

From: [Joel Geier](#)
To: [Coffin Butte Landfill Appeals](#)
Subject: Testimony for LU-24-027 Reconsideration Hearing - Responsive to County filings
Date: Tuesday, February 3, 2026 2:44:17 PM
Attachments: [BOCreconsiderationResponsiveMFA_JoelGeier.pdf](#)
[Attachment A MFA-Schuetz email redacted.pdf](#)

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Dear County Staff:

Please enter the two attached documents (in PDF format) into the public record for the Reconsideration Hearing:

- BOCreconsiderationResponsiveMFA_JoelGeier.pdf, 5 pages in length
- Attachment A MFA-Schuetz email redacted.pdf, 2 pages in length

These are responsive to materials submitted to the record by Benton County on January 27th. My address is included in the first document.

Thank you again for your work on behalf of the residents of Benton County.

Yours sincerely,
Joel Geier

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Joel Geier, Ph.D.
38566 Hwy 99W
Corvallis, Oregon 97330-9320 USA
clearwater@peak.org

Dear Chair Malone, Commissioner Wyse and Commissioner Shepherd:

Once again I appreciate that you're taking this opportunity to reconsider your previous decision on LU-24-027, in light of significant new evidence from the Oregon Department of Environmental Quality (DEQ) regarding the applicant's operational competence and veracity. And once again, I urge you to **uphold the previous unanimous decision of your Planning Commission to deny this application**, in keeping with the recommendations of your Environment and Natural Resources Advisory Council (ENRAC) and indeed, the original recommendation of County staff.

Here I respond to new evidence submitted by Benton County on January 27, 2026. This is in a memorandum summarizing a third-party review by Benton county's consultants, Maul Foster Alongi (MFA), of DEQ's Pre-Enforcement Notice (PEN). The memo is addressed to Interim Planning Director Petra Schuetz, and is included in the evidentiary record as BOC4_BC0025.

This memo concludes:

The PEN letter raises the question of whether the Odor Study provided accurate data based on reasonable assumptions given the documented violations. The PEN letter calls into question whether the inputs to the dispersion model used as the basis of the Odor Study were correct. The Applicant did not acknowledge the known issues that would later be identified in the PEN letter, or make an effort to justify the selected inputs (e.g., 75% collection efficiency, well maintained landfill cover with evenly distributed emissions, control devices working 100% of the time that landfill gas is collected, etc.) in light of the cited issues.

In simpler language, MFA's memorandum can be paraphrased thus: *We got it wrong, but it was the Applicant's fault for giving us bad data.*

Yes, the Applicant (VLI) did provide bad data. That's made clear by the DEQ PEN. But this shouldn't have been a surprise. DEQ was simply following up on findings from prior EPA inspections, starting in June of 2022.

The EPA's findings of numerous, serious methane leaks contradicting VLI's own self-monitoring were in the record. Those findings were corroborated by data from Carbon Mapper (also in the record), showing enormous plumes of methane coming off the site. Throughout this process, numerous witnesses have testified that landfill stench frequently rises to nuisance levels or worse, 5 or more miles away including the Lewisburg, North Albany, and Buena Vista areas.

Thus there were multiple lines of evidence that the Applicant's analysis didn't fit reality. Despite that evidence, MFA expressed confidence Applicant's odor-modeling techniques and methodologies (June 2025 MFA memorandum as quoted in the Staff Report):

"MFA generally agrees with the dispersion modeling techniques and methodologies used by SCS Engineers to produce the results presented in the revised Odor Study."

But "techniques and methodologies" are not the only things that determine the outcome of scientific modeling. Models are also controlled by input data. A thorough review of model predictions should include an assessment of the accuracy and validity of the input data, and of the sensitivity of the models to erroneous input.¹

Garbage in, garbage out is the common phrase. Here it applies literally. Garbage comes into this landfill in solid form, and it goes out as dust, gas, and aerosols. This is what shows up as methane plumes. This is what residents smell. This is what causes long-term hazards to the health of your constituents.

Garbage in, garbage out also applies figuratively: When the inputs to the Applicant's model are false or otherwise inaccurate, the predictions of their model are unreliable. *This means that the flawed results of the Applicant's model, and MFA's previous review based on flawed assumptions regarding the input data to that model, are not reliable as a basis to support the Conditions of Approval related to odor (including P2-3 and OP-4).*

¹ My comments here are based on three decades of experience performing technical review of scientific modeling studies related to radioactive waste disposal, including multidisciplinary assessments of data quality used as input to models. As an early example please see *Geier, J.E., Tirén, S., Dverstorp, B., and Glynn, P., 1996. Site-specific base data for the performance assessment (SITE-94), SKI Report 96:10, Swedish Nuclear Power Inspectorate, Stockholm*. More recent examples are listed in the record at BOC1_T0548.

MFA’s review of the DEQ PEN includes the same disclaimer, titled “Limitations,” that you will see in all of their deliveries to Benton County. This disclaimer states in part:

We do not warrant the accuracy of information supplied by others,

This is standard “boilerplate” which in plain language amounts to, **“Let the buyer beware.”**

Here Benton County is the buyer of these consulting services. As Commissioners, you’re left to judge for yourselves whether the Applicant’s input data are reliable. The DEQ PEN gives you reasonable cause to conclude that the Applicant’s data cannot be trusted.

In the penultimate paragraph of their “conclusions,” MFA oddly turns to a conditional form of English expression to express a counterfactual (i.e. fictional) situation:

If the Applicant had provided evidence that it corrected each violation cited in the PEN letter and demonstrated that the gas collection and control system does capture 75% of landfill gas emissions, then the results presented in the June 2025 Odor Study would be considered accurate and reliable.

(underlining added to highlight the conditional expressions). In English grammar, this is known as the “conditional perfect tense.” To quote Wikipedia²:

The conditional perfect is used to refer to a hypothetical, usually counterfactual, event or circumstance placed in the past, contingent on some other circumstance (again normally counterfactual, and also usually placed in the past).

This is very strange wording for a technical consultant’s report. Normally the findings of a technical review are expressed either in declarative terms (e.g. “This model prediction is not supported by observations”) or in predictive conditional terms in reference to some realistic scenario (e.g., “If the landfill were to close without this expansion, future

² Wikipedia entry “Conditional perfect” (https://en.wikipedia.org/wiki/Conditional_perfect) as referenced on February 2, 2026. Emphasis added.

emissions would be limited). But here MFA gives a statement of what would be the case if reality were otherwise.

As Commissioners, you have the opportunity to ask Staff and their consultants why this counterfactual paragraph was included as part of the conclusions.

Was it inserted as an effort by the consultants to justify their previous statements in support of the Applicant? Or were they responding to a specific question from County staff?

If this was just a matter of self-justification for previous inaccurate conclusions, that brings to mind an observation by Evelyn Lee (BOC4_T0791_01272026):

BC hires outside consultants for issues related to Coffin Butte because it does not have the capacity within its own staff to handle the process or the technical nature of related information.

...

To hire a contractor and then not critically review their work creates the potential for inaccuracy and a potential waste of money. BC has stated it lacks the capacity to do so, thus setting up a scenario in which a contractor can make a mistake, but the county is unaware of it and/or unwilling to accept public input that would correct the mistake. This is not an acceptable public process and more evidence that the landfill and its expansion are an undue burden.

If, on the other hand, this was an effort by MFA to respond to a specific question from County Staff, then it's pertinent for you to ask, "What was that question?" That would tell you the context for this odd conclusion.

Did Staff (or perhaps outside counsel) ask MFA to suggest a scenario that might allow the Applicant to wriggle their way out of the damning implications of the DEQ PEN?

As background, please refer to **Attachment A**. This is an e-mail memorandum that I obtained in a request for public records regarding communications between Benton

County and their consultants.³ Please note also the redactions. County Counsel stated that the redactions were "information related to legal advice provided by outside counsel."

Presumably MFA's review of the DEQ PEN, as provided on January 27, 2026, was at the request of County staff and/or outside counsel. However documentation of this request is not yet available, as part of the public record.⁴

Commissioners, this could be important as context for your final deliberations, especially if these odd "conclusions" by MFA are used as a springboard for VLI to "paper over" the serious problems raised by the DEQ PEN. I suggest that you ask Staff to share the context of MFA's review, including any specific questions that they asked for MFA to address.

In summary, MFA's review of the DEQ PEN illustrates how **Benton County - even with support of outside consultants - lacks capacity to verify the Applicant's self-reported monitoring.** This calls into question all of the proposed Conditions of Approval that rely on monitoring by the Applicant or their third-party contractors. Again, please uphold the unanimous decision of your Planning Commission, and deny this application.

Yours sincerely,
Joel Geier, Ph.D.
38566 Hwy 99W
Corvallis, Oregon 97330

3 This was the transmittal e-mail by which MFA delivered their Oct 13, 2025 memorandums / reports on odor and groundwater issues. County Counsel initially withheld this e-mail, but provided it in this heavily redacted form after I raised the prospect of an appeal to the District Attorney. My purpose in requesting these documents was to understand why MFA produced draft conditions of approval (COAs) for groundwater issues. Drafting COAs was not included in MFA's scope of work under the contract that I also obtained as part of this public-records request, so this must have been requested by some other avenue of communication.

4 Instructions by Benton County staff to MFA for this review were not included in documents that I received on January 26, 2026, in response to my request (submitted on January 16, 2026) for recent communications between Staff and MFA.

From: [SCHUETZ Petra](#)
To: [CRONEY Vance M](#)
Subject: FW: MFA Review Letters (10-13-25) - CUP for Coffin Butte Landfill
Date: Monday, November 3, 2025 9:07:52 AM
Attachments: [Lf Coffin Butte CUP Application MFA Review 10.13.25.pdf](#)
[Lf Coffin Butte CUP App MFA GW Review 10.13.25.pdf](#)
[image002.png](#)
[image004.png](#)

Vance-

This is the only cover email I received with those documents that I am aware of; the same email that went to the rest of you.

Thank you.



Petra Schuetz

Planning Director
Email: petra.schuetz@bentoncountyor.gov
bentoncountyor.gov



From: Ellery Howard <ehoward@maulfoster.com>
Sent: Monday, October 13, 2025 4:11 PM
To: SCHUETZ Petra <petra.schuetz@bentoncountyor.gov>; Jesse Winterowd <jesse@winterbrookplanning.com>; Larissa Gladding <larissa@winterbrookplanning.com>
Cc: Melissa Ryan <mryan@batemanseidel.com>; Erik Bakkom <ebakkom@maulfoster.com>; CRONEY Vance M <Vance.M.Croney@bentoncountyor.gov>
Subject: MFA Review Letters (10-13-25) - CUP for Coffin Butte Landfill

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Petra & Winterbrook,

Attached are the signed versions of the MFA review letters dated 10-13-25. Note that the first letter addresses the odor and noise, while the second letter addresses the groundwater. [REDACTED]

[REDACTED]

[REDACTED]

If we need to make any minor changes to this or any other portion of either letter, just let me

know and we can quickly address it.

ELLERY HOWARD, PE | MAUL FOSTER & ALONGI, INC.
Senior Engineer
m. 208 661 5864



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