



Solid Waste Orphan Site Account Funding Plan

Fiscal Year 2022

James Heintz, Cleanup Program

OAR 340-122-0560(2) states: Except for emergency actions to protect public health and the environment, funding decisions about use of the Solid Waste Orphan Site Account shall be made once a year. This memo is prepared to comply with this rule and documents the proposed Funding Plan is for the Fiscal Year 2022.

Background

The Solid Waste Orphan Site Account currently has a balance of approximately \$7.9 million (based on revenue report through April 2021 and staff hours through May 2021). Last year, the SWOSA program transitioned from a calendar year time frame to a fiscal year to match outputs from the accounting office and to be on track with how the agency manages its funds. The program started work on several projects during FY2021, many were pilots of funding private solid waste orphans.

Table 1: Summary of Fiscal Year 2021 (July 1, 2020 to June 30, 2021)

	Requested	Actual/Spent
Beginning Fund Balance (7/1/20)	N/A	\$7,893,325
Removal and Remedial Actions	\$2,722,000	\$524,780.98
Contingency	\$2,671,325	N/A
DEQ staff time and Legal Fees	\$500,000	\$ 407,375.92
Revenue	N/A	\$733,625.77
Total 2021 Fund Allocation	\$5,893,325	\$932,156.90
Minimum End Balance	\$2,000,000	N/A

As DEQ continues to refine the SWOSA program, more projects have been identified and the account is being utilized at an unprecedented level. With the addition of a procurement and contracts specialist position at the onset of FY2021, the program was able to maintain funding for several projects as well as explore avenues for funding a variety of new and novel projects. SWOSA staff will continue to research use of SWOSA to assist with cleanup of private solid waste disposal sites in FY2022. DEQ is exploring expansion of the SWOSA program efficiency and efficacy by partnering with other programs within the agency and with local governments to provide more equitable access and distribution of SWOSA funds throughout Oregon.

DEQ will evaluate rules governing the program and seek input on potential updates to clarify how local governments can receive funding from DEQ for sites for which they are not the party responsible for the solid waste. These sites include private solid waste disposal site that a local government has acquired through tax foreclosure.

Highlights from this past year

DEQ officially issued a No Further Action determination for the Kelso Street Waste Tire Dump. DEQ staff have been working to clean up the Kelso site since early 2019. The Kelso project was an important pilot project for the program because it illustrates the value of working collaboratively with local county governments to find ways to complete cleanups in a sustainable, effective way. Notably, DEQ brokered an Intergovernmental Agreement with Lane County to waive disposal fees at their landfill. This allowed DEQ contractors to dispose of solid waste taken from the site, saving the program over \$200,000.

DEQ is currently processing two significant Task Order amendments, one for Santosh Landfill (\$35,069) and one for King Salvage (approximately \$600,000) that will be finalized at the end of FY2022. While the SWOSA program fell short of its removal and remediation action funding goal from FY21, the program has nevertheless obligated an unprecedented amount of funding and has taken strides toward program modernization.

Table 2: Summary of Fiscal Year 2022 (July 1, 2021 to June 30, 2022)

Beginning Fund Balance (7/1/21)	\$7,891,149
	Requested
Removal and Remediation Actions	\$3,495,000
ECSI Site Assessment	\$1,000,000
Staff and Legal	\$500,000
Contingency Funds	\$876,149
Total 2021 Fund Allocation	\$5,891,149
SWOSA Local Government Reserve	\$2,000,000

During fiscal year 2022 the program is focusing on addressing existing sites that are recorded in DEQ's Environmental Site Information System database. DEQ has prioritized numerous sites that currently qualify for SWOSA funds. To qualify for funding, the site needs to be a solid waste disposal site that faces a threat of hazardous substance release. Both private and local government owned and operated sites have been assessed for SWOSA qualification criteria and DEQ staff have assessed and identified priority site for assessment. The goal is to review as many sites as possible this FY to update information to rank and estimate costs for future removal and remedial action more effectively. To meet the goals, DEQ intends to conduct desktop reviews and assessments of 100 sites throughout the state this year to update ECSI and to better assess needs for future funding cycles.

Recommendation: Allocate \$5,891,149 (FY21 \$5,893,325) in Solid Waste Orphan Site Account Funds for the Fiscal Year 2022 (July 1, 2021 to June 30, 2022). This allocation of funds leaves an ending balance of \$2,000,000 in local government reserve funds. The roughly \$5.9 million includes direct costs, program development, and staff time for all project sites listed below, and \$876,149 (FY21 \$2,671,325) contingency fund to cover cost overruns, and sites qualifying for time critical action that are brought to DEQ's attention after the annual funding decision. FY2022 Funding Plan includes recommendations regarding sites approved for funding in 2021 with ongoing work, as well assessments from sites existing in the ECSI database. A list with a short description of each existing SWOSA site can be found below, after the table of site estimated costs and assessment scores.

Table 3: Removal, remediation, and program costs for the Fiscal year 2022

This table includes the SWOSA site type, site region, and site name, previous funding amounts and expenditures, and 2022 requested funding amounts.

Item No.	Type	Region	Site	2022 Cost estimate			Notes
				2021 Project Funding	2021 Project Expenditures	2022 Project Request	
Removal and Remediation Projects							
	Local Government landfill	ER	Ontario Landfill	\$0	\$0	\$100,000	New site
	Local government landfill	ER	Prairie City Landfill	\$100,000	\$0	\$100,000	IGA complete
	SW Orphan	NWR	Althauser Tire	N/A	N/A	\$100,000	New site
	SW Orphan	NWR	Bud Hoffman	N/A	N/A	\$100,000	New site
	Local government illegal dumps	NWR	Dump Stoppers	\$100,000	\$0	\$20,000	
	SW Orphan	NWR	Hawks Landfill	\$300,000	\$19,738.80	\$350,000	
	Local government landfill	NWR	Newberg Landfill	\$100,000	\$1,224.84	\$100,000	
	SW Orphan	NWR	Sammy's Place	\$110,000	\$106,425.09	\$100,000	
	SW Orphan	NWR	Santosh Landfill	\$12,000	\$28,455.74	\$60,000	
	Local government landfill	NWR	Vance Pit	\$100,000	\$0	\$100,000	
	SW Orphan	WR	Kelso Street	\$170,000	\$173,883.18	\$0	NFA issued
	SW Orphan	WR	King Salvage	\$650,000	\$75,758.63	\$600,000	
	SW Orphan	WR	Forest Creek	\$780,000	\$18,941.69	\$765,000	Exploring partial actions due to high costs

Item No.	Type	Region	Site	2022 Cost estimate			Notes
				2021 Project Funding	2021 Project Expenditures	2022 Project Request	
	SW Orphan	WR	Shinglehouse Slough	\$300,000	\$25,064.18	\$1,000,000	
	Regional Site Assessment	ER	Multiple	N/A	N/A	\$290,000	ECSI site assessments
	Regional Site Assessment	NWR	Multiple	N/A	N/A	\$330,000	ECSI site assessments
	Regional Site Assessment	WR	Multiple	N/A	N/A	\$380,000	ECSI site assessments
	Unassigned Projects	Statewide	Multiple	N/A	\$90,645.11	N/A	Billing to SWOSA Q-Times instead of Project Q-Times
Totals				\$2,722,000	\$540,137.26	\$4,495,000	
Other costs							
	DEQ Staff Time	Statewide	All	\$430,000	\$403,765.04	\$433,000	Projected DEQ staff hours: 1700 hours for project management, coordination, and oversight plus 2 FTE
	Legal Fees	Statewide	All	\$70,000	\$8,153.40	\$67,000	312 hours allotted for legal counsel
Totals				\$500,000	\$411,918.44	\$500,000	
	SWOSA Reserve	Statewide	Emergency	\$2,000,000	\$0	\$2,000,000	Money to be kept in reserve and used in the case of a local government owned and operated landfills in the event of a release.
	Contingency	Statewide	All	\$2,671,325	\$0	\$876,149	Remainder of SWOSA fund to be used on sites qualifying for time critical removal
Totals				\$4,671,325	\$0	\$2,846,149	
Grand Total				\$7,893,325	\$952,055.70	\$7,891,149	

ECSI Site Assessments

Each region will have an individual task order to assess all sites listed to confirm that the sites meet legal requirements to qualify for SWOSA funds and to prioritize those sites for cleanup. The initial statement of work will include all sites in each region as a single project and then split the separate site id's into subtasks for invoicing and cost-recovery tracking of each site.

Eastern Region

Has prioritized 30 sites for site assessments dealing with automotive contamination from repair, salvage and dismantling operations.

Northwestern Region

Has prioritized 33 sites for site assessments for automotive, metals and manufacturing contamination.

Western Region

Has prioritized 38 sites for site assessments including a large amount of privately owned landfills for their regional site assessments, as well as automotive, and metal disposal sites.

Removal and Remediation

Eastern Region

- **Former Ontario City Dump**

1901 N Verde Drive
Ontario, OR 97914
Funding Request: \$100,000

The Ontario City Dump was used for the disposal of domestic solid waste. In 1997, trenches were dug that indicate the waste extends from 1 foot below ground surface to approximately 7.5 feet below ground-surface, with an approximately 300-foot radius. The estimated volume of waste is 68,000 cubic yards. The City would like to determine the nature of the waste and confirm its vertical and lateral extents, determine if landfill gas production is posing a threat and impacts to groundwater.

Once the data gaps have been filled, the City plans to assess options for redevelopment. A non-profit organization approached the City with a plan to develop the property for agricultural use, utilizing phytoremediation as a component of their development plan, and the City has long-term plans to develop the site as a sport and recreation complex.

Future costs: The SWOSA funds for this site are to be made available through a loan with a maximum amount of \$100,000. DEQ does not anticipate the City requiring additional SWOSA loan amounts in the future.

Northwestern Region

- **Althauser Tire Site**

25700 SE Rebman Road
Boring, Clackamas County
Funding Request: \$100,000

In early 2020, Portland Metro notified DEQ while they were trying to purchase the privately-owned property for a conservation easement. The property has been used to store waste tires for several decades. It is estimated that there are 200,000 waste tires on the property. The owners have pulled approximately 100,000 tires out of the canyon; however, the remaining 100,000 are entwined with blackberries and buried and will need heavy equipment to remove. DEQ will assess whether the site qualifies for use of SWOSA funds. If the site qualifies, DEQ has identified funding to assess and begin cleanup of the remaining tires on site.

- **Clackamas County Dump Stoppers**

Clackamas County
Funding Request \$20,000

Illegal dumpsites with the potential to release hazardous substances into the environment have become unmanageable for local governments in the state. This funding request is to set aside funds for responding to SWOSA eligible sites identified by local governments.

[Clackamas County Dump Stoppers](#), part of Clackamas County, approached DEQ with a request for funding assistance for their program. The SWOSA steering committee proposes using sites identified by the Clackamas County Dump Stoppers as pilot projects. The SWOSA staff are to evaluate site characteristics to help local governments identify qualifying sites and develop a template IGA and funding agreement to provide funds to assess and clean up eligible illegal dumpsites. We recommend Department of Justice review eligibility determinations for the first cleanup sites.

Future costs: DEQ anticipates that this may become a regular funding recommendation. Amounts may vary depending on other priority sites and SWOSA funds availability.

- **Hawks Landfill**

26312 NW St. Helens Road
Scappoose, Columbia County
Funding request: \$350,000
SWOSA Score: 113

This is an existing SWOSA private orphan site. In FY2021, work included groundwater and soil gas monitoring, landfill cap enhancement plan preparation and soil cap enhancement construction. Landfill cap enhancement services will cost \$313,374. DEQ anticipates that construction will be completed in Oct. 2021.

Future costs: DEQ anticipates future actions at this site will include landfill gas and groundwater monitoring for up to five years, with associated costs at approximately \$50,000 per year.

- **Newberg Landfill**

Newberg, Yamhill County
Funding request: \$100,000
SWOSA Score: 128

Newberg Landfill is a closed landfill owned by Yamhill County. Residential development is planned for property adjacent to the landfill. DEQ is working with Yamhill County to install additional landfill gas monitoring probes to monitor potential landfill gas impacts to the development.

Future costs: The SWOSA funds for this site are a maximum amount of \$100,000. DEQ does not anticipate the City requiring additional SWOSA funds in the future.

- **Sammy's Place**

13500 Thompson Road
Nehalem, OR 97131
Funding request: \$100,000
SWOSA Score: 89

Sammy's Place is approximately three acres and is located approximately 0.5 miles south of the City of Nehalem in a residential area. The site has been cleared of solid waste. The contractor is investigating the extent of contamination, will report their findings and will develop a remediation work plan for approval by DEQ. It is likely that supplemental funding will cover the cost of this remediation; however, to ensure project completion in FY2022, additional SWOSA funding has been requested to cover remediation cost overages.

Future costs: Until DEQ removes the waste and the surface and subsurface conditions have been assessed, DEQ cannot anticipate potential future costs.

- **Santosh Landfill**

54500 Hogan Ranch Road
Scappoose, Columbia County
Funding request: \$60,000
SWOSA Score: 22

This is an existing SWOSA private orphan site. In 2020 and 2021, work includes mowing and sampling/analyzing groundwater for Per- and polyfluoroalkyl substances, maintenance of fencing, wells, landfill gas readings and enhanced wetland maintenance. DEQ anticipates this additional cost because of the additional site maintenance of the fence, wells and wetlands, and the inclusion of PFAS testing.

Future costs: DEQ anticipates continuing groundwater and leachate monitoring, and site maintenance at this site for at least the next 10 years. DEQ estimates annual costs during this time at \$12,000 per year.

- **Vance Pit**

1400 SE 182 Ave.
Portland, OR 97233
2020: direct costs estimate: \$100,000
SWOSA Score: 100

Vance Pit is made up of several tax lots and was purchased by Multnomah County in the 1940s through the 1960s, converting the lots from generally residential and agricultural use to a quarry. Quarry operations started in the 1940s, and as operations expanded into adjacent lots, the County then started utilizing the lots that were no longer productive as municipal landfills. The County stopped landfill operations in the mid-1970s. In 1977, it was reported that 369,000 ft^3 of solid waste is located onsite.

The County has had great success in redeveloping a portion of the property into what is now Vance Park and would like to expand the park. The County will be utilizing SWOSA funds to determine if landfill gas produced onsite is a threat to human health and the environment, to determine if the landfill has negatively affected groundwater, and to characterize the solid waste.

Future costs: The SWOSA funds for this site are \$100,000. DEQ does not anticipate the City requiring additional SWOSA amounts in the future.

Western Region

- **King Salvage**

109 King Place
Toledo, Lincoln County
Funding request: \$600,000
SWOSA Score: 114

King Salvage is an auto salvage site with significant amounts of solid waste, deteriorating pole building, drums, computer parts, RVs, autos, and tires. There is a potential for asbestos, petroleum, metals, dioxin, PAHs, PCBs, and VOCs contamination. The site consists of one parcel. Enforcement actions in 2006 and 2007 did not result in any cleanup of the site. An unnamed tributary to Beaver Creek, which discharges into Depot Slough then Yaquina River, flows through the site.

Lincoln County obtained the property through foreclosure on Aug. 22, 2017. The previous owner was Robert Mobley, who has since passed away. Oregon Department of Transportation owns the right-of-way, which also contains solid waste.

Lincoln County spent over \$18,000 for disposal of about 214 tons of tires in 2018. They still have at least 200 tons of tires remaining onsite.

In FY2021, DEQ surveyed and sampled the site for hazardous waste, and prepared a Solid and Hazardous Waste Removal Plan. DEQ is slated to begin removing solid and hazardous waste in July 2021. The removal will cost roughly \$263,000. After removing the solid and hazardous waste, DEQ will work with local stakeholders to ensure the site is safe for its future use.

- **Forest Creek Road**

113 Forest Creek Road
Selma, Josephine County
Funding request: \$765,000
SWOSA Score: 101

DEQ Materials Management staff in Western Region identified this illegal disposal site. The site likely has an “unwilling” responsible party, or a party unable to perform a cleanup, as the site owners have failed to comply with cleanup orders issued by Josephine County. This site has been declared unfit for use by Oregon Health Authority due to historic illegal drug lab activities. The site also has a history of illegal automotive dismantling activities. Thompson Creek runs through the property and is at risk of contamination.

DEQ is planning a phased approach to this cleanup due to the high cost of removal because of waterways and potential drug lab contamination protocols. The property is tri-sected by Thompson Creek and a tributary, and the first phase of removal will be to clear the section of the property that is closest to the street. DEQ is also working with Josephine County to get supplemental funding from their Solid Waste Advisory Committee funding. Once work begins, DEQ will be able to better see how to utilize the SWAC funding and can apply for it then.

Future costs: Until the solid waste has been removed and the surface and subsurface conditions have been assessed, DEQ cannot anticipate potential future costs.

- **Shinglehouse Slough**

Coos Bay, Coos County

Funding request: \$1,000,000
SWOSA Score: 76

Shinglehouse Slough is an existing SWOSA private orphan site. In FY2021, based on the completed feasibility study, DEQ selected landfill capping as the chosen remedial alternative. Current work includes ongoing groundwater monitoring and completing remedial design engineering plans and specifications to implement the landfill cap. DEQ added new scope in FY2021 that increased the cost to \$62,984. Reasonable cost estimates for the landfill cap construction are not available until the remedial action design is completed.

Future costs: The costs included in the 2019 direct cost estimate include future remedial actions.

Program

DEQ Staff time

- TOTAL – \$500,000

NRS-3:	2080 hours (1 FTE)	\$130,000
PCS-2:	2080 hours (1 FTE)	\$136,000
SWOSA Auxiliary		
(HQ and Regional):	2070 hours (0.99 FTE)	\$167,000
Legal Counsel:	270 hours	\$67,000

DEQ Staff time is estimated based on one-year costs for the two full-time SWOSA personnel: one NRS-3 Program Coordinator and one PCS-2 Procurement and Contract Specialist, which costs SWOSA approximately \$266,000 per year. Based on FY2021 numbers, regional staff are spending an average of 6.14 hours (median 4.17 hours) per month per SWOSA project. With an estimated six projects taking place simultaneously for FY 22, this would result in an additional 2,070 hours of staff time. DEQ averaged auxiliary staff rates based on Q-Time hourly statements and revenue reports of staff time. In FY2021, DEQ used less than \$10,000 for legal counsel; but begun exploring ways of funding SWOSA projects and have come across legislative language that is contradictory to the current understanding of how money can be spent and may seek to update some of that language. With the addition of a \$67,000 reserve fund for legal counsel, the total is \$500,000.

Contingency Funds

- \$876,149

This fund covers overages incurred by unforeseen circumstances at active sites and sites determined to qualify for time critical removal or remedial action. These contingency funds are critical to project success because the varied and novel nature of the sites often results in projects costing more than initially expected. Unforeseen issues include severe groundwater contamination discovered after contractors removed the solid waste, which staff cannot accurately predict. DEQ also uses SWOSA to fund projects that come to DEQ's attention after the approval of the annual funding plan, and which qualify for immediate action. Finally, DEQ has committed a large percentage of the SWOSA to fund pilot projects to create a more robust and consistent program. Contingency funds help ensure DEQ completes the pilot projects and realizes a return on its investment in the SWOSA program.

SWOSA Local Government Reserve

This reserve fund leaves a minimum emergency balance of \$2,000,000 in the SWOSA to be maintained and used for large projects at local government landfills. DEQ staff estimated this number to be sufficient to respond to a significant release based on previous SWOSA expenditures at Santosh Landfill and KFD Landfill.

Alternate formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.