

**From:** [Joel Geier](#)  
**To:** [Coffin Butte Landfill Appeals](#)  
**Subject:** Testimony for LU-24-027 Reconsideration Hearing - Responsive to VLI filings  
**Date:** Tuesday, February 3, 2026 2:49:58 PM  
**Attachments:** [BOCreconsiderationResponsiveVLI\\_JoelGeier.pdf](#)

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Dear County Staff:

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

- BOCreconsiderationResponsiveVLI\_JoelGeier.pdf, 4 pages in length

This is responsive to materials submitted to the record by the Applicant on January 27th. My address is included in the document.

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

Yours sincerely,  
Joel Geier

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Dear Chair Malone, Commissioner Wyse and Commissioner Shepherd:

Thank you again for taking this opportunity to reconsider your previous decision on LU-24-027, in light of significant new evidence in the form of a Pre-Enforcement Notice (PEN) from the Oregon Department of Environmental Quality (DEQ). This PEN gives cause for doubt regarding the applicant's operational competence and veracity. Please **uphold the previous unanimous decision of your Planning Commission to deny this application.**

Here I respond to new evidence submitted by the Applicant's attorney Steven P. Hultberg on January 27, 2026. Exhibit A of Mr. Hultberg's filing is a previous memorandum dated January 16, 2026. In it he argues:

*The PEN has no bearing on the County's decision. The County's conditional use criteria are focused on the operation of the "proposed use" not "existing operations." By its own terms the PEN relates to the monitoring of existing surface emissions, the legacy gas collection and control system inherited by (and improved by) the Applicant, and sufficiency of cover at the existing landfill. Conditions at and operations on the existing landfill site simply have no logical connection to the "proposed use."*

There are two egregious flaws in this argument: (1) the attempt to shift responsibility to some prior landfill owner, and (2) the assertion that what his clients have been calling an "expansion" of the existing landfill is an entirely new and separate facility.

*Regarding the first flaw:* Being brand-new to this case,<sup>1</sup> Mr. Hultberg may be unfamiliar with the ownership and site development history of Coffin Butte Landfill. But the **current problems with the landfill gas collection system at Coffin Butte are the legacy and responsibility of VLI, not some some prior owner.**

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<sup>1</sup> Per his January 16<sup>th</sup> letter, Mr. Hultberg is replacing Jeff Condit due to Mr Condit's retirement. Prior to Mr. Condit's employment at Miller Nash, he served as Benton County Counsel, and thus had much longer experience with the history of Coffin Butte Landfill.

As documented in the Benton County Talks Trash (BCTT) report which is included in the record, VLI has been the owner and operator of Coffin Butte Landfill at least since early 2000.

On the next page are aerial images from Google Earth, comparing the situation at the site in July 2000 and in July 2024. The areas where EPA inspectors found dozens of methane exceedances in 2022 were almost entirely in areas where there was either no waste in place in 2000, or where the cell active in early 2000 has been entirely covered by later waste. In other words, the problem areas are of VLI's own construction.

The fact that formal ownership of VLI passed from Allied Waste to Republic Services due to the corporate merger in 2008 does not absolve VLI of its responsibilities for the existing ("legacy") gas collection system. However this does serve as a timely reminder of how shifting corporate ownership could be used in efforts to shift liability, if and when additional environmental problems are discovered at this site.

*Regarding the second flaw:* Again, being new to the case, Mr. Hultberg might be unfamiliar with some of the Applicant's filings with DEQ which were included as part of VLI's land-use application for LU-24-027, and some of Mr. Condit's previous arguments on behalf of his client.

Previously, VLI's attorneys have argued that this is an "expansion" of an existing landfill, just downsized from the expansion that VLI proposed in 2021 (LU-21-047). Indeed, the Phase I geotechnical site characterization plan that VLI submitted with this application is exactly the same as they submitted for LU-21-047. The DEQ memo approving that plan is also exactly the same as they submitted for LU-21-047, which called for expansion of the landfill as a new lobe, across the top of Coffin Butte Road.

The Applicant has not yet presented, as part of the record for LU-24-027, any documentation to show that DEQ has approved location of a "new" landfill south of Coffin Butte Road.

**Coffin Butte Landfill**  
Aerial view of the site in July 2000



**Coffin Butte Landfill**  
Aerial view of the site in July 2024



**VLI can't "have their cake and eat it too."**

Either this is a new landfill, or it is an expansion of the current landfill.

There are good arguments as to why this could be seen as a new landfill. As proposed, it is entirely discontinuous from the existing landfill. It will need to have its own liner system, its own leachate collection system, and its own landfill gas collection network. It will even need to have its own access road, according to the design submitted to Benton County for LU-24-027.

But if this is an entirely new landfill, it will need to be permitted as such by DEQ. There is no evidence in the record to show that DEQ has been asked to give an opinion on that question, nor (obviously) is there any answer to that question from DEQ.

If, on the other hand, this is an expansion of the existing landfill, then management of the existing facility is germane to your consideration of this land-use application. Conditions at and operations on the existing landfill site do in fact have logical connection to the "proposed use."

VLI and their attorneys can't have it both ways.

Again, please uphold the unanimous decision of your Planning Commission, and deny this application.

Yours sincerely,  
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