

**Notice of Order Granting  
Case No. CUP2022-11**

Before the Klickitat County Board of Adjustment January 3, 2023 in Goldendale, WA

**Applicant:** Regional Disposal Company (RDC)  
500 Roosevelt Grade Rd  
PO BOX 338  
Roosevelt, WA 99356

**Representative:** Art Mains, Environmental Manger for Republic Services

**Property Owner:** Regional Disposal Company (RDC)

**Proposal Location:** The landfill is situated on a 2,129-acre site in southeast Klickitat County, approximately 3 miles northeast of the community of Roosevelt and 5 miles via Roosevelt Grade Road (East Road), Klickitat County, WA (Roosevelt vicinity).

**Project Description:** RDC proposes to amend Condition 7.6 of CUP2006-08, to increase the landfill's maximum elevation from 1,820 Mean Sea Level (MSL) to 2,050 MSL. The Proposal continues the elements of the Klickitat County Solid Waste Project. The proposed increase in maximum elevation would not result in any increase in the annual tonnage nor the landfill footprint.

Notice is hereby given to the above-named petitioner that the aforesaid application is granted per the attached Findings of Fact, Conclusion and Decision of the Klickitat County Board of Adjustment.

This action shall be final and conclusive unless an appeal is filed per a land use petition in Superior Court (RCW 36.70C.040) within twenty-four days of this day.

Dated at Goldendale, Washington this 4<sup>rd</sup> day of January, 2023.



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Mo-chi Lindblad, Planning Director

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|---|---|---------------------------|
| IN THE MATTER OF A REQUEST FOR A          | ) | FINDINGS OF FACT,         |
| CONDITIONAL USE PERMIT CUP 2022-11        | ) | CONCLUSIONS AND           |
| AMENDING CONDITION 7.6 OF CUP2006-08      | ) | DECISION OF THE KLICKITAT |
| TO INCREASE THE LANDFILL'S MAXIMUM        | ) | COUNTY BOARD OF           |
| ELEVATION FROM 1820' MEAN SEA LEVEL (MSL) | ) | ADJUSTMENT                |
| TO 2050' MSL                              |   |                           |

Applicant and Property Owner: Regional Disposal Company

This matter came before the Klickitat County Board of Adjustment as a request for a Conditional Use Permit. A public hearing was conducted January 3, 2023. The Board of Adjustment finds as follows:

**FACTS:**

1. RDC proposes to amend Condition 7.6 of CUP2006-08, to increase the landfill's maximum elevation from 1,820 Mean Sea Level (MSL) to 2,050 MSL. The proposal continues the elements of the Klickitat County Solid Waste Project. The proposed increase in maximum elevation would not result in any increase in the annual tonnage nor the landfill footprint.
2. The proposed increase in maximum elevation would increase the disposal capacity of the Landfill from the existing permitted capacity of 245 million cubic yards (218 million tons) to approximately 360 million cubic yards (324 million tons). No significant improvements would be required at the Roosevelt intermodal yard, and no change in permitted hours of operation are proposed. Modifications to the stormwater drainage plan would be made to accommodate the revised maximum elevation and corresponding landfill waste grading plan.
3. The landfill is situated on a 2,129-acre site in southeast Klickitat County, approximately 3 miles northeast of the community of Roosevelt and 5 miles via Roosevelt Grade Road (East Road), Klickitat County, WA (Roosevelt vicinity).
4. On-site use: The current use of the property is a regional landfill.
5. Zoning: The actual working landfill is zoned Extensive Agriculture. A small portion of adjacent property that is owned by RDC is zoned Rural Residential 2.
6. A Final Supplemental Environmental Impact Statement (Final SEIS) was issued on November 22, 2022. No appeal was filed on the SEIS.
7. A public hearing notice was published in the Goldendale Sentinel the week of December 5, 2022. The site was posted December 2, 2022. Applicable agencies and adjacent landowners were provided the opportunity to comment.

8. The Findings of Facts as approved per the Granting Order for CUP2006-08 are adopted as referenced.

### **CONCLUSIONS AND DECISIONS:**

1. The Board found that the proposed revision remains consistent with the purpose and intent of the previously permitted landfill operations.
2. The proposed revision to CUP2006-08 does not alter the Board of Adjustment's earlier CUP decision finding the landfill is compatible with existing and potential uses in the vicinity.
3. All conditions within CUP2006-08 shall remain in place, except for Condition 7.6, which is amended by CUP2022-11.

Based on the above findings of fact and conclusions Nissa Huber moved and Matt Chiles seconded to approve CUP 2022-11 with the following conditions:

### **CONDITIONS:**

#### **1. General Conditions**

1.1. Allied Waste Industries, Inc., doing business as Regional Disposal Company ("RDC"), and County are parties to an Amended Agreement Regarding Solid Waste Handling ("Agreement") with respect to landfill design and operations and related solid waste management services and mitigation measures. The Agreement conditions, rights and responsibilities of RDC are incorporated into this Permit, independent from the Agreement itself.

1.2. Under the Agreement, RDC operates the Roosevelt Regional Landfill which consists of two operating units- the Municipal Solid Waste ("MSW") Landfill and the Ash Monofill (together, "the landfill"). This Permit applies to RDC's operation of both the MSW Landfill and the Ash Monofill. Where there are differences in the requirements for the two units those differences are noted.

1.3. Except where specifically provided herein, in the event of a discrepancy between the conditions of this Permit; the landfill's Solid Waste Permit, the landfill's Special Incinerator Ash Permit, or the Agreement, the more stringent condition shall apply. Except where specifically provided herein, in the event an Agreement or Permit condition is in excess of Minimum Functional Standards (Chapter 173-304 WAC), Special Incinerator Ash Standards (Chapter 173-306 WAC) or RCRA Subtitle D standards, such condition shall prevail.

## **2. Landfill Operations**

2.1. The landfill facility and all equipment, including containers, shall be maintained in a clean and safe manner.

2.1.1. The machinery operating in the ash monofill will normally remain at the monofill and therefore will not track ash from the site. RDC will clean such equipment before removing it from the active area for maintenance. Rinse water from cleaning will be treated as leachate. Because RDC will use direct trucking of ash, transport trucks will not come into contact with the ash monofill active area and can be cleaned at the wheel wash near the main gate.

If the Solid Waste Manager determines that ash is being tracked onto the access road notwithstanding the above requirements, he or she is authorized to require the operator to clean the access road regularly, for example, with street sweeping equipment.

2.2. RDC shall implement Waste Acceptance Control Programs. Infectious, hazardous, and dangerous waste impacts shall be minimized by using reasonable screening techniques at the place of origin of the waste, and by using reasonable disposal procedures

2.3. RDC shall implement waste inspection programs to assure waste received does not violate federal, state and local regulations and permits. RDC shall provide access to the County to preform random inspections and to observe inspections conducted by RDC at the Disposal Site, Intermodal Site, transfer stations and other pertinent locations.

2.4. RDC shall implement programs to control litter through the use of wind control and litter fences, and by employing full-time workers to return loose refuse to the active landfill area. Additional employees and or fencing shall be added if the County's inspector determines they are necessary to control litter at the landfill on East Road, at the Roosevelt Intermodal Facility ("Intermodal Facility"), or at transfer stations.

2.5. Specific control measures to mitigate potential impacts related to pest transmission and vector control shall include the following:

2.5.1. RDC shall place and maintain host plants at appropriate locations on or near the Landfill site to monitor any agricultural pests and provide verification in its annual report.

2.5.2. RDC shall treat host plants if agricultural pests are found.

2.5.3. RDC shall place insect traps around the landfill site and Intermodal Facility to monitor the possible introduction of agricultural pests.

2.5.4. RDC shall regularly wash the interior and exterior of trucks and containers to prevent odors and insect infestation.

2.5.5. RDC shall coordinate monitoring of pests and vectors through the Solid Waste Director.

### **3. Fire Protection and Medical Emergency Plan**

3.1. Routine fire prevention measures, such as maintaining cleanliness and proper storage of flammables, shall be employed on the grounds, and in buildings and maintenance facilities. A firemain system shall be provided for the entrance area facilities. Portable fire extinguishing equipment shall also be available to allow rapid response in the event of fire.

3.2. RDC shall have an attendant on site at all times to provide site security and fire protection.

3.3. Fire prevention on the landfill shall include inspection for "hot-loads" (refuse that may be burning or smoldering at delivery) and compaction and covering the waste to reduce oxygen intrusion into the waste. Inspection for "hot loads" shall be performed by RDC.

3.4. Firefighting equipment shall be maintained at the site. Such equipment shall include installed and portable fire fighting equipment and personal protective equipment. In addition, the water truck shall be equipped with pumps and hoses such that it could be used as a fire fighting truck in emergencies.

3.5. Medical or Personal Injury Emergency. Medical or personal injury could occur from accidents on heavy equipment, exposure to dangerous waste, or exposure to toxic or oxygen-deficient atmospheres in enclosed spaces. In any event, first aid would be given on site (all managers, supervisors and lead personnel will be trained in first aid, including CPR) and an ambulance called immediately. Immediate medical care would be provided in Goldendale or The Dalles (approximately one hour by car from the site). If necessary, further medical care will be provided at larger hospitals. In emergency situations, transportation by plane or helicopter would be arranged.

### **4. Water**

4.1. RDC shall implement and maintain water related mitigation measures to minimize potential groundwater contamination and control the surface water that enters or leaves the site.

4.2. Leachate shall be used for beneficial use, treated, or processed to protect

groundwater, surface water, and adjacent properties from contamination.

4.3. RDC shall construct and maintain leachate equalization ponds as necessary. Ponds shall be on native ground and be double lined with a full leak detection system. Before any new leachate ponds are constructed, necessary approvals from the Health Department and Ecology shall be obtained.

4.4. Notwithstanding any other condition herein, the final cap design for the landfill shall meet or exceed the standards of Chapter 173-351 WAC as now provided or hereafter amended. An alternative final cap design approved by the jurisdictional health department and Washington Department of Ecology is acceptable.

4.5. Soil stabilization. RDC will use hydroseeding to more quickly stabilize exposed soils at the landfill site. The intent of this measure is to reduce erosion and sedimentation potential, as well as reducing the amount of groundwater used for dust control.

4.6. Severe storms or climatic events may include high intensity rainfall, extreme winds, electrical storms, or rapid snowmelt caused by Chinook winds. During such events, landfilling operations will cease and personnel will take shelter. The surface water management system is designed to accommodate flows from the 100-year, 24-hour storm, plus a flow originating from a rapid snowmelt caused by Chinook winds, and should therefore not be severely damaged during high flow events.

## 5. Plants and Animals

5.1. Seeding and planting of best adaptive species shall be done as soon as possible to maintain and restore native soils and vegetation communities. The site shall be maintained to *control* noxious weeds.

5.2. RDC shall conduct long-term monitoring to gauge the success of revegetation efforts and to determine whether changes in methods or techniques will be necessary.

## 6. Noise

6.1. Natural topographic barriers and artificial barriers (soil piles) shall be used to block noise where possible.

6.2. Noise controls. RDC would continue to supply all equipment and trucks with effective, well maintained mufflers and other sound control devices.

6.3. Equipment noise will be minimized by using the quietest effective setting on back-up alarms.

6.4. Periodic noise monitoring will be performed when specific complaints are raised about landfill operations.

## 7. Land Use

7.1. The landfill shall be developed and operated with a mixed use approach to retain existing agricultural and open space land use over nearly all of the site throughout the Life of the project.

7.2. RDC shall provide for phased development and closure as described in the Engineering Report and Closure Plan as required by law or regulation.

7.3. RDC shall implement monitoring programs as required by applicable Federal, State, and local regulations and permits.

7.4. Unless other agricultural uses are approved by the Klickitat County Planning Department after consultation with the U.S.D.A. Natural Resources Conservation Service ("NRCS"), the end use of the site shall be limited to grazing only, planted to permanent cover with NRCS approved planting plan; provided, however, that areas of the site not used for landfill, borrow, or other active operations may be used for continued cultivation or other permitted use.

7.5. Unloading/loading area of the Intermodal Facility shall be approximately 150 by 4000 feet, surfaced approved by the County. The Intermodal Facility unloading/loading area shall be separate from Roosevelt grain elevator operations.

7.6. The maximum height of the landfill shall not exceed the elevation of 2050 Mean Sea Level (MSL).

7.7. The maximum disturbed area shall not exceed 1050 acres; the cumulative landfill footprint area, excluding the ash monofill, shall not exceed 915 acres.

7.8. Undeveloped buffer areas shall be maintained between developed areas and the property boundary. Buffer zones between the MSW Landfill and the property boundary shall be at least 250 feet. Buffer zones between the Ash Monofill and the property boundary shall be at least 200 feet. Buffer zones shall be vegetated. Landfill development in these zones shall be limited to environmental monitoring stations, currently existing or County-approved perimeter roads, existing borrow areas, and drainage controls.

7.9. Intermodal area improvements. When annual tonnage exceeds 3 million tons per year, top picks and trucks would operate on a regular basis in the gravel area south of the eastern 1000 feet of the south tracks. At that point, RDC shall pave the gravel area and implement stormwater management improvements similar to those in the existing paved

area of the Intermodal yard. Such improvements would include an oil water separator and a vegetated biofiltration swale, which would minimize the potential for impacts on surface water quality.

7.10. Compatibility with nearby hunting uses. To reduce the landfill's impacts on use of nearby land for productive hunting, RDC shall more frequently remind employees to be alert for deer near roads. While driving, to respect nearby private property and hunting leases, and to avoid interference with hunting or game animals.

## **8. Aesthetics**

8.1. Buildings shall be designed to be similar to the local farm buildings.

8.2. Approximately 500 irrigated trees shall be planted and maintained around the landfill.

8.3. The site shall be contoured to final elevation to resemble the hills in the area and shall be revegetated.

8.4. Minimizing visibility of lights. To minimize the potential visibility of working area lights as the height of the fill grows, RDC shall continue to direct the lights downward and toward the center of the site. If necessary, the height of the light standards should be reduced if feasible.

## **9. Historical and Cultural Resources**

9.1. Personnel shall receive training to recognize historical or cultural resources.

9.2. If a suspected resource is discovered, work in the vicinity shall cease immediately so that damage will not occur to the suspected resource until it can be inspected by qualified archaeologists, and members of the Yakama Indian Nation, if applicable. A Memorandum of Understanding with the state of Washington has been developed for this purpose.

9.3. If burial remains are encountered during construction, the State Office of Archaeology and Historic Preservation and the Yakama Indian Nation shall be contacted immediately. After inspection by qualified archaeologists, and members of the Yakama Indian Nation, if applicable, a plan would be developed to either avoid the resource or mitigate the damage to it

9.4. If Borrow Area 4 is used, a 150-foot buffer zone shall be placed around the 15 piled and linear historic rock features on the ridge tops within this borrow area to protect these cultural resources from direct impacts during construction.



9.5. Access to the allotment lands east of the site shall be available throughout landfill operations. RDC shall provide a replacement section of road connecting East Road (Co. Rd. 94151) and the existing dirt road in the Coyote Creek drainage. The replacement section of road shall be as follows:

9.5.1. Outside the landfill's perimeter fence

9.5.2. Of comparable quality to the road section it replaces (i.e., two-track hard packed dirt)

9.5.3. Kept open at all times for use by the owners of Walla Walla Allotments Numbers 5, 6, 15, 16, 1, 3, and 4, and their designees as long as the landfill is actively operating. The users will be responsible for closing the gates along the road.

9.5.4. This condition does not create an easement and expires when the landfill use is discontinued.

9.6. RDC shall develop a cultural resource management plan for any further development on property which has not been addressed previously by a cultural resource study.

9.7. Cultural resource measures. Under the Proposal, grading and excavation would be needed at the Intermodal yard to implement stormwater management improvements. Prior to implementing those improvements, RDC shall retain a qualified person to monitor these activities to identify any cultural materials that may be exposed, in accordance with the memorandum of understanding between the County, the SHPO, and RDC.

## **10. Transportation**

10.1. The maximum amount of landfill-related truck traffic on the grade portion of Roosevelt Grade Road ("East Road") shall be 660 one-way (330 round) trips per day, except in emergency conditions as approved by the County Road Engineer.

10.2. Signs with "bouncing ball" flashing lights shall be maintained on SR-14 in advance of the East Road intersection to alert motorists of the truck crossing and consideration will be given to a reduction in the speed limit on SR-14 approaching the East Road intersection, subject to approval of WSDOT. RDC shall be financially responsible for all of the signs including, but not limited to, installation, maintenance, repair, and electrical use.

10.3. RDC shall perform a traffic study and provide a copy to the Solid Waste Director and a copy to the County Road Engineer before landfill volumes exceed three million tons per year. The study shall address the need for a grade separation crossing SR 14. If it is determined that an overpass is needed, RDC shall be responsible for

construction.

10.4. RDC shall implement the Emergency Response Plan in Appendix I of the FEIS for transportation routes to the Roosevelt area. In summary, it includes the following:

10.4.1. RDC shall provide emergency services (towing and first responders) at the landfill to respond to accidents along East Road or at the Intermodal Facility.

10.4.2. RDC shall maintain vehicles with tow capacity, water storage trucks and other emergency equipment at the landfill.

10.4.3. RDC shall maintain an emergency response team trained and equipped to handle personal injury, accidents leading to the breakage of waste containers and subsequent release of solid waste or special incinerator ash, and discovery of unacceptable waste delivered to the site or to a County transfer station.

10.4.4. RDC shall supplement the BNSF emergency response if a rail accident occurs and coordinate communications for emergencies with local emergency services. RDC shall provide the first response to solid waste container accidents at the landfill, on East Road, and at the Intermodal Facility.

10.5. Short-term storage of containers at the Intermodal Facility maybe used to level traffic peaks.

10.6. RDC drivers shall as a matter of courtesy give grain trucks the right-of- way during peak grain transport times.

10.7. No waste shall be transported by the Contractor by truck within the boundary of the Columbia River Gorge National Scenic Area except for waste from Skamania or Clark Counties; waste transported from drop box/recycling stations or as otherwise approved by the County. RDC may truck haul waste on 1-84, and on SR-14 from Biggs to Roosevelt, and on such other routes to the landfill as may be approved by the County Road Engineer.

10.8. In order to address aesthetic and traffic concerns for State Route 97 through the Yakama Reservation and the Simcoe Range, and except as provided in Condition 10.7, truck transport routes in the event of emergency or other non-availability of rail transportation shall be restricted to Interstate 82 south to State Route 221 to State Route 14 ("SR 14"), west to Roosevelt, north on East Road to the landfill site.

10.9. Temporary Traffic on Roosevelt Grade Road. To minimize use of Roosevelt Grade Road during periods of snow and ice, RDC shall straighten more of the new haul road to make it safer in icy conditions and facilitate removal of ice and snow. If necessary, RDC

shall also explore the potential for using deicing products to prevent or remove ice on the haul road.

## **11. Public Services and Utilities**

11.1. RDC shall continue to provide water service at the landfill area for washing the interior of trucks or containers. The washdown area shall be drained to the leachate management system.

11.2. RDC shall initially install two-way FM radio system (and may install other comparable systems as technology develops) to coordinate and avoid conflicts between truck trips from the Intermodal Facility and school buses and grain trucks.

11.3. RDC shall make available landfill emergency response equipment; including the water truck and personnel through cooperative agreements with local fire districts for assisting with the control of off-site fires.

## **12. Implementation and Administration**

12.1. All current fees and costs incurred by the County in processing the RDC Conditional Use Application and amendments shall be paid to Klickitat County within 30 days following County billing.

12.2. RDC shall allow an authorized representative of the County to:

12.2.1. Enter upon and move freely about the premises where a permitted facility is located or where records are kept under the terms and conditions of this Permit.

12.2.2. Have access to operating documents required under the Permit at any time and to have access to and copy at reasonable times all records kept under the terms of this project.

12.2.3. Inspect any permitted facility during normal operating hours.

12.3. RDC shall, in conjunction with the Klickitat County Solid Waste Director, provide to the Board of Adjustment an annual report of all the monitoring activities required at the landfill, its related facilities and activities.

12.4. RDC shall submit a schedule of reports and an annual schedule of submittals within its annual compliance report to the Planning Director.

12.5. RDC shall meet at the County's request at least every five (5) years to review and determine the continued adequacy of or need for the amount of bond provided in

Article 26 of the Agreement as initial additional security for the closure and post-closure fund required under the State Minimum Functional Standards and RCRA Subtitle D, and the amount of road maintenance funds provided in Article 21 of the Agreement and to renegotiate, if necessary, those amounts.

12.6. In order to ensure the effective and objective monitoring of these conditions, RDC shall, in its dealings with the County and its officials, adhere in all respects with Chapter 42.23 RCW, the Code of Ethics for Municipal Officers. Except as previously authorized by Agreement, RDC shall hire no Klickitat County officer or department head for a period of one year after termination of County office or employment. Further, RDC will make no contribution to the campaigns of candidates for Klickitat County elective office.

Motion carried. The following is a record of the vote on the above referenced motion:

| <u>Name</u>     | <u>Yes</u> | <u>No</u> | <u>Absent</u> | <u>Abstain</u> |
|-----------------|------------|-----------|---------------|----------------|
| Keith Arndt     |            |           | x             |                |
| Nissa Huber     | x          |           |               |                |
| Matt Chiles     | x          |           |               |                |
| Richard Niemela | x          |           |               |                |
| Neil Kayser     | x          |           |               |                |

Neil Kayser  
 Chairman, Klickitat County Board of Adjustment

1-4-23  
 Date