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## **Chapter 11 – Planning for Compliance & Solid Waste Recycling Plan**

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### **Introduction**

This chapter discusses the elements associated with the operation and management of Eastern Oregon Regional Airport, as a federally-obligated airport. The Federal Aviation Administration encourages airport sponsors to establish and implement programs that promote sound operating practices and ongoing compliance with regulatory requirements. The FAA currently recommends that compliance be addressed during the airport planning process through the review of airport plans and documents. Documents include: the approved Airport Layout Plan, Exhibit "A" Property Map, any airport ordinances, any applicable zoning ordinance(s), airport rules and regulations, airport minimum standards, airport budgets, leases, easements, permits, and any other applicable documents.

Airport compliance review is ultimately the responsibility of the FAA and the findings in the Master Plan represent conditions when the Master Plan was prepared. The review presented in this document is not all encompassing, and does not serve as a substitute for FAA's ultimate oversight role.

### **City of Pendleton Compliance**

The City of Pendleton maintains a high degree of control over the operation of Eastern Oregon Regional Airport. The City meets all applicable financial reporting and record keeping requirements. The City employs a variety of "best practices" including: periodic review of market rates and fees; land appraisals; formal procurement and contracting practices; coordination with adjacent land owners (Avigation easements), and coordination with local (land use planning, zoning); state (airport overlay zoning, environmental agencies, etc.); and tribal government rules and regulations.

There are no known compliance issues associated with airport development, tenant leases, land leases, or other items.

## **FAA Compliance Summary**

A management program based on the FAA's "Planning for Compliance" guidelines and the adoption of airport management "Best Practices" is recommended to address FAA compliance requirements and avoid noncompliance, which could have significant consequences.

Airport management "Best Practices" are developed to provide timely information and guidance related to good management practices and safe airport operations for airport managers and sponsors. The practices outlined herein are designed for use by the City of Pendleton for evaluating and improving their current and future operation and management program.

Airport sponsors must comply with various federal obligations through agreements and/or property conveyances, outlined in FAA Order 5190.6B, Airport Compliance Manual. The contractual federal obligations that a sponsor accepts when receiving federal grant funds or transfer of federal property can be found in a variety of documents including:

- Grant agreements issued under the Federal Airport Act of 1946, the Airport and Airway Development Act of 1970, and Airport Improvement Act of 1982. Included in these agreements are the requirement for airport sponsors to comply with:
  - Grant Assurances
  - Advisory Circulars
  - Application commitments
  - FAR procedures and submittals
  - Special conditions
- Surplus airport property instruments of transfer;
- Deeds of conveyance;
- Commitments in environmental documents prepared in accordance with FAA requirements;
- Separate written requirements between a sponsor and the FAA.

Land use compliance and compatible land use planning is often a significant compliance issue for airports. Compliance and suggested best practices are discussed under the following subheadings in this chapter:

- Airport Compliance with Federal and State Grant Assurances;
- Environmental Compliance;
- Airport User Compliance;
- Other Airport Operational Policies and Procedures.

### **Airport Compliance with Federal and State Grant Assurances**

The City of Pendleton, as a recipient of federal airport improvement grant funds is contractually bound to various sponsor obligations referred to as "Grant Assurances" that have been compiled by the FAA. These obligations, presented in detail in federal grants and state statutes and administrative codes, document the commitments made by the City of Pendleton to fulfill the intent of the grantor (FAA) resulting from acceptance of federal funding for airport improvements. Failure to comply with the grant assurances may result in a finding of noncompliance and/or forfeiture of future funding. Grant assurances and their associated requirements are intended to protect the significant investment made by the FAA to preserve and maintain the nation's airports as a valuable national transportation asset, as mandated by Congress.

### **FAA GRANT ASSURANCES**

The FAA's Airport Compliance Program defines the interpretation, administration, and oversight of federal sponsor obligations contained in grant assurances. FAA Order 5190.6B, defines policies and procedures for the Airport Compliance Program. Although it is not regulatory or controlling with regard to airport sponsor conduct, Order 5190.6B establishes the policies and procedures for FAA personnel to follow in carrying out the FAA's responsibilities for ensuring compliance by the sponsor.

Order 5190.6B states: the FAA Airport Compliance Program is, "...designed to monitor and enforce obligations agreed to by airport sponsors in exchange for valuable benefits and rights granted by the United States in return for substantial direct grants of funds and for conveyances of federal property for airport purposes. The Airport Compliance Program is designed to protect the public interest in civil aviation. Grants and property conveyances are made in exchange for binding commitments (federal obligations) designed to ensure that the public interest in civil aviation will be served. The FAA bears the important responsibility of seeing that these commitments are met. This order addresses the types of commitments, how they apply to airports, and what FAA personnel are required to do to enforce them."

It is important to understand the FAA's goals for a national airport system to better understand the intent of the FAA Compliance Program. The national airport system is currently known as the National Plan of Integrated Airport Systems (NPIAS), which has historic origins dating back to the 1946 Federal Airports Act. The airport system has evolved through several legislative updates in concert with changes in the organization and scope of the FAA. The NPIAS was adopted as part of the Airport and Airway Development Act of 1982, replacing the National Airport System Plan (NASP), created by earlier legislation. There are approximately 2,500 general aviation airports and 800 commercial service airports currently in the NPIAS.

Cooperation between the FAA, state, and local agencies should result in an airport system with the following attributes, according to the FAA:

- Airports should be safe and efficient, located at optimum sites, and be developed and maintained to appropriate standards;
- Airports should be operated efficiently both for aeronautical users and the government, relying primarily on user fees and placing minimal burden on the general revenues of the local, state, and federal governments;
- Airports should be flexible and expandable, able to meet increased demand and accommodate new aircraft types;
- Airports should be permanent, with assurance that they will remain open for aeronautical use over the long-term;
- Airports should be compatible with surrounding communities, maintaining a balance between the needs of aviation and the requirements of residents in neighboring areas;
- Airports should be developed in concert with improvements to the air traffic control system;
- The airport system should support national objectives for defense, emergency readiness, and postal delivery;
- The airport system should be extensive, providing as many people as possible with convenient access to air transportation, typically not more than 20 miles of travel to the nearest NPIAS airport; and
- The airport system should help air transportation contribute to a productive national economy and international competitiveness.

FAA Airport Improvement Program (AIP) grant assurances are summarized and categorized in Table 11-1.

**TABLE 11-1: SUMMARY OF FAA AIP GRANT ASSURANCES (AIRPORT SPONSOR ASSURANCES 3/2014)**

GRANT ASSURANCE NO.	GENERAL AIRPORT	PROJECT PLANNING / DESIGN & CONTRACTING	AIRPORT OPERATIONS AND LAND USE	DAY TO DAY AIRPORT MANAGEMENT	PROJECT CONSTRUCTION	LEASES & FINANCIAL	OTHER
1. General Federal Requirements							
2. Responsibility and Authority of the Sponsor							
3. Sponsor Fund Availability							
4. Good Title							
5. Preserving Rights and Powers							
6. Consistency with Local Plans							
7. Consideration of Local Interest							
8. Consultation with Users							
9. Public Hearings							
10. Metropolitan Planning Organization							
11. Pavement Preventative Maintenance							
12. Terminal Development Prerequisites							
13. Accounting System, Audit, and Record Keeping Requirements							
14. Minimum Wage Rates							
15. Veteran's Preference							
16. Conformity to Plans and Specifications							
17. Construction Inspection and Approval							
18. Planning Projects							
19. Operations and Maintenance							
20. Hazard Removal and Mitigation							
21. Compatible Land Use							
22. Economic Nondiscrimination							
23. Exclusive Rights							
24. Fee and Rental Structure							
25. Airport Revenues							
26. Reports and Inspections							
27. Use by Government Aircraft							
28. Land for Federal Facilities							

GRANT ASSURANCE NO.	GENERAL AIRPORT	PROJECT PLANNING / DESIGN & CONTRACTING	AIRPORT OPERATIONS AND LAND USE	DAY TO DAY AIRPORT MANAGEMENT	PROJECT CONSTRUCTION	LEASES & FINANCIAL	OTHER
29. Airport Layout Plans							
30. Civil Rights							
31. Disposal of Land							
32. Engineering and Design Services							
33. Foreign Market Restrictions							
34. Policies, Standards and Specifications							
35. Relocation and Real Property Acquisition							
36. Access by Intercity Bus							
37. Disadvantaged Business Enterprises							
38. Hangar Construction							
39. Competitive Access							

While sponsors should understand and comply with all grant assurances, there are several assurances that are common and recurring issues for airport sponsors. These are summarized in more detail below. A complete description of current AIP grant assurances is provided in **Appendix D**. It is important to note that the assurances (and corresponding numbers) are applied to non-airport sponsors undertaking noise compatibility program projects and planning agency sponsors. These can also be found in the Airport Improvement Program (AIP) under Grant Assurances.

The City of Pendleton as the airport sponsor, is responsible for the direct control and operation of Eastern Oregon Regional Airport. Familiarity with proper monitoring and implementation of sponsor obligations and FAA grant assurances in particular, are keys to maintaining compliance. FAA Order 5190.6B and ongoing communication with the [FAA Northwest Mountain Region Compliance Office](#) are both excellent resources when addressing policy and compliance.

**DURATION**

The terms, conditions, and assurances of a grant agreement with the FAA remain in effect for the useful life of a development project, which is typically 20 years from the receipt of the most recent grant. However, terms, conditions, and assurances associated with land purchased with federal funds do not expire.

The airport sponsor should have a clear understanding of and comply with all assurances. The following sections were excerpted (without revision) from published FAA guidance for more detail.

## **Project Planning, Design, and Contracting**

### *Sponsor Fund Availability (Assurance #3)*

Once a grant is given to an airport sponsor, the receiving sponsor commits to providing the funding to cover their portion of the total project cost. Currently this amount is ten percent of the total eligible project cost, although it may be higher depending on the particular project components or makeup. Once the project has been completed, the receiving airport also commits to having adequate funds to maintain and operate the airport in the appropriate manner to protect the investment in accordance with the terms of the assurances attached to and made a part of the grant agreement.

### *Consistency with Local Plans (Assurance #6)*

All projects must be consistent with city and county comprehensive plans, transportation plans, zoning ordinances, development codes, and hazard mitigation plans. The airport sponsor and planners should familiarize themselves with local planning documents before a project is considered to ensure that all projects follow local plans and ordinances.

In addition to understanding local plans, airport sponsors should be proactive in order to prevent noncompliance with this assurance. The airport sponsor should assist in the development of local plans that incorporate the airport and consider its unique aviation related needs. Sponsor efforts should include the development of goals, policies, and implementation strategies to protect the airport as part of local plans and ordinances.

### *Accounting System Audit and Record Keeping (Assurance #13)*

All project accounts and records must be made available at any time. Records should include documentation of cost, how monies were actually spent, funds paid by other sources, and any other financial records associated with the project at hand. Any books, records, documents, or papers that pertain to the project should be available at all times for an audit or examination.

## **GENERAL AIRPORT**

### *Good title (Assurance #4)*

The airport owner must have a Good Title to affected property when considering projects associated with land, buildings, or equipment. Good Title means the sponsor can show complete ownership of the property without any legal questions, or show complete ownership will soon be acquired.

### *Preserving Rights and Powers (Assurance #5)*

No actions are allowed that might take away any rights or powers from the sponsor, which are necessary for the sponsor to perform or fulfill any conditions set forth by the assurance included as part of the grant



agreement. If there is an action taken or activity permitted that might hinder any of those rights or powers it should be discontinued. An example of an action that can adversely affect the rights and powers of the airport is a Through-the-Fence (TTF) activity. TTF activities allow access to airport facilities from off-airport users. In many instances, the airport sponsor cannot control the activities of those operating off the airport resulting in less sponsor control. This loss of control can potentially have an adverse impact on other airport users. For example, TTF activities often do not pay the same rates and charges as on-airport users, resulting in the potential for an unfair competitive advantage for businesses and users located off-airport.

#### *Airport Layout Plan (ALP) (Assurance #29)*

The airport should at all times keep an up-to-date ALP, which should include current and future boundaries, facilities/structures, locations of non-aviation areas, and existing improvements. No changes should be made at the airport to hinder the safety of operations; also, no changes should be made to the airport that are not in conformity with the ALP. Any changes of this nature could adversely affect the safety, utility, or efficiency of the airport. If any changes are made to the airport without authorization the alteration must be changed back to its original condition or the airport will have to bear all costs associated with moving or changing the alteration to an acceptable design or location. Additionally, no federal participation will occur for improvement projects not shown on an approved ALP.

#### *Disposal of Land (Assurance #31)*

Land purchased with the financial participation of an FAA Grant cannot be sold or disposed of by the airport sponsor at their sole discretion. Disposal of such lands are subject to FAA approval and a definitive process established by the FAA. If airport land is no longer considered necessary for airport purposes, and the sale is authorized by the FAA, the land must be sold at fair market value. Proceeds from the sale of the land must either be repaid to the FAA, or reinvested into another eligible airport improvement or noise compatibility project. Land disposal requirements typically arise when a community is building a new airport and the land on which the airport was located is sold with the proceeds used to offset costs of the new airport. In general, land purchased with FAA funds is rarely sold by a sponsor.

## **AIRPORT OPERATIONS AND LAND USE**

#### *Pavement Preventative Maintenance (Assurance #11)*

Since January 1995, the FAA has mandated that it will only give a grant for airport pavement replacement or reconstruction projects if an effective airport pavement maintenance-management program is in place. The program should identify the maintenance of all pavements funded with federal financial assistance. The report provides a pavement condition index (PCI) rating (0 to 100) for various sections of aprons, runways, and taxiways; including, a score for overall airport pavements.



*Operations and Maintenance (Assurance #19)*

All federally funded airport facilities must operate at all times in a safe and serviceable manner. The airport sponsor should not allow for any activities that inhibit or prevent safe and serviceable operations. The airport sponsor must always promptly mark and light any hazards on the airport, and promptly issue Notices to Airmen (NOTAMs) to advise of any conditions that could affect safe aeronautical use. Exceptions to this assurance include when temporary weather conditions make it unreasonable to maintain the airport. Further, this assurance does not require the airport sponsor to repair conditions that have happened because of a situation beyond the control of the sponsor.

*Compatible Land Use (Assurance #21)*

Land uses around an airport should be planned and implemented in a manner that ensures surrounding development and activities are compatible with the airport. To ensure compatibility, the sponsor is expected to take appropriate action, to the extent reasonable, including the adoption of zoning laws to guide land use in the vicinity of airports under their jurisdiction. Incompatible land use around airports represents one of the greatest threats to the future viability of an airport.

**DAY-TO-DAY AIRPORT MANAGEMENT**

*Economic Non-Discrimination (Assurance #22)*

Any reasonable aeronautical activity offering service to the public should be permitted to operate at the airport as long as the activity complies with established airport standards for that activity. Any contractor agreement made with the airport will have provisions making certain the person, firm, or corporation will not be discriminatory when it comes to services rendered or rates and prices charged to customers. Provisions include:

- All FBOs on the airport should be subject to the same rate fees, rentals, and other charges.
- All persons, firms, or corporations operating aircraft can work on their own aircraft with their own employees.
- If the airport sponsor at any time exercises the rights and privileges of this assurance, they will be under all the same conditions as any other airport user would be.
- The sponsor can establish fair conditions, which need to be met by all airport users to make the airport safer and more efficient.

The sponsor can prohibit any type, kind, or class of aeronautical activity if it is for the safety of the airport. An example of an activity that may be considered for prohibition is sky diving. It is important to point out that the FAA will review such prohibitions and make the final determination as to whether or not a particular activity type is deemed unsafe at the airport based on current operational dynamics.

*Exclusive Rights (Assurance #23)*

Exclusive rights at an airport are often a complicated subject usually specific to individual airport situations. The assurance states the sponsor “will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public...” However, there are exceptions to this rule. If the airport sponsor can prove that permitting a similar business would be unreasonably costly, impractical, or result in a safety concern, the sponsor may consider granting an exclusive right. To deny a business opportunity because of safety, the sponsor must demonstrate how that particular business will compromise safety at the airport. Exclusive rights are very often found in airport relationships with fixed base operators (FBO), but exclusive rights can also be established with any other business at the airport that could assist in the operation of an aircraft at the airport. If an unapproved exclusive rights agreement exists, it must be dissolved before a future federal grant can be awarded to the airport.

If a sponsor is contemplating denial of a business use at the airport, it is strongly encouraged that they contact their FAA Airports District Office (ADO) in order to ensure they have all the necessary information and that denial of access is not going to be seen as unjust discrimination. For more in-depth information on exclusive rights reference Advisory Circular 150/5190-6, ["Exclusive Rights at Federally Obligated Airports."](#)

## **LEASES AND FINANCES**

*Fee and Rental Structure (Assurance #24)*

Simply put, the fee and rental structure at the airport must be implemented with the goal of generating enough revenue from airport related fees and rents to become self-sufficient in funding day to day operational needs. The airport sponsor should routinely monitor its fee and rental structure to ensure reasonable fees are being charged to meet this goal. Common fees charged by airports include fuel flowage, tie-down, landing fees, and hangar rent.

*Airport Revenue (Assurance #25)*

All airport revenue and local taxes on aviation fuel should be used for the operating costs of the airport, the local airport system, or other local facilities owned by the same owner of the airport or for noise mitigation on or off airport property. In other words, revenue generated by airport activities must be used to support the continued operation and maintenance of the airport. Use of airport revenue to support or subsidize other non-aviation activities or functions of the sponsor is prohibited and is considered revenue diversion. Revenue diversion is a significant compliance issue subject to close scrutiny by the FAA.

### Title 14 Code of Federal Regulation (CFR) Part 139 Requirements

14 CFR Part 139 is a federal regulation that requires FAA to issue Airport Operating Certificates to airports that:

- Serve scheduled and unscheduled air carrier aircraft with more than 30 seats;
- Serve scheduled air carrier operations in aircraft with more than 9 seats but less than 31 seats;  
and
- The FAA Administrator requires to have a certificate.

The Airport Operating Certificates are intended to ensure safety in air transportation. An airport must agree to certain operational and safety standards to obtain a certificate. These operational and safety standards vary depending on the size of the airport and type of flights available. The regulation allows FAA to issue certain exemptions for airports serving limited numbers of passengers yearly where some requirements of the Airport Operating Certificate might create a financial hardship.

There are four classes of airports established under 14 CFR Part 139, described as follows:

- **Class I** - airport is an airport certificated to serve scheduled operations of large air carrier aircraft and can also serve unscheduled passenger operations of large air carrier aircraft and/or scheduled operations of small air carrier aircraft;
- **Class II** - airport is an airport certificated to serve scheduled operations of small air carrier aircraft and unscheduled passenger operations of large air carrier aircraft. A Class II airport cannot serve scheduled large air carrier aircraft;
- **Class III** - airport is an airport certificated to serve scheduled operations of small air carrier aircraft. A Class III airport cannot serve scheduled or unscheduled large air carrier aircraft;
- **Class IV** - airport is an airport certificated to serve unscheduled passenger operations of large air carrier aircraft. A Class IV airport cannot serve scheduled large or small air carrier aircraft.

Eastern Oregon Regional Airport operates under a Class IV Airport Operating Certificate as set out in 14 CFR Part 139. Table 11-2 lists the specific requirements each Class of airport with an Airport Operating Certificate must adhere to with the Class IV requirements.

## **Other FAA Compliance Requirements**

### **OTHER FEDERAL CONTRACTING AND PROCUREMENT DOCUMENTS**

Airport sponsors who accept an FAA Airport Improvement Program (AIP) grant, agree to adhere to all applicable federal contracting and procurement requirements. Advisory circulars are required for use in AIP funded projects. Included in each grant request is a federal funding checklist that identifies the requirements an airport should consider before accepting the grant. The following items are noted in the checklist:

- ALP's should be up to date;
- Exhibit A Property Map may need to be updated if acquiring additional property;
- Land Inventory may need to be updated if you have recently acquired land with federal assistance;
- Airports must hold good title to the airport landing area;
- Appropriate signage and markings must be in place;
- Runway Protection Zone and approach surface deficiencies must be identified and steps to address deficiencies must be noted;
- Runway Safety Areas must meet FAA standards if planning a runway project;
- Disadvantaged Business Enterprise program goals must be met on projects of more than \$250,000;
- Procedures should be in place to handle bid protests;
- Open AIP grant projects need to be identified;
- Project closeout forms must be submitted within 90 days of work completion;
- A "Certification of Economic Justification" must be included for routine pavement maintenance projects;
- A "Revenue Generating Facility Eligibility Evaluation" must be completed for hangar construction or fueling facilities;
- A "Reimbursable Agreement" and "Non-Fed Coordination" must be completed for navigational aid projects;
- A "Relocation Plan" must be completed if a project requires residences or businesses to be relocated.

**TABLE 11-2 REQUIRED AIRPORT CERTIFICATION MANUAL ELEMENTS**

MANUAL ELEMENTS	AIRPORT CERTIFICATE CLASS			
	Class I	Class II	Class III	Class IV
1. Lines of succession of airport operational responsibility	X	X	X	X
2. Each current exemption issued to the airport from the requirements of this part	X	X	X	X
3. Any limitations imposed by the Administrator	X	X	X	X
4. A grid map or other means of identifying locations and terrain features on and around the airport that are significant to emergency operations	X	X	X	X
5. The location of each obstruction required to be lighted or marked within the airport's area of authority	X	X	X	X
6. A description of each movement area available for air carriers and its safety areas, and each road described in § 139.319(k) that serves it	X	X	X	X
7. Procedures for avoidance of interruption or failure during construction work of utilities serving facilities or NAVAIDS that support air carrier operations	X	X	X	
8. A description of the system for maintaining records, as required under § 139.301	X	X	X	X
9. A description of personnel training, as required under § 139.303	X	X	X	X
10. Procedures for maintaining the paved areas, as required under § 139.305	X	X	X	X
11. Procedures for maintaining the unpaved areas, as required under § 139.307	X	X	X	X
12. Procedures for maintaining the safety areas, as required under § 139.309	X	X	X	X
13. A plan showing the runway and taxiway identification system, including the location and inscription of signs, runway markings, and holding position markings, as required under § 139.311	X	X	X	X
14. A description of, and procedures for maintaining, the marking, signs, and lighting systems, as required under § 139.311	X	X	X	X
15. A snow and ice control plan, as required under § 139.313	X	X	X	
16. A description of the facilities, equipment, personnel, and procedures for meeting the aircraft rescue and firefighting requirements, in accordance with §§ 139.315, 139.317 and 139.319	X	X	X	X
17. A description of any approved exemption to aircraft rescue and firefighting requirements, as authorized under § 139.111	X	X	X	X
18. Procedures for protecting persons and property during the storing, dispensing, and handling of fuel and other hazardous substances and materials, as required under § 139.321	X	X	X	X
19. A description of, and procedures for maintaining, the traffic and wind direction indicators, as required under § 139.323	X	X	X	X
20. An emergency plan as required under § 139.325	X	X	X	X
21. Procedures for conducting the self-inspection program, as required under § 139.327	X	X	X	X
22. Procedures for controlling pedestrians and ground vehicles in movement areas and safety areas, as required under § 139.329	X	X	X	X
23. Procedures for obstruction removal, marking, or lighting, as required under § 139.331	X	X	X	X
24. Procedures for protection of NAVAIDS, as required under § 139.333	X	X	X	
25. A description of public protection, as required under § 139.335	X	X	X	
26. Procedures for wildlife hazard management, as required under § 139.337	X	X	X	
27. Procedures for airport condition reporting, as required under § 139.339	X	X	X	X
28. Procedures for identifying, marking, and lighting construction and other unserviceable areas, as required under § 139.341	X	X	X	
29. Any other item that the Administrator finds is necessary to ensure safety in air transportation	X	X	X	X

[Doc. No. FAA-2000-7479, 69 FR 6424, Feb. 10, 2004; Amendment. 139-26, 69 FR 31522, June 4, 2004, as amended by Amendment. 139-27, 78 FR 3316, Jan. 16, 2013]

## **SPECIAL CONDITIONS**

In addition to the standard grant assurances discussed above, the state or FAA may require “Special Conditions” to individual grants that supplement or expand the standard grant assurances. Special Conditions are unique to an individual airport and can be project or administrative in nature. Airport sponsors need to be aware of such conditions that may be applied to their grants.

## **MULTIJURISDICTIONAL CHALLENGES**

In some instances, airports are jointly owned and operated by more than one airport sponsor. In other instances, airports may be located within multiple jurisdictions. While the official airport sponsor is ultimately responsible for adherence with the grant assurance, the actions, or inactions, of surrounding jurisdictions can and do affect the airport sponsor’s ability to meet its obligations. This is particularly true with land use compatibility issues around airports. As a result, it is important that all jurisdictions affected by the airport understand the operational needs and complexities of having an airport within its jurisdiction. Mutual agreements addressing airport operational or land use protection needs, or other cooperative measures, are recommended for all jurisdictions to both protect the functionality of the airport and the safety and well-being of airport users and neighbors.

## **FAA THROUGH-THE-FENCE (TTF)**

Through-the-Fence access is discouraged by FAA due to concerns over land use compatibility, security, safety, and economic inequity (economic discrimination) between on- and off-airport users. Economic discrimination is “*an unjust economic advantage or disadvantage for one airport user versus another by charging one more or less than another, and therefore creating an advantage or disadvantage.*” However, when a through-the-fence use exists or is proposed, the FAA requires airport sponsors to develop access plans and establish agreements consistent with FAA grant assurances. To maintain economic parity within the agreements, through-the-fence users are typically required to compensate the airport owner for the access in a way that is comparable to an equivalent on-airport user.

Eastern Oregon Regional Airport has no through-the-fence users.

## **Solid Waste and Recycling Plan**

### **Introduction**

This section of the chapter discusses the solid waste generation at the Airport and what recycling options are available. The layout of this section is outlined below:

- Waste Audit
- Recycling Feasibility
- Plan to Minimize Solid Waste Generation
- Operational and Maintenance Requirements
- Waste Management Contracts
- Potential for Cost Savings or Revenue Generation
- Future Development and Recommendations

### **WASTE AUDIT**

Minimal waste is generated at the Eastern Oregon Regional Airport due to the limited size of the facility. Specific sources of waste on site include tenants of private hangars, the Pendleton Aviation FBO tenant and their users, and tenants and users of the airport terminal building including Seaport Airlines and the rental car agencies. The private hangar and FBO tenants are individually responsible for waste generated by their operations. The City of Pendleton contracts with Pendleton Sanitary Services to provide trash and limited recycling service. A six-yard frontload container, which is emptied every Wednesday is provided for terminal building tenants. Recycling containers are also provided for magazines, newspaper, and telephone books. Trash is hauled to the Pendleton Sanitary Services transfer station at 5500 NW Reith Road in Pendleton.

### **WASTE DISPOSAL**

Each individual tenant is also responsible for disposal and recycling of their own waste as stipulated in their leases with the City of Pendleton. Pendleton Sanitary Service services the airport area and would be the contractor each tenant would contract with for waste and recycling hauling to the Pendleton transfer station located about 1.5 miles south of the airport. No State or Federal requirements apply to the waste generated. Pendleton Sanitary Service also provides commingled curbside recycling of aluminum, newspaper, magazines, phone books, and motor oil within the city of Pendleton. Non-standard recyclables including glass, tin cans, appliances, scrap metal, yard waste, batteries, and electronics would need to be transported to the Transfer Station on Reith Road.



The nearest landfill is Finley Buttes Landfill, located approximately 12 miles south of Boardman, Oregon, off Interstate 84 exit 168. The entrance to the landfill is located at 73221 Bombing Range Road, which is approximately 45 miles west of the Eastern Oregon Regional Airport via Interstate 84. The Finley Buttes Landfill accepts municipal solid wastes, construction/demolition wastes and with proper approval special wastes (including liquids). The landfill can provide transportation and disposal services for municipal solid waste, industrial waste, and special wastes including asbestos, and non-hazardous contaminated soils. Scrap tire hauling and processing is available in addition to transportation and disposal services for construction and demolition wastes and transportation of large demolition projects using walking floor trailers. The only items not accepted at the Finley Buttes Landfill are household hazardous wastes.

### **CONSTRUCTION WASTE**

Construction waste is the responsibility of the Contractor for each specific project. Projects identified on the 5-year CIP are listed in Table 11-3 below.

#### 2016

Waste resulting from projects in 2016 would be debris generated by the tree removal and asphalt pavement waste generated by the reconstruction of the apron and taxiway and any clearing/grubbing associated with that project. The waste produced would have to be removed at the Contractor's expense.

#### 2017

No demolition or construction waste is anticipated in 2018 because these projects would be new construction.

#### 2018

Waste resulting from projects in 2018 would be generated by the construction of the gravel road and vehicle parking area and any clearing and grubbing associated with those projects. The waste produced would have to be removed at the Contractor's expense.

#### 2019

No demolition or construction waste is anticipated in 2019 because these projects would be new construction.

#### 2020

Demolition and construction waste would result from removed asphalt pavement and any clearing and grubbing associated with the taxiway extension. The waste produced would have to be removed at the Contractor's expense.

**TABLE 11-3: SUMMARY OF FUTURE PROJECTS**

SHORT-TERM	PROJECT
2016	Tree Clearing - RWY 16 RPZ (Avigation Easement)
	Runway - Sealcoat/Repaint Markings
	Parallel Taxiway and Mid-Field Exit Taxiway - Sealcoat/Repaint Markings
	Main Apron, South Entrance Taxiway, North Taxilane - Sealcoat/Repaint Markings
	Apron and Taxilane Reconstruction (off-airport)
2017	Install Automated Weather Observation System (AWOS)
	Install Vehicle Automated Gate and Fencing (Airport Entrance from Kehl Rd)
2018	Phase I Landside Improvements (Hangar Area) - Gravel Road and Vehicle Parking
	Phase I Landside Improvements (Hangar Area) - Extend Electrical Service (underground)
2019	Relocate Segmented Circle and Install New Windcone
	Parallel Taxiway Edge Reflectors (Replacement)
2020	Phase 2 Landside Improvements - Taxiway Extension and Taxiway Removal

**Recycling Feasibility**

Recycling services currently available at the airport are limited to magazines, newspaper, and telephone books. The Pendleton Sanitary Service transfer station however, can facilitate items beyond those accepted at the airport. In addition, Pendleton Sanitary Service also provides a Recycle Depot at Southwest 18<sup>th</sup> Street and Byers Avenue. Table 11-4 lists recyclables accepted at the Pendleton Sanitary Service Recycle Depot and the Transfer Station.

**TABLE 11-4: PENDLETON AREA RECYCLING OPTIONS**

RECYCLE DEPOT	TRANSFER STATION
Newspapers, Magazines, and Phone Books	Motor Oil
Cardboard (corrugated only, flattened)	Appliances
Aluminum (clean foil, pop cans, pie plates)	Scrap Metal
Tin Cans	Wood Waste (clean pallets and lumber)
Glass (jars and bottles only)	Yard Waste (grass, limbs, leaves, and brush)
Plastic (plastic bottles, tubs, nursery pots, and buckets)	Batteries (vehicle batteries only)
Office Paper (white or pastel colored, envelopes, junk mail, file folders, and manila envelopes)	Electronics (computers, monitors, and televisions)

## **CURRENT PRACTICES**

According to OAR 340-090-0040, cities with a population greater than 4,000 residents must maintain some sort of recycling option. The 2014 PSU certified population estimate for the City of Pendleton was 16,700 residents. The U.S. Census Bureau lists the official 2010 population of Pendleton as 16,745. Given its population above the 4,000 resident threshold, the City of Pendleton is required to provide receptacles, weekly collection service, or an education and promotion program to its residents. Individual residents are responsible for disposal of recyclable waste.

Airport hangar tenant leases do not currently stipulate tenant's individual responsibility for waste disposal and recycling for their hangars. Disposal of any non-standard recyclables (vehicle batteries, cell phones, rechargeable batteries, chargers, and other electronic waste) is similarly not currently designated as the responsibility of the individual tenants. These non-standard recyclables can and should be delivered to the appropriate recycle depot or transfer station.

### **Plan to Minimize Solid Waste Generation**

Umatilla County can implement programs to reduce solid waste generation and earn “credits” toward recovery rates mandated by the state of Oregon. In 1997, House Bill 3456 created three programs that a watershed—in this case, Umatilla County can choose to implement:

- Waste Prevention Program
- Reuse Program
- Residential Composting Program

A two percent “credit” can be obtained for each program by creating an education or promotional campaign and adhering to at least two components listed by the Oregon Department of Environmental Quality (ODEQ). Credits of up to six percent can be deducted from the County's state mandated material recovery and waste generation rate if the County participates in all three programs – resulting in a two percent credit for each program implemented (six percent total). Umatilla County has not implemented any of these programs as yet. The County is required to maintain a 20 percent recovery rate as set forth in Oregon Chapter 459A – Reuse and Recycling, 2013 Edition. During the most recent year for which DEQ has compiled watershed recovery rates – 2013, Umatilla County achieved a calculated 28.6% waste recovery rate (2013 Oregon Material Recovery and Waste Generation Rates Report).

## **METHODS TO REDUCE SOLID WASTE**

There are very limited opportunities to reduce solid waste generation because a limited amount of waste is produced at the Eastern Oregon Regional Airport. However, the airport should still establish a goal to reduce the amount of solid waste. While the airport is not responsible for waste generated by hangar

tenants, informational brochures on recycling opportunities developed by Pendleton Sanitary Service could be distributed to all hangar tenants to encourage them to recycle their waste. Facility managers could make a note of the amount of waste generated each time waste is removed from their facility in order to track the amount of waste generated after implementing new policies.

Umatilla County has a relatively rural population with the City of Pendleton the second largest urbanized area in the county after Hermiston. Since the Airport is located within the City the current practice of contracting with Pendleton Sanitary Service is the most effective option. The City has established definitive steps to encourage and promote recycling (City of Pendleton SWMP 1993). Industrial and commercial sources generated 88 percent of the city's total waste at the time that study, which is the most recent, was completed. This waste included significant quantities of recyclables. Improvements called for in the 1993 study included increasing recovery of these recyclables through separation at the source and though processing of selected waste loads at the transfer station. Umatilla County's Solid Waste Management Plan was originally adopted in 1998 and updated in October, 2004. The plan identified a number of options to reduce solid waste, including:

- Require composting or mulching (at an approved site) in public contracts for lawn and landscape maintenance, if feasible and cost-effective
- Require recycling at County construction and demolition sites; support construction and demolition recycling "demonstration projects"
- Implement a County "buy recycled" policy
- Require or encourage space for recycling in new developments
- Establish a school education program
- Establish a business waste prevention education program/ demonstration projects
- Develop a home composting bin distribution and education
- Expand drop-off recycling opportunities
- Expand collection of recyclables from commercial waste generators
- Expand yard waste composting facilities
- Expand residential curbside recycling collection to other communities, more materials

### **Operational and Maintenance Requirements**

Operational and maintenance requirements at the airport are minimal. The airport maintenance department is responsible for mowing the infield grass. A local farmer mows the outlying areas of the airfield. The infield lawn is not watered and the grass is typically mowed weekly during the spring growing season and then mowed on an "as needed" basis during the dry months. When the grass is mowed, the clippings are left in place, which typically provides approximately 25% of the total lawn fertilizer needs, creating a healthy turf environment (Starbuck 1999). While neither the City of Pendleton nor Umatilla

County Solid Waste Management Plans specifically promote programs that encourage “leaving grass clippings in place” they are currently left in place. Pendleton Sanitary Service does provide composting of yard waste.

### **Waste Management Contracts**

A number of leases provided by the City of Pendleton were reviewed for information regarding waste and recycling. No hauling or landfill contracts are available.

The tenant’s hangar leases do not stipulate responsibility for maintaining the grounds and premises in and around their rental areas. Similarly, no mention of the opportunity for recycling is included in the leases. Janitorial services are provided by an employee of the City of Pendleton. There is no contract for this service and no stipulation for recycling.

To promote additional recycling opportunities, language could be added to the tenant leases encouraging tenant(s) to use the transfer station or Recycle Depot. Each of these locations are within 2.5 miles or less from the airport. Tenants should also be asked to be conscientious of any waste generated in the hangars.

### **Potential for Cost Savings or Revenue Generation**

The potential for cost savings is limited since, other than tenants in the terminal building, individual tenants are responsible for costs associated with solid waste disposal and recycling.

Revenue generation is limited due to the small amount of waste generated within the terminal building. The potential for additional revenue would primarily accrue to the individual tenants who contract with Pendleton Sanitary Service.

### **Future Development and Recommendations**

#### **FUTURE DEVELOPMENT**

Future development projects at the airport include tenant improvements, landside and airside facility development, and rehabilitation projects. The demolition and waste associated with each of these projects would be the responsibility of the Contractor performing the work. It is assumed that the demolition waste would be taken to the Finley Butte Landfill in Boardman, Oregon.

A periodic review of the airport’s solid waste plan needs to be implemented to allow for any unforeseen future development. For example, if glass recycling would become available and feasible for the airport, then the airport would need to reevaluate that option based on current practices.

## RECOMMENDATIONS

### Immediate

An immediate recommendation would be to continue with the existing practice of leaving lawn clippings in place, which preserves the aesthetics of the infield area while providing a natural source of fertilizer. The airport should also work with the City to promote recycling of waste materials by the janitorial staff.

### Short-Term

A short-term recommendation would be to add a statement into tenant leases advising all tenants of their responsibility for removal of waste and the recycling options available at both the Pendleton Sanitary Service transfer station and Recycle Depot and to encourage tenants to recycle and minimize waste. Additionally, informational brochures on recycling opportunities developed by Pendleton Sanitary Services could be distributed to all the hangar tenants to encourage them to recycle their waste.

### Ongoing

An ongoing recommendation would be to reevaluate the airport's solid waste plan, especially after development has occurred. Any increase in hangars may increase the amount of waste generated.

### Modifications to Specifications

Language in construction contract documents could be added that encourages Contractors to recycle waste at the Pendleton Sanitary Services transfer station and to minimize waste caused by construction activities as much as practical.

## **References**

City of Pendleton Solid Waste Management Plan (SWMP). December, 1993.

Umatilla County Solid Waste Management Plan (SWMP). October, 2004.

Umatilla County Solid Waste Ordinance (Solid Waste Ordinance) – Chapter 50. 2005.  
Website: [www.co.umatilla.or.us/bcc/Codes/50.pdf](http://www.co.umatilla.or.us/bcc/Codes/50.pdf)

Oregon Department of Environmental Quality (ODEQ). No date. “Waste Prevention and Reduction.”  
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Stewart, Erica. Airport Administration, Eastern Oregon Regional Airport & Economic Development Department. Phone Interview. 2 September 2015

Starbuck, Christopher J. Department of Horticulture. University of Missouri-Columbia. 1999. “Grass Clippings, Compost and Mulch: Questions and Answers.” Website.  
<http://extension.missouri.edu/explorepdf/agguides/hort/g06958.pdf>

## **Recycling Options**

Recycling information - Pendleton Sanitary Service New Customer Letter and Brochure

Umatilla County Household Hazardous Waste Implementation Plan, October 17, 2001

## **Population**

<http://quickfacts.census.gov/cgi-bin/qfd/location>

<https://www.pdx.edu/prc/population-repor>