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February 3, 2026

Via Email

Benton County Board of Commissioners
4500 SW Research Way
Corvallis, OR 97333
c/o landfillappeals@bentoncountyor.gov

Re: Reconsideration of Appeal – LU-24-027 Coffin Butte Expansion

Chair Malone and Commissioners:

Our firm represents Valley Landfills, Inc. (Applicant), in this matter. Please add this letter to the record.

The County's handling of this application is fundamentally flawed and prejudicial to the Applicant. As the Board is aware, the Coffin Butte landfill expansion application has been under review since September 2024 and has generated an extensive and well-developed evidentiary record.

Throughout this process, the Applicant has submitted substantial technical analyses, responded to multiple rounds of review, and complied with repeated requests for additional information. Despite this comprehensive record—and the Board's prior approval of the application—the County has now reopened the matter in a manner that departs from established land use principles and places undue procedural and substantive burdens on the Applicant. The record includes the following:

Exhibit E9-- [E9 OdorComplaintsAnalysisArea_DEEMEDCOMPLETE](#)

Exhibit E12--[E12 WeaverConsultingFindingsOnOdor_DEEMEDCOMPLETE](#)

Exhibit E13-- [E13 IanMacNabOdorMemorandum_DEEMEDCOMPLETE](#)

Exhibit E14-- [E14 OdorDispersionModelingStudy_DEEMEDCOMPLETE](#)

Exhibit E33--[E36 Revised2025OdorStudy_MISNAMEDSUBMISSION](#)

Exhibit E41--[E41 EnvironmentalMethaneComplianceReportOfFindings_MISNAMEDSUBMISSION](#)

Exhibit E51--[E51 2025OdorStudySupplementalInformation_SUBMISSION](#)

Exhibit E53-- [E53 ResponseToVNEQSOdorConcerns_SUBMISSION](#)

In addition to the Applicant's materials, the County hired independent third-party consultants to review the Applicant's studies and reports. The County's own air quality consultant, Maul Foster Alongi, prepared third-party review comments resulting in the April 17 and June 25 reports included in Exhibit BC1 [BCEXHIBITS](#). These reports were supplemented by an additional October 13, 2025 Third-Party Review memorandum. [Attachments A-H STAFF REPORT](#). The County's own third-party reviewer found:

“MFA generally agrees with the dispersion modeling techniques and methodologies used by SCS Engineers to produce the results presented in the revised Odor Study. The revised Odor Study is based on actual measured data, including actual flowrates for the flare, current waste acceptance volumes for the landfill, onsite meteorological data, onsite terrain data, and actual operating hours for the tipper engines, as well as Oregon Department of Environmental Quality (ODEQ)-approved emission rates for the eight highest odor-causing pollutants potentially emitted by the landfill. This represents the best available data for conducting an odor dispersion modeling assessment.” Exhibit BC1 at 4 (emphasis added).

“[B]ased on the results of the revised Odor Study, it is unlikely that potential odors from the landfill will rise to the level at which a nuisance condition will be created, as indicated by the two highest predicted odor pollutants, dimethyl sulfide and hydrogen sulfide, resulting in a maximum D/T of 1.45 and 1.38 in Scenario #1, and 1.34 and 1.28 in Scenario #2, both of which are well below the nuisance D/T of 7.” Exhibit BC1 at 4 (emphasis added).

Just a few days prior to the close of the current open record period, MFA provided an updated report predicated on alleged violations, not actual data. Understandably, MFA hedged in its report, posturing that the odor study outcome could be flawed if the data changes. These allegations primarily hinge on the assertion that Coffin Butte may have a collection efficiency of less than the EPA default assumption of 75%. This assumption is plainly incorrect. Exhibit 1 to this letter is a summary of annual Greenhouse Gas Emissions Reports, submitted, reviewed, and approved by the ODEQ. These summaries confirm that Coffin Butte has historically met or exceeded a collection efficiency of 75%. MFA’s equivocation is based on allegations that have not yet been adjudicated. Here, however, the 75% collection efficiency relied upon in the various studies is correct. The Applicant’s odor studies and MFA’s prior conclusions remain valid.

The issues identified in the DEQ Pre-enforcement Notice (PEN) are not new to the record. The 2022 and 2024 U.S. Environmental Protection Agency (EPA) inspection reports (which form the basis of the PEN) have been the subject of intense scrutiny already in this application process. See, e.g., Exhibit BC7.12 at page 357-360 (Testimony from Ken Eklund), Exhibit BC2 at page 15 (ENRAC Deliberations Framework), Exhibit BC8.2 at page 49 (April 15 Testimony from Ken Eklund). The EPA inspection reports themselves have been in the record since at least August 2025. See Exhibit BOC1_T0010 (EKLUND Ken).

Partially in response to the inspection reports and the County’s independent consultants, the Board imposed numerous odor and operations-based conditions of approval including Conditions P1-10 (waste limits), P2-3 (odor survey points), OP-2 (daily cover of working face), OP-4 (daily odor surveys with third-party verification), P1-6 (obtain DEQ Air Quality Permit), OP-11 (compliance with state and federal environmental protection standards), OP-14 (working face). The PEN also fails to recognize what the Applicant has explained to the county several times:

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“In the last 12 months, Valley Landfills has constructed 21 new vertical gas collection wells and made improvements to 18 existing horizontal wells, supported by the installation of 16,835 feet of new gas piping to improve gas capture efficiency across the site and installed an enclosed flare to combust 99% more efficiently. These upgrades increase landfill gas collection rates, reducing the potential for fugitive emissions that could cause offsite odors.” Exhibit 67 at page 4-5.

The PEN does not acknowledge these significant improvements. Instead, it relies on inspections conducted in 2022 and 2024 and does not account for current conditions at the facility. The PEN is not a final agency action; it merely identifies alleged violations, requests additional information, and outlines potential corrective actions upon conclusion of the adjudicatory process. As demonstrated throughout the record and in prior testimony, the Applicant has taken—and continues to take—substantial steps to address the matters identified in the PEN.

All of the above underscores the fundamental inequity of the County’s process. What is characterized as a “reconsideration” extends well beyond that scope. The County has selectively elevated a single document for inclusion in the record—despite the fact that it is not a final agency action—and has required the Applicant to defend against unresolved allegations during a 14-day open record period while the DEQ process remains ongoing. It is not feasible for the Applicant to respond to a DEQ Pre-Enforcement Notice within two weeks where the Applicant is continuing to work cooperatively with DEQ to address and resolve identified issues.

As structured, the County’s process isolates one piece of evidence, affords the Applicant an inadequate opportunity to respond, and forces the local land use record to compete with an active DEQ enforcement process. This approach risks allowing the PEN to function as a proxy for denial of an application that was previously approved based on a complete and fully developed evidentiary record. That is not how local governments are intended to make land use decisions.

When the Board approved this application, Commissioner Wyse emphasized the importance of following the law and basing decisions on the evidentiary record. Neither the law nor the substantive record has changed since that approval. The Applicant therefore respectfully urges the Board to set aside extraneous considerations, political or electoral influences, return to the record before it, and reaffirm its prior decision approving the application.

Sincerely,



Steven P. Hultberg

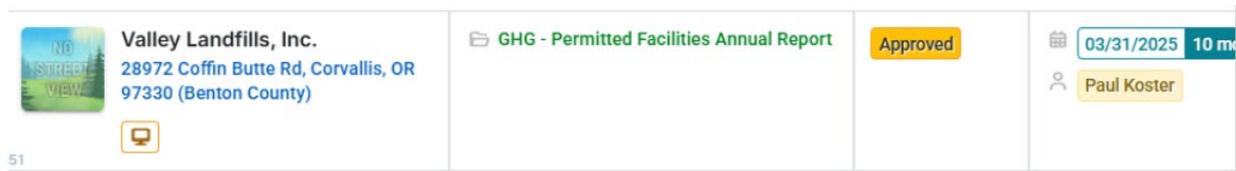
cc: County Counsel (mryan@batemansidel.com)
Planning Director Schuetz (petra.schuetz@bentoncountyor.gov)

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Subject: Maul Foster Alongi Odor Modeling Response

In the January 27, 2026 email from Maul Foster Alongi (MFA) titled "Third-Party Review: Department of Environmental Quality Pre-Enforcement Notice Letter dated Nov. 6, 2025", it is alleged that the odor model previously approved by MFA is being rejected on the basis that the gas collection control efficiency used is not representative at the Coffin Butte Landfill (Landfill) and should be lower. A lower collection efficiency would lead to a larger amount of fugitive uncontrolled landfill gas (LFG) being emitted from the landfill surface and potentially cause odors. The estimated efficiency used in the approved modeling was 75%, a conservative default used by the U.S. EPA and numerous other air agencies. MFA alleges that due to the November 6, 2025 Pre-Enforcement Notice (PEN) letter, this 75% efficiency is unjustifiable and therefore the odor modeling is flawed.

SCS Engineers and Weaver Consultants Group have reviewed the 2022, 2023, and 2024 years of annual Greenhouse Gas (GHG) reports. These reports determined the calculated collection efficiency at Coffin Butte Landfill to be 92%, 92%, and 90%, respectively. The 2024 Greenhouse Gas Report was submitted to and approved by the Oregon Department of Environmental Quality. A snapshot of the approval from Your Oregon Online is provided below.



The calculated GHG collection efficiency takes into account numerous variables, including landfill size and depth, number of wells, type of landfill coverage, and collected LFG. Using a 75% efficiency for the odor modeling was a conservative approach, and therefore should be viable for odor modeling. MFA did not allege any other issues with the modeling setup (as in meteorology, terrain, source parameters, receptor locations, etc.). If you have any comments, please contact Jeff Leadford at jleadford@scsengineers.com or 720-272-0172.

Sincerely,

Jeff Leadford, PE
Project Manager
SCS Engineers

