



DEPARTMENT OF ENVIRONMENTAL QUALITY

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

TOM McCALL

GOVERNOR

E. J. Weathersbee

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January 24, 1973

Harold G. LaVelle
LaVelle Construction Co.
1226 S. E. Lexington Street
Portland, Oregon 97202

Re: S.W. - Multnomah County
LaVelle & Yett Sanitary Landfill

Dear Mr. LaVelle:

The Department of Environmental Quality has received complaints regarding operating procedures at the LaVelle and Yett Sanitary Landfill at N. E. 82nd Avenue.

Following is a list of complaints as reported to the Department:

1. Operation of equipment including the compactor as early as 5:30 a.m. and as late as 7:30 p.m. including Sunday.
2. Commercial vehicles use the site at all hours of the night.
3. Excessive noise associated with equipment and vehicles.
4. Outgoing traffic travels east on Siskiyou Street through residential areas instead of west to 82nd Avenue.
5. The site is not covered daily. During periods of strong winds paper materials blow from the site.
6. Some salvaged material is stored at the caretaker's station.
7. Certain amounts of putrescible materials are accepted at the site.

Original operating hours as outlined in your operational plan dated July 10, 1972 and your letter of October 26, 1972 and approved by the Department on September 8, 1972 are as follows:

| | |
|----------------------------|-------------------------|
| Daily except Sunday | 8:00 a.m. to 5:00 p.m. |
| Sunday (November-February) | 10:00 a.m. to 4:00 p.m. |
| Sunday (March-October) | 9:00 a.m. to 5:00 p.m. |
| Sunday Compactor Operation | 1:00 p.m. to 6:00 p.m. |

Harold G. LaVelle
January 24, 1973
Page 2

Hours of operation must be limited to those listed above. The Department highly recommends complete Sunday closure and will require this closure if complaints continue to be received.

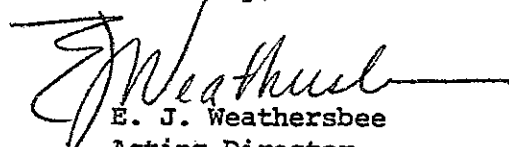
The City of Portland conditional use permit requires "that exit to N. E. Siskiyou be located and constructed so that the cars and trucks will only be able to go west on N. E. Siskiyou Street". Gates must be locked when there is no attendant on duty and a rigid program of vehicle inspection for putrescible materials must be maintained.

Your solid waste disposal permit and operational plan specifies cover daily with 6" of intermittent cover material, daily removal of all salvage material and exclusion of putrescible wastes. Due to the severe blowing problems experienced on two recent occasions it is required that you submit to the Department, prior to February 1, 1973 an operational plan to contain all materials within the site, even during periods of high winds.

All conditions of your solid waste disposal permit must be complied with. Continued violations of the permit will subject you to civil penalties and/or termination of your permit.

If you have any questions regarding the above please contact this office or Robert E. Gilbert, Portland District Engineer at 229-5372.

Sincerely,


E. J. Weathersbee
Acting Director

RLB:mmm

cc: Dave Yett
cc: Portland District Office
cc: Multnomah County Health Department
cc: Multnomah County Planning Department
cc: City of Portland

January 22, 1973

The Rose City Sand and Gravel Co. of 2806 N. E. 82nd petitioned July of 1972 for conditional use for a landfill on their property between 82nd and 86th Avenues south of N.E. Siskiyou Street. The City Auditors Office notified adjacent residents of this petition and a copy of this notification is enclosed. A number of the local residents made phone calls to Rose City Sand and Gravel Co. and the City Planning Commission prior to the granting of this petition and were told it would be filled with solid landfill, dirt, concrete, brick ect. and there was absolutely no cause for alarm. Consequently there was some suspicion and doubt as Rose City Sand and Gravel has been a constant source of aggravation to area residents. Due to improper fencing of their property it had been used by motorcycle enthusiasts for recreation and impromptu racing events, and the drowning of a small child on their property a couple of years ago is still remembered with regret. Most residents felt the filling of the gravel pit was inevitable and in the long run would benefit the community as whole. Therefore the landfill petition was not opposed. However when the landfill opened we soon learned we had been deceived. David Yett and Harold Lavelle , who operate this landfill on a five year lease, were operating openly twelve hours per day, seven days a week. Protest phone calls to Rose City Sand & Gravel Co. and Lavelle & Yett produced no relief. Numerous calls to the City Planning Commission produced no results. As the months wore on with no relief, it became evident that the landfill was not in the best interest of the local residents and was rapidly becoming an intolerable situation. Repeated calls to the Dept. of Environmental Quality produced verbal sympathy, but no action, and after four months confided to us that their excessive noise indication equipment had not been sent out to record excessive noise at this landfill site for the past four months, because it was being used in other areas of higher priority. It was pointed out to the D.E.Q. that since everything but raw garbage was being accepted, we since January had a strong odor saturating the area, which would increase as warmer weather approached. During the New Year week-end high winds whipped out enough paper, plastic and other various debris to cover Madison High School and the adjacent park clear to N.E. 77th & N.E. Siskiyou. Subsequent T.V. coverage of this prompted Lavelle and Yett to pay \$2.00 per hr. to hastily clean up this debris. In a subsequent long conversation with Bob Brown of the D.E.Q in January 1973, we listed our complaints which are as follows:

1. EXCESSIVE NOISE 24 hours a day, seven days a week with heavy equipment, "2 catapillar tractors" and a "compactor" operating as early as 5:00 A.M. and as late as 8:00 P.M. Keys to the locked gate have been issued or obtained by some of the large garbage disposal companies, as their drivers are observed at all hours opening and closing the gate as they enter and leave, which we pointed out means there is no supervision of these trucks whether they are dumping raw garbage or solid waste. The D.E.Q. knows that raw garbage is being dumped, but feel it is being sneaked in by private citizens when dumping their brush. There is a steep hill leading down into this pit and it sustains heavy garbage trucks intermittently all night long. The gate is officially opened from 6:00 A.M. to 6:00 P.M., and heavy continual traffic is incurred during these daylight hours. The noise during the daylight six to six period is so excessive that a normal conversation cannot be held in the yards of the adjoining property. The noise does not permit sleep during the six to six period and on many occasions the catapillar and compactors hours are increased from 5:00A.M to 8:00 P.M. to handle the heavy load of dumping.

The area residents have objectionable excessive noise in their homes now in the winter months, and with the arrival of spring and summer it will be impossible to open the doors and windows which will increase the concentration of noise, odor and dust to an even greater degree.

2. ODOR: In talking to some of the residents who had used the landfill to dump trash, they confirmed that a certain amount of raw garbage was being sneaked in, which of course would greatly contribute to the odor that a solid waste landfill would supposedly exude. The fact that this landfill has not been covered with dirt explains the increasing odor problem. Again with the coming of spring and summer the odor will increase. The un-supervised night time dumping by commercial garbage trucks may also be contributing to this odor.

3. TRAFFIC: Siskiyou is a very narrow street that will barely permit two passenger cars to pass in safety let alone a steady procession of garbage trucks going to and from the landfill. A sign has been posted at the exit of the landfill at Siskiyou Street prohibiting right turns onto Siskiyou, and returning through the residential area, but it is apparently not legal, as it is ignored by a large percentage of the drivers.

4. CLEANLINESS: The area is slowly taking on the atmosphere of the city dump on Swift Blvd. The heavy usage of this landfill site produces a steady stream of garbage trucks, pickups, trailers etc., and as they converge on their destination down the residential side streets and 82nd Avenue. They are leaving a marked trail of paper, branches, cardboard boxes etc. that the area residents are forced to pick up after they tire of looking at it along the curb or in the street in front of their properties. Since it has been wet weather through the majority of time the landfill has been in operation, Siskiyou Street is solid mud most of the time from 83rd to 82nd Avenue where the vehicles exit from the muddy gravel pit. Due to the large profit in scrap iron a number of individuals are engaged in salvaging. The compactor crunching up these autos, refrigerators, etc; for the scrap iron content only contributes to the noise. Some of the salvaged material is carted out of the gravel pit to the top of the hill where it is left in plain view of the area residents, as are the two full loads of scrap iron which is left in two old tow trucks every night. No attempt has been made to keep their area policed of debris, junk or old machinery. The gate area is fast becoming the junk yard for salvaged materials, or as previously stated, a smaller version of the salvage area adjacent to the city dump on Swift Blvd.

Upon listing the above complaints to Bob Brown of the Solid Waste Div. of D.E.Q., we asked him what guidelines Lavelle and Yett were to abide by as a condition of their landfill permit. He told us the only operation restrictions imposed were in regards to solid waste. No time limit as to days per week of operation or hours per day or noise traffic etc. We asked him why his department and the planning commission gave the landfill operators such a ridiculous free reign in an established residential area with no apparent regard for the area residents. He told us that Lavelle and Yett were the two best landfill operators he knew of and in the past as at the Johnson Creek landfill site Lavelle had been given the same freedom of operation, and after area residents complained, he limited his operation to

six days a week to placate the area residents. He told us that it was their intention to increase the intensity of this landfill operation until the residents complained and then issue concessions to the residents accordingly, since we had persisted in our complaints as the Johnson Creek residents had done. He told us that he would write a letter to Lavelle and Yett and ask them to limit their operation to six days a week and further ask them to cover the debris daily with six inches of dirt, and he was sure the noise could be reduced in the very near future. We told him that this would not satisfy any of the residents. The noise level could not be brought down to a livable volume under any circumstances other than complete closure. The City Planning and Zoning Commission, D.E.Q., Metropolitan Service District, and City and County Authorities had not acted in our best interests, in fact they had authorized this operation with complete and utter disregard to the existing inhabitants. We told the D.E.Q. that continued calls to their office since last October 1972 had produced only vague promises and no results, while the landfill operators during this period have doubled their working hours, quadrupled their volume and doubled their noise emission and now are producing odor.

We find that landfill does not mean filled with land. Dept. of Environmental Quality and Planning Commission may mean just the opposite. Had we, the area residents, known last July 1972 that the people in our City Government, whom we blindly trusted to act in our best interests, were about to issue a permit to operate a garbage dump in a residential area across the street from Madison High School with no limits set to days or hours of operations; garbage trucks permitted to dump on a 24 hour basis without supervision as to whether they were dumping solid waste or raw garbage. No stipulation that they regulate noise, odor, traffic and debris and a general eyesore to the neighborhood by lack of proper housekeeping. If we had been given the proper information, we would have been at the hearing enmasse. We would also like to keep this from happening to any other unsuspecting neighborhood within the city or county without them being fully informed to the mental and physical anguish, property devaluation and lack of protection they should expect to receive from all available sources. We have told this entire story to the following agencies:

| | | |
|----------------|----|---|
| Clarence Crank | of | Portland Planning Commission |
| Bob Brown | | Department of Environmental Quality |
| Tom Bisphem | | Columbia Willamette Air Pollution Authority |
| Bauer | | Traffic Safety - City of Portland |
| Bill Culham | | City of Portland Garbage Disposal |
| Dispatcher | | Police Dept. "Noise and Traffic" |
| Operator | | Nuisance Bureau "Noise" |
| Lloyd Anderson | | City Commission "Rusty Blake" |
| Receptionist | | Civil Liberties Union |
| Henry Richmond | | Ospirg |

As of this date none of the above agencies has made any progress in dealing with this problem. And if Rose City Sand and Gravel or their landfill proprietors, Lavelle & Yett have been contacted by any of these agencies, they have yet to cease operation or show any other sign of good faith.

CITY OF PORTLAND, OREGON

OFFICE OF CITY AUDITOR

ROOM 202 CITY HALL

PORTLAND, OREGON 97204

GEORGE YERKOVICH
City Auditor

June 27, 1972

CU 53-72

Dear Property Owner(s):

As required by the provisions of the Planning and Zoning Code, Rose City Sand and Gravel Company, deedholder, has petitioned the City Planning Commission for a Conditional Use for a landfill on Tax Lots 34, 35, 38 and 92, Section 28, TLN, R2E, located between S.E. 82nd and 86th Avenues south of S.E. Siskiyou Street, in Zones R7 and C2.

This use of property is permissible without a change of zone. It is the duty of this office to notify owners of property within 400 feet that the City Planning Commission will hold a public hearing to reach a decision on this Conditional Use at 1:00 p.m., Tuesday, July 11, 1972, in the Auditorium of the Water Service Building, 1800 S. W. Sixth Avenue, which you may attend if you wish. Written remonstrances must be filed in this office, Room 202 City Hall, prior to 5:00 p.m., Monday, July 10, 1972. However, it is not necessary to file a written remonstrance if you plan to attend the meeting.

An applicant whose application has been denied or specially conditioned or anyone who objected personally or in writing, and the grounds for objection are not removed, may appeal such a decision to the City Council by filing with the City Auditor a written notice of appeal, and a copy with the Secretary of the City Planning Commission within fourteen days following the above hearing.

If you desire additional information, or wish to find out the results of the meeting, kindly call the City Planning Commission at 228-6141, Extension 295.

Yours very truly,

GEORGE YERKOVICH

Auditor of the City of Portland

BY:

Edna Cervera
Deputy

EC:dks

