mandate again

[This email originated outside of Yamhill County]

Dear Mrs Berschauerl

Once again the tyrant Governor Brown thanks it's okay for her to lock this state down again even after promising if people were vaccinated they would no longer have to wear the mask why would anybody get the vaccine considering this next mandate she's issuing for Friday to mask us up this whole thing has been a sham from the beginning why would we believe anything she says now people are being pushed out of their jobs for not getting an experimental drug injected into their body something must be done thank you Warren K gorges veteran and very unhappy citizen of this state

## Carolina Rook

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**From:** Susan Watkins <maczenith@onlinemac.com>  
**Sent:** Wednesday, August 11, 2021 5:59 PM  
**To:** BOC Info  
**Cc:** Mary Starrett; Lindsay Berschauer; Casey Kulla  
**Subject:** Comment on Item H1 on 8-12-2021 BOC Agenda  
**Attachments:** Comments on Item H1, proposed RLC License Amendment.docx

[This email originated outside of Yamhill County]

Dear Commissioners Berschauer, Kulla, and Starrett:

Attached is my comment on the revised proposed License Amendment for Riverbend Landfill.

My short and sweet is: There is no reason to rush into this. Wait until the courts rule and DEQ issues its new methane rules. As the proposal stands, the County gets nothing in return for giving RLC almost everything it wants.

Thank you.

Susan Watkins

13440 SW McCabe Chapel Road

McMinnville, Oregon 97128

503-474-9544

[maczenith@onlinemac.com](mailto:maczenith@onlinemac.com)

**To:** Board of Commissioners  
**Date:** August 12, 2021  
**Re:** Item H1, *OLD BUSINESS: Consideration of approval of a request to amend the Second Amended and Restated Solid Waste Disposal License Agreement between Yamhill County and Riverbend Landfill Company, Inc., retroactive to July 1, 2021*  
**From:** Susan Watkins  
13440 SW McCabe Chapel Road  
McMinnville, OR 97128  
[maczenith@onlinemac.com](mailto:maczenith@onlinemac.com)

Dear Commissioners Berschauer, Kulla, and Starrett:

Please consider these comments before acting on this item, and accept them for the record.

**Comments on proposed amendment, version 2, to License Agreement between the County and Riverbend Landfill Co.**

*General:*

County negotiators have managed to squeeze out a few more dollars from RLC in this version of the License Amendment, but the dollar amounts are still less than what RLC owes under the current License. It is very hard to see what the County gets in exchange for agreeing to this amendment. Less money, hands tied for 15 years with respect to uses out at the dump, no say in what waste RLC accepts, no access to the landfill or its recycling depot for County residents or businesses, a "green tech" that RLC is already providing and may soon be required to increase quite apart from any County action....

This is a giveaway, plain and simple. Moreover, it is a giveaway based on a falsehood: The document continues to be predicated upon the fiction that expansion has not yet been decided by the courts. Quite contrary to the promise by you as Commissioners to carefully guard our tax monies, approving this amendment will cost the County money it does not need to lose or spend.

*My recommendation:*

**Do nothing until after (1) the current legal matters are resolved AND (2) DEQ and the EQC finalize rules regarding methane capture by landfills.**

Both of these are currently in the works; there is no reason other than dollars in RLC's pocket to make the requested changes before the County knows the outcome and impact of these actions.

*Comments on specific language in the proposed amendment:*

*Re 2nd Whereas paragraph:*

The statement that "land use approval" for "expansion of the Disposal Site" "remains pending before the Oregon Courts" is incorrect. What remains pending is RLC's appeal of the County's denial of the Floodplain Development Permit that would be required if the landfill were to expand into the floodplain. RLC did not appeal the Land Use Court of Appeals' determination that the County's decision to deny expansion was legally sound.

If the fact that the legal appeals are not final is important, the County can simply wait another week or two for the Court of Appeal to rule on RLC's appeal. That decision is expected in mid-August.

What should concern the County here is that RLC continues to push the fiction that expansion is still a viable issue. If RLC will lie about this, what else is it lying to the County about?

If RLC's main concern is that it doesn't want to continue to pay "high" fees to the County now that RLC has closed the landfill to waste disposal, then focus on that issue. But keep in mind that if RLC is facing a financial "crisis" at this moment, it is one that RLC initiated.

*Re 3rd Whereas paragraph:*

This paragraph references "the interim period before a final resolution on the closure or expansion of the Disposal Site." First, the court decision will have no bearing on closure. That is a matter of either reaching capacity or walking away. Re expansion, as noted above, the courts have already upheld the County's denial of RLC's 2015 expansion application. If RLC continues to want to expand, it must file a new application.

Note, however, that the Court of Appeal is supposed to follow a strict timeline in land use cases like this one, which means its decision should be issued within the next week or two. The County can easily afford to wait until after it receives that decision to enter

into a new agreement with RLC if one is warranted.

*Re Section 2.a.:*

This section would amend the License Agreement as of July 1, 2021. As noted above, there is no reason for the County to rush into any License modification. If RLC can credibly plead lack of funds to pay the current License fees (hard to imagine with backing from owner Waste Management), then the County might agree to suspend or temporarily reduce the fee owed until the Court decisions are final.

*Re Section 2.b.:*

Apparently the County, with the upper hand in this negotiation because we don't need Riverbend at all, has agreed to claw back only five years from RLC's original proposal of a 20-year agreement. Why five? Why not give them one year and see what happens? What will the County get for its 15 year pact? NOTHING. RLC is giving the County NOTHING. The County already gets around \$270,000/year per the current License Agreement. So we are giving RLC 15 years in exchange for getting less? Somebody needs to read *The Art of the Deal*.

Also, this provision states that "the License Agreement shall terminate automatically upon Licensee's cessation of receipt of Solid Waste at the Disposal Site." Per the License Agreement, "Solid Waste" is defined at ORS 459.005(24):

**ORS 459.005 (24)**

"Solid waste" means all useless or discarded putrescible and nonputrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386 (Definitions for ORS 459.386 to 459.405). "Solid waste" does not include:

(a) Hazardous waste as defined in ORS 466.005 (Definitions for ORS 453.635 and 466.005 to 466.385).

(b) Materials used for fertilizer or for other productive purposes or which are

salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals.

(c) Woody biomass that is combusted as a fuel by a facility that has obtained a permit described in ORS 468A.040 (Permits).

You will note that RLC has ALREADY STOPPED ACCEPTING THIS WASTE. As RLC's representatives previously told the BOC, the landfill has been accepting only contaminated soils since late June 2021, and will accept "solid waste" only from Waste Management's haulers and then only when RLC wants it; no waste from County citizens has been accepted since late June or will be in the future. It's pretty clear that the proposed License Amendment has already expired by its own proposed terms.

*Re Section 3:*

Why would the County authorize any landfill that won't accept County residents' and businesses' waste? That is precisely what RLC is asking the County to do: to allow RLC to create its own private dump. Under this proposal, the landfill can open to big trucks without warning and then close again. This is not fair to neighbors or commuters. Again, the County receives NO benefit.

*Re Section 6:*

OK, so here is the "benefit" the County supposedly receives for agreeing to this revision: RLC will continue routing some of the methane the landfill produces through its engines to generate power, that McMinnville Water & Light then sells to the grid as part of its "green" power obligation.

Is the County aware of the new landfill methane emissions rules that DEQ is currently -- yes, this very minute -- vetting? New rules requiring stricter monitoring and capturing of landfill gas (ie, the very methane that powers the energy engines) have been mandated by the EPA. Oregon has committed to adopting rules that are at least as strict as the stricter of those adopted by Washington State or California.

This is yet another reason NOT to rush into any license agreement with RLC. Let's see what the new rules require. RLC representatives have previously told me that the landfill produces enough gas to supply additional engines, but Mac Water & Light didn't want any more. That, too, may change as we move from fossil fuels to other power sources.

Moreover, the landfill will continue to produce methane long after it closes. There is no

danger of this particular "green tech" going away any time soon, whether RLC accepts another ounce of solid waste or not. As with the rest of this proposed "agreement," RLC is offering fluff for real harm to the County and its residents and businesses.

Finally, I note that the promise RLC makes in this section 6 is contingent on the actions of a third party not under the County's control (ie, the City of McMinnville). In other words, this promise could well be illusory.

*In sum:*

**RLC wants this amendment (1) to save itself money and (2) to keep its foot in the door in case a future Board of Commissioners wants to expand a greenhouse gas-spewing, environmental catastrophe-in-waiting. The County gains nothing by entering into this amendment now.**

## Carolina Rook

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**From:** Jim Kreutzbender <jimkbender@gmail.com>  
**Sent:** Wednesday, August 11, 2021 6:29 PM  
**To:** BOC Info  
**Subject:** Riverbend .

[This email originated outside of Yamhill County]

Riverbend was suppose to be a local dump, but should never have been sited on the banks of the Yamhill River. Under WM, they brought in out of county , out of state, maybe out of country garbage. All for profit. They filled it up faster than promised. But we are left with the mountain of trash, garbage, crap.  
WM has touted for over 12 years about new technologies to recycle waste. Hasn't happened. Always just in the future if they get what they want. That old carrot trick.  
Riverbend stinks! It impacts local neighbors, but McMinnville too. Stink lowers property values, impacts livability, and may affect one's health.  
Riverbend doesn't care about the environment. EPA Air Quality Violations. No monitoring of what is brought into be dumped, personal observation.  
Riverbend has broken their contract with the county, suddenly closed. They want an open ended contract, totally benefiting themselves, no restrictions. The dump is full, closed, keep it closed.  
No new contract for 20 years/\$50,000 per year.  
Most counties operate without a county dump, we are now. McMinnville has for several years. The county needs to move on from this cave man solution to waste on the banks of the local river, right outside of McMinnville.



## Carolina Rook

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**From:** Jim Kreutzbender <jimkbender@gmail.com>  
**Sent:** Wednesday, August 11, 2021 7:43 PM  
**To:** BOC Info  
**Subject:** Re: Automatic reply: Riverbend .

[This email originated outside of Yamhill County]

Forgot to put my name on that email. Jim Kreutzbender

On Wed, Aug 11, 2021 at 6:29 PM BOC Info <[bocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us)> wrote:

## Carolina Rook

---

**From:** Lindsay Berschauer  
**Sent:** Wednesday, August 11, 2021 9:23 PM  
**To:** BOC Info  
**Subject:** Fwd: Masks and all related mandates

Public input

Sent from my iPhone

Begin forwarded message:

**From:** Ryan L <rmlane89@gmail.com>  
**Date:** August 11, 2021 at 8:55:10 PM PDT  
**To:** Mary Starrett <starrettm@co.yamhill.or.us>, Lindsay Berschauer <berschauerl@co.yamhill.or.us>, Casey Kulla <casey@caseykulla.com>, Rick Rogers <Rick.Rogers@newbergoregon.gov>, Stan Pulliam <spulliam@ci.sandy.or.us>  
**Subject: Re: Masks and all related mandates**

[This email originated outside of Yamhill County]

Hello all,

I tire of writing these emails to you, but something must be done to stop this overt lawlessness of our stampeding governor over the personal rights of all Oregonians. No emergency is big enough to warrant any of her actions from especially the beginning of this pandemic to now, and beyond. I don't know if she is trying to leave office doing as much damage as possible or what, but please help us.

I think on some level, we as humans want to help people become healthy on an individual level when we aren't being pushed to keep everyone healthy from the top down.

Thank you again for all your hard and tireless work. My prayers for you all, and all of us. As angry as I get, I genuinely want you all to know I pray for your success in helping turn Oregon around and pushing to get our personal freedoms back.

Have a wonderful evening and God bless.

## Carolina Rook

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**From:** Susan Watkins <maczenith@onlinemac.com>  
**Sent:** Wednesday, August 11, 2021 9:02 PM  
**To:** BOC Info  
**Subject:** Supplement to comment on Item H1 on 8-12-21 Agenda

[This email originated outside of Yamhill County]

Dear Commissioners,

I have just been informed that the Court of Appeals decision on whether the County supported its denial of Riverbend's Floodplain Permit with enough citation to evidence will issue in mid-September, not mid-August.

I still urge you to put off amending the landfill's license until after that ruling. You will have more and better information to base your decision on. RLC wants you to rush, but they have not shown a need for a rush decision.

Please take your time.

Thank you.

Susan Watkins

13440 SW McCabe Chapel Road

McMinnville, Oregon 97128

503-474-9544

[maczenith@onlinemac.com](mailto:maczenith@onlinemac.com)

## Carolina Rook

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**From:** Sue Roper <woodygoatpress@gmail.com>  
**Sent:** Thursday, August 12, 2021 8:12 AM  
**To:** BOC Info; nmontesano@newsregister.com  
**Subject:** Berschauer recall and masking in schools

[This email originated outside of Yamhill County]

August 11, 2021

Dear Board of Commissioners,

I am a retired senior and a resident of Yamhill County. I am writing to you regarding two issues – the recall of Lindsay Berschauer and mask wearing in schools.

I support the recall of Ms. Berschauer and the request for her resignation. We need a commissioner that is committed to doing the work of a local commissioner and to serving and representing all people of Yamhill County. The reasons I support this recall include her lack of in-depth knowledge of local issues, disrespect for county employees, efforts to polarize our community using her self-professed ability to “stir up the base”, commitment to ideology instead of serving the needs of our local community, divisive social media posts and useless resolutions, and a consistent lack of professionalism.

The behavior that most pointedly reveals that Ms. Berschauer is not fit to serve as a public official is the use of her Facebook page to publish the home address/contact address of her opponents as well as the encouragement of her supporters to be sure to “show them (her opponents) how you feel”. These addresses could be found elsewhere but the Facebook post makes it much easier for a passing idea to turn into something horrible. Instead of clearly articulating a response to the issues presented by the recall effort, she resorted to blaming, attacks, and a threatening social media stunt. The citizens of Yamhill County need someone who is willing to do the work of researching the issues before us, understands that they are there to serve everyone in the community, works together with others to unite the community, approaches the position with intellectual and emotional maturity, and is not a partisan ideologue.

I do not support the Board of Commissioner’s meddling in the affairs of our local schools. Leave the decisions about masks and the safety of our students to our local school districts and the public health experts. Your letter to the Governor was untruthful and a huge overreach of your elected duties. Our schools have trained, educated, and competent faculty/staff/administrators that can decide what will work best for keeping their schools and students

safe. The overwhelming opinion of the experts (supported by overwhelming data) is that mask wearing saves lives and reduces the spread of the virus. Please work to keep our children and community safe during this global pandemic.

Sincerely,

Susan Roper

## Carolina Rook

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**From:** Lindsay Berschauer  
**Sent:** Thursday, August 12, 2021 9:05 AM  
**To:** BOC Info  
**Subject:** Fwd: Riverbend License Agreement  
**Attachments:** Proposed license agreement 8-12-21 MJC.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** Margaret Cross <maggie.45.cross@gmail.com>  
**Date:** August 12, 2021 at 8:45:29 AM PDT  
**To:** Mary Starrett <starrettm@co.yamhill.or.us>, Lindsay Berschauer <berschauerl@co.yamhill.or.us>, Casey Kulla <kullac@co.yamhill.or.us>  
**Subject:** Riverbend License Agreement

[This email originated outside of Yamhill County]

Please enter the attached comments into the record prior to the meeting of the BOC on August 12, 2021.

In summary, I think the proposed agreement is a legal and fiscal minefield that you would be wise to rethink.

Margaret Cross  
1102 SW Russ Lane  
McMinnville, OR. 97128  
503-474-0322

The proposed license agreement with Riverbend that you will consider tomorrow is not legally sound. Riverbend's expansion application is not "pending before the Oregon courts" as stated in the second recital. The only question being considered by the Court of Appeals is whether or not the floodplain permit remains valid. The Land Use Board of Appeals upheld the county's denial of Riverbend's expansion application citing violations of Oregon's land use law and did so with great clarity. Expansion is legally at dead at this point. No legitimate contract should include a blatantly false statement as it leaves the contract open to legal challenge. Can you be sued for fraudulent representation if you knowingly predicate this contract on a falsehood?

Second, it is not clear to me that Riverbend has met its legal requirements under its permit. Section 7.5 of its operating permit (#345) specifically requires the permittee (Riverbend) to "revise both the Operations Plan and the Operations and Maintenance Manual to keep them current and reflective of *current facility conditions and procedures.*" (italics added) When Riverbend (in direct violation of its license) abruptly closed its doors without the required 180-day notice to the county, its operational plan changed radically. Section 7.5 requires the submittal of any Operational Plan Revisions to DEQ for approval. Has this been done? I have raised this question with DEQ. This issue is raised again in section 340.093-0070 of the Oregon Revised Statutes, where section (6) (a) (B) states that "Application for permit modification is required for any change in the nature of the activities *or operations* (italics added) from that of the last application including modification or expansion or the disposal site *or a change in the method of type of disposal.*" (italics added) If Riverbend's operational plan is based on a denial of service, this is an operational change and DEQ must be notified and permission received. It would seem prudent to make sure that all legal requirements have been met before issuing a new license agreement. Additionally, one wonders what possible benefit accrues from a fifteen-year garbage collection contract with a company that specifically says it can deny service?

Third, a fifteen-year license period is not in the best interest of the taxpayers. Riverbend, nearing closure, needs a permit to put in fill dirt and a limited amount of solid waste to fill the nooks and crannies, but this does not require a fifteen-year license at bargain rates. If Riverbend manages, down the road, to overcome the substantial hurdle of the Oregon Supreme Court ruling – as it appears to wants to do - and succeeds in implementing expansion, do you really want to be stuck with a license fee of \$50,000 per year? This strikes me as irresponsible and naïve. A five-year term is more than adequate, to be renegotiated at the end of that term based on current conditions.

Fourth, why are you willing to grant Waste Management a monopoly on collection services? Isn't competitive bidding more in line with our capitalist system and more advantageous for the taxpayer? The fee changes from the original proposal are basically meaningless, gaining you \$300,000 over a fifteen-year period. This is chump change when placed against the revenues you might gain from competitive bidding. How do you justify this to the taxpayer?

Fifth, you have a legal responsibility to send this matter to SWAC for consideration and review.

Sixth, why is there no provision allowing the county to terminate? If Riverbend can terminate, why can't the county? Why is this contract so slanted to benefit Waste Management at the expense of Yamhill County?

Seventh, if you are concerned about “pending” legal issues, why not wait until the Court of Appeals issues its ruling in a few weeks? You should also wait until we know the impact of new federal greenhouse gas regulations. Are you communicating with DEQ and the EPA about the ongoing violations at Riverbend? Do you know the remaining capacity? Have you even asked? These are important questions that should be answered before you approve a new license agreement.

I still think you are being played by a Texas mega-corporation that has consistently placed its corporate welfare above that of Yamhill County and I wonder why you want to keep playing in this sandbox. *Qui bono?* Not the residents of Yamhill County! Contracts are supposed to be mutually beneficial but the only beneficiary I can see here is Waste Management. Who are you representing?

Margaret Cross  
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## Carolina Rook

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**From:** Leonard A. Rydell, PE, PLS, WRE <larydell@teleport.com>  
**Sent:** Thursday, August 12, 2021 9:08 AM  
**To:** BOC Info  
**Cc:** Mary Starrett; Lindsay Berschauer; Casey Kulla  
**Subject:** Comment on Item H1 on 8-12-2021 BOC Agenda

[This email originated outside of Yamhill County]

Dear Commissioners Berschauer, Kulla, and Starrett,

I encourage you to deny the proposed adjustment of fees for Riverbend Landfill.

Riverbend Landfill has many environmental issues, and even though it is now "closed", only 27% of the landfill has a final cover on it (Source: DEQ website). Since final cover will require thousands of cubic yards of material (from who knows where), the cost will be substantial.

In conclusion, \$50,000 per year is a cheap solution for Riverbend Landfill Company to avoid the final closure and final closure costs.

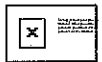
Riverbend Landfill has already cut back on hauling leachate from the site. See my previously submitted spread sheets.

Furthermore, a 20 year delay in final closure may make a substantial difference in the final closure expenses, and that possibility needs to also be funded.

Please don't be played by Waste Management again....we deserve better.

Thank you.

Leonard



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