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January 26, 2026

Testimony re DEQ PEN, Benton County Codes, and LU-24-027

Submitted by Peg Herring, 34386 Colorado Lake Drive, Corvallis, OR 97333

I submit this testimony in response to the decision by the Benton County Board of Commissioners to reopen the LU-24-027 record for new evidence related to the Oregon Department of Environmental Quality's November 6, 2025 Pre-Enforcement Notice (DEQ PEN) concerning the Coffin Butte Landfill.

On November 4, 2025, the Benton County Commissioners approved expanding the Coffin Butte Landfill. Their brief hearing included confusing motions, do-over votes, two recesses, and a notable lack of deliberation. It might have been easy in that hurried decision to overlook fundamental violations of the Benton County Code incurred by this decision.

My testimony focuses on those violations of the Benton County Code and the Oregon Administrative Code, in light of the DEQ notice of formal enforcement and civil penalty assessments, issued on November 6, 2025.

The DEQ Pre Enforcement Notice provides independent, science-based confirmation that:

- landfill gas emissions and associated odors contain “significant environmental and public health impacts”;
- the Planning Commission was correct to conclude that these air-quality impacts “seriously interfere with adjacent uses”;
- Republic Services presented inaccurate, incomplete, and/or misleading information in their Application.

The DEQ PEN findings show that the decision to permit this Application has violated important State and County Codes, including:

BCC 23.610 (3) *"A holder shall at all times be subject to applicable laws of the State of Oregon. A violation of state law, if found by the Board to be substantial and material to the policy of this ordinance, may be deemed by the Board as a breach of the franchise or permit."*

Several State laws are relevant here, including:

OAR 340-239-0110(2)(f)(B) *"Gas Collection and Control System Requirements"*

This code requires that landfill owners/operators test, report, and mitigate all gas collection and emissions control systems.

The DEQ PEN shows that Republic Service's self-monitored compliance repeatedly reported numbers *far less* than independent EPA and DEQ inspections at the landfill. Specifically:

- EPA documented *61 methane exceedances* on June 23, 2022, including 21 explosive-level exceedances above 10,000 ppm methane. During this same period, Republic Services' self-

monitoring reported only *6 exceedances*.

- EPA documented *41 exceedances* of 500 ppm or greater on June 21, 2024. Republic Services' self-monitoring reported *11 exceedances*.
- DEQ reviewed monitoring reports of surface emissions submitted by Republic Services and found that required monitoring was never conducted on large parts of the landfill, greatly *underestimating* total landfill gas emissions.
- DEQ reviewed Republic Services' monthly reports of required landfill cover inspections which consistently self-reported "no issues" or "no holes." However, EPA's inspection documented "many holes in the landfill cover and a significant number of trees growing through the plastic cover."
- In addition, DEQ PEN noted that landfill gas includes methane and other organic compounds, some of which are known carcinogens and directly harm human health.

These and other findings prompted DEQ to cite Republic Services for several Class I (*most serious*) violations for inadequate emissions monitoring at Coffin Butte.

On November 6, 2025, DEQ notified Republic Services of upcoming formal enforcement and civil penalty assessments, saying that failures to control landfill gas emissions have "significant environmental and public health impacts."

These violations against OAR 340-239-0110(2)(f)(B) are actionable breaches of the landfill's operating permit and pose serious doubt on Republic Services' application for landfill expansion.

BCC 23.410 (6) "*requires the permit holder to comply with conditions imposed by their permits.*"

The Planning Commission and staff reported that the County has no capacity to oversee compliance. The Benton County Code can provide no "significant leverage to force them to do the right thing." There is no evidence in any record that any previous Conditions for Approval have ever been monitored for compliance.

Therefore, it is foolish to expect these Conditions for Approval will have any effect at all on landfill operations.

- The County has no capacity to develop inspection protocols, frequencies, and enforcement measures, at unknowable costs, for an enormous facility that is already challenging the capacity of State and Federal regulatory agencies.

Such technical oversight requires specialized expertise, independent of Republic Services, and ongoing resources far beyond Benton County's ability to provide and manage.

- DEQ's Pre-Enforcement Notice took *four years* to deliver to Benton County, during which Republic Services continued to violate laws and codes. It will take several more years for Republic to mitigate, *if* they choose to comply. Meanwhile, violations will continue.
- The people of Benton County have endured these serious, dangerous undue burdens long

enough; it is not a choice for them.

Benton County Commissioners must not be fooled by the ongoing delay-and-distract tactics as described in the DEQ PEN.

BCC 23.010 (7) "*encourage...volunteer efforts in accomplishing the purposes of BCC 23: Solid Waste Management. Administration*"

In these hearings, Benton County Commissioners consistently *disregarded* volunteer efforts to accomplish the purposes BCC 23.

- Commissioners were *instructed to ignore* relevant findings by the volunteer Planning Commission and volunteer members of the Benton County Talks Trash workgroup.
- Commissioners *ignored* the recommendation "to deny" by volunteers on the Environment and Natural Resources Advisory Committee.
- Commissioners were *instructed to exclude* from consideration over 800 "expressions of concern" compiled according to State Law by the County's volunteer Disposal Site Advisory Committee over the last five years and reported in Community Concerns Annual Reports.
- Commissioners made *no mention*, during their public deliberation, of the lived experiences of Benton County residents, submitted in several hundred pages of public testimonies.
- It's important to note that the violations outlined in the DEQ PEN had been detailed *months earlier* by Benton County residents in public testimony, both written and oral, before the County Commissioners. Yet the Commissioners were *advised to (or chose to) ignore* this damning evidence as "anecdotal."

This willful exclusion of public knowledge and experience is in deliberate violation of the purposes of BCC 23.

BCC Code 23.020. "*The Board shall create a County Solid Waste Advisory Council in accordance with Benton County Code sections 23.025 – 23.035.*"

Upon recommendation of County staff in 2023, the Commissioners *dissolved* the volunteer Benton County Solid Waste Advisory Council, which according to BCC Code 23.020, has *jurisdiction* over landfill expansion applications such as LU-24-027.

- This *required* public body has remained dormant throughout this important decision-making process, *despite the law requiring it*.
- Without such a council, citizens of Benton County have been disenfranchised from this land-use decision with NO voice in addressing the superfund site growing in North Benton County.

This violation of BCC Code 23.020 has enormous, costly consequences.

BCC 53.210. Ord 90-0069. "*The decision to issue a conditional use permit is discretionary.*"

On November 4, Commissioner Wyse outlined multiple reasons why, in her judgment, this expansion proposal should be denied. Yet she voted to approve because she felt forced by laws and codes *she did not name*.

The Benton County Code is clear: this decision is discretionary.

(From: 11-04-25 Public Hearing transcript, LU-24-027 Public Testimony, beginning at time 46:30)

<https://www.youtube.com/watch?v=qQ8JTO9pDWo>

Commissioner Wyse: “The landfill has not been in any way a good neighbor from the time it became a disposal site in 1948 through when it became a regional landfill in 1974, and through many conditional use permits issued to the prior landfill operator, and then to Republic. It has been the source of much controversy and many complaints and has not been a good business partner in the county, or a good neighbor to its neighbors.

“When Republic took over ownership and operation of the landfill in 2013, things do not appear to have improved at any level that I would have liked to have seen had I been a commissioner at the time. Republic’s 2021 application was seriously deficient in considering neighbor concerns about an expansion. Republic did participate in the Benton County Talks Trash process, which resulted in an improvement in the process for future conditional use permits, and which in many ways led us to where we are today.

“But make no mistake, I do not think any for-profit company like Republic is going to just do the right thing without significant leverage to force them to do the right thing, including the threat of permit revocation for violations of conditions of approval, or other laws that apply to this application.

“In spite of my dislike for our landfill, the law requires me to set aside those feelings and evaluate the application based on the evidence alone. That is what I’m doing.”

With new evidence from the DEQ PEN, let's look at Benton County Code 53.215 and evidence *on the record*:

BCC 53.215 (1) *This expansion WILL seriously interfere with uses on adjacent properties and with the character of the area.*

The DEQ Pre Enforcement Notice verified that noxious odors and “dump day smells” are *not anecdotal nor insignificant*. Hundreds of people testified how this expansion WILL interfere with use of their property and diminish the character of the area. The DEQ PEN emphasized that expanded exposure will further damage public health.

Listed below are testimonies from landowners whose properties abut Republic's land, which is the strictest definition of “adjacent” and the definition preferred by Republic Services.

These are Benton County residents most seriously affected by violations revealed by DEQ's PEN and against the Benton County Code. Any *one* of these testimonies would be enough to halt the expansion; here are *six*:

- The Bradley family testified that their home, ranch, and business are all negatively impacted by strong chemical odors, jarring noise, and windblown plastics from the landfill. Their business, “Bit By Bit,” offers animal therapy experiences to people with autism, ADHD, Downs syndrome, etc., people who are themselves susceptible to undue burdens from sudden noise and chemical odors.

Revelations of ongoing violations exposed by DEQ and EPA suggest that expanding the landfill will expand the Bradley's problems by bringing operations closer to their home and

business. This will make it impossible for the Bradleys to continue to live and work in Benton County, denying our community of an irreplaceable social service.

- Bob Kipper testified that the landfill expansion puts his family's 4th-generation tree farm at risk from permanently reducing groundwater levels on Tampico Ridge. Blasting during the expansion will likely crack rock and drain his wells and springs.

This landfill expansion cannot occur without significant blasting. And yet, the County Planning Staff *excluded* consideration of any construction impacts, nearly guaranteeing serious and irreversible impacts to the Kipper's land and livelihood.

- Rose Holdorf testified that the landfill expansion threatens her family's home and 2nd-generation business by dangerously raising fire risks and by making life difficult with increasing toxic air pollution and near-constant noise from landfill operations.

The landfill is several times larger and more intrusive than when her family purchased their land in the 1980s, when the landfill was scheduled to close in the year 2000. The DEQ PEN confirmed the Holdorfs' increasingly difficult experiences living next door to the landfill.

- Angela Krueger testified that her cattle business suffers serious interference from noxious air and air-borne litter blown in from the existing landfill. The proposed expansion will push landfill operations much closer to Krueger's grazing cattle, putting the health of her animals, her family, and her business in serious jeopardy.

Again, the long record of non-compliance exposed by DEQ and EPA offers little hope for the Kruegers that Republic Services will do anything more than deny these violations and delay a response.

- Nancy Whitcombe testified on behalf of neighbors Mr. and Mrs. Phillips, an elderly couple who fear they will be forced out of their home, as many of their neighbors have been already. Expanded pollution from the landfill described in the DEQ PEN will make the Phillips' home unlivable.

- Ian Finn testified that his family is already experiencing serious interference from dangerous chemical odors, windblown litter, and industrial noise. The proposed expansion will bring active landfill operations within 800 feet of the Finn's door and significantly increase these dangerous, unhealthy, and undue burdens.

- In addition, hundreds of Benton County residents in surrounding neighborhoods also testified to serious interference caused by polluted air and water, concerns about elevated fire risks, and worry about landfill carcinogens reported by the DEQ and EPA.

It is unconscionable how the Commissioners' decision ignored these public testimonies.

BCC 53.215 (1) Expansion WILL seriously interfere with the character of the area.

The DEQ Pre Enforcement Notice is not the first, nor will it be the last, high-profile public incrimination that will further damage the character and reputation of Benton County.

- Several people testified that Coffin Butte Landfill has grown enormously since 2000, the year it was scheduled to close. A quarter-century later, an ever-expanding landfill and

associated odors, noise, traffic, and trash, have become an ugly “Welcome to Benton County” sign.

- The DEQ PEN confirmed testimony from several scientists that expansion of the landfill will bring in more waste from places far beyond Benton County. This will result in more toxins from electronics, PFAS, medical waste, disaster wreckage, dead cows, and other dumping of toxics, all specific incidents reported in testimony and *in the record*.

More waste will compound the already unsolved problems of toxic leachate and land gas plumes, at a time when baseline compliance has not yet been determined. These are serious far-reaching problems noted in the DEQ PEN that point an accusing finger straight at Benton County as their source.

BCC 53.215 (2) Expansion WILL impose an undue burden on any public improvements available to the area.

- Several water-quality engineers testified that the Willamette River will be increasingly fouled by more untreatable leachate coming from the increasing volume of garbage hauled into Benton County, an undue burden on existing water treatment facilities and on the river itself.
- Testimony from rural residents involved in Benton County’s “2040 Thriving Communities Initiative” testified how the landfill expansion seriously interferes with implementing public socioeconomic improvements outlined in that County initiative. Communities cannot thrive near landfills as negligent as that described by the DEQ Pre Enforcement Notice.

BCC 53.215 (2) Expansion WILL impose an undue burden on any public facilities, utilities, or services available to the area

The DEQ PEN documents a pattern of noncompliance from Republic Services that has required substantial and repeated governmental intervention.

- This poses an expensive, undue burden on public services at County, State, and Federal levels as Republic Services continues to evade responsibility.
- Adair Rural Fire and Rescue volunteers testified about dangerous and undue risks they face when they are called to put out toxic and potentially explosive dump fires. These risks are *serious undue burdens on our First Responders* and their services that North Benton County depends on.
- These burdens will expand as methane builds within an expanding landfill, and they will be unstoppable by the *slow process of regulatory action* as demonstrated by the four-year investigation by the DEQ.
- Several outdoor groups representing several hundred Benton County residents testified how expanding the landfill’s trash, odor, and noise will greatly diminishes enjoyment of the abutting EE Wilson Wildlife Area.

For example, the landfill now overlooks the World War II Memorial Garden, commemorating sacrifices made by four US Army divisions that trained at Camp Adair. Windblown trash and air pollution violations as described by the DEQ are gross indignities to the memory of these heroes.

BCC 53.215 (3) Expansion WILL NOT comply with additional criteria which may be required for the specific use by this code. [Ord 90-0069]

- The DEQ Notice awoke several State and County leaders to how this expansion proposal goes against initiatives now underway to guide Benton County toward sustainable waste management. These include conflicts with the Comprehensive Plan in the Benton County Code, the Oregon Statewide Land-Use Planning Goals, and House Bill 3794 sponsored by Rep. Sarah Finger McDonald.
- Testimony by several residents showed how County residents *themselves* must follow environmental ordinances that Republic Services consistently ignored by using Coffin Butte's "grandfathered" land use status to continually expand. This tactic has transformed a small wetland landfill into a lucrative private asset within Republic Services' \$67-billion enterprise.
- And finally, the DEQ PEN demonstrates how this landfill expansion contradicts Benton County's much touted claim of a "*long history of commitment to the principles of sustainability to secure healthy, prosperous communities now and for our future.*"

The DEQ Pre-Enforcement Notice is not merely evidence of regulatory noncompliance. It provides important, new evidence that demonstrates violations of the Benton County Code and its criteria for approving LU-24-027 proposal.

The DEQ PEN has demonstrated that Republic Services' self-reported information cannot be trusted as accurate or complete. The record now contains 16 specific instances in which Republic Services represented misleading, incomplete, or inaccurate assertions concerning landfill gas control, surface emissions monitoring, odor management, and corrective actions.

Apparently, our three County Commissioners have been denied access to relevant State Laws and Benton County Codes, as well as the entire weight of evidence in the record and their full legal discretion as commissioners.

The DEQ Pre Enforcement Notice is a serious and embarrassing revelation that our Commissioners' ill-informed decision to expand the Coffin Butte landfill must be corrected.

Submitted by Peg Herring

PS. I am part of the Great Old Broads for Wilderness, a nationwide grassroots organization with chapters throughout Oregon. Most of the 100 members in our Willamette Valley chapter are Benton County residents who care deeply about natural and human communities and stand against the wrongheaded decision to approve the landfill expansion.