

From: [Evelyn Lee](#)
To: [Coffin Butte Landfill Appeals](#)
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Subject: LU-024-027 appeal testimony
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Please find enclosed testimony related to LU-24-027 in response to Pre-Enforcement Notice (PEN) addressing landfill gas emissions compliance issues at the Coffin Butte Landfill
Thank you.

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January 27, 2026

To: Benton County Commissioners

From: Evelyn Lee

RE: LU-24-027 in response to Pre-Enforcement Notice (PEN) addressing landfill gas emissions compliance issues at the Coffin Butte Landfill

After participating in the 2021 LU-21-047 and the 2024 LU-24-027 applications to expand the Coffin Butte landfill, it is clear that the application must be denied based on Benton County Code (BCC) 53.215.2. **This application represents an undue burden on Benton County (BC) services because it overloads the system, it jeopardizes health, safety, and welfare, and because the implementation of Conditions of Approval (COA) does not provide certainty that the risks will be mitigated.**

Evidence follows.

Methane and other gas emissions that exceed the Oregon DEQ permitted levels have been reported for most of the last decade at Coffin Butte. This is public knowledge. Extensive data, maps, and other fact-based evidence of extremely dangerous emissions were presented at the Planning Commission LU-24-027 Public Hearings in 2025. ODEQ permit non-compliance from excess gas emission is also in the record as a concern in the 2021 LU-21-047 application. The landfill has been operating out of compliance with its emission permits for a very long time.

This failure of compliance jeopardizes public health, safety, and welfare related to multiple risk factors that require mitigation. This failure of compliance also provides BC grounds to exercise enforcement options based on existing COA at Coffin Butte. BC has engaged in no effective enforcement of its existing COA, and the weak threat of BC enforcement has had no impact on the landfill gas emission activities.

The LU-24-027 application includes a provision to hire an enforcement officer for the COA at the Coffin Butte expansion. Many of the COA, including those that relate to gas emission, are not specific about what thresholds trigger enforcement options to help guide landfill activities back to full compliance. The enforcement officer will not make those decisions. BC enforcement decisions remain enmeshed in the same system already unwilling or unable to enforce COA at Coffin Butte.

Importantly, some of the COA are written in such a way that the landfill can claim to be in compliance by simply monitoring and reporting on the risk factor. Thus they can comply with the COA while the risks to the public are in no way mitigated. As a result, the COA approved by Benton County for LU-24-027 do not mitigate the risks to public health, safety, and welfare to make the application acceptable. The expansion of Coffin Butte landfill would prolong and enlarge already-existing risks.

Benton County has every reason to pay close attention to the specific wording of COA for this application because of the research and results of the Benton County Talks Trash (BCTT) process. Participants in BCTT reviewed the history of past Coffin Butte landfill applications and COA compliance. They noted the urgent need for all future COA to be specific, measurable, timely, etc. Otherwise, enforcement is hampered by vague wording and compliance can be an ineffective remedy for known

risks. COA must be written to provide certainty of mitigation of a landfill risk that would otherwise make the application unacceptable. This specific outcome of the BCTT process was emphasized repeatedly and very recently.

The important failures of the county-approved COA in LU-24-027 make the application unacceptable. These failure are more evidence that Benton County lacks the capacity to cope with the complexities of this land use, that Coffin Butte expansion is an undue burden on Benton County services intended to protect the public and the environment, and that the application for expansion must be denied.

More evidence that the Coffin Butte expansion is an undue burden on Benton County follows:

1. BC does not include wildfire risks at Coffin Butte in the Community Wildfire Protection Plan because BC has stated that it lacks the capacity to do so. Wildfire risks are already enormous, made even more extreme by outrageous methane gas emissions and Republic Services non-compliance with ODEQ permit requirements. Expansion would increase those risks.
2. BCC 77.401 is an existing code requirement that BC ignores. The code states that a planning official must regularly review ODEQ reports and make the public aware of conditions at Coffin Butte that are reported to cause concerns. BC has stated that it lacks the capacity to do so.
3. State law requires that Benton County recruit and convene a Disposal Site Advisory Committee. Benton County has not complied with this requirement for years.
4. Benton County claims to view its role as a leader of a regional landfill. However the county has no process that regularly involves regional participants. As a regional leader, BC could share some burdens as well as benefits associated with hosting Coffin Butte. Benton County has not done so.
5. 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.

This lack of capacity has at least two important negative consequences.

- a. Because BC consistently defers to its consultants' conclusions, to the exclusion of the public, it effectively limits the purpose of Goal 1 of the comprehensive plan to involve citizens in land use decisions.
- b. 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.

In conclusion, Benton County lacks the capacity to protect the public from known risks associated with the landfill, including landfill gas emissions compliance issues. The application to expand Coffin Butte lays bare the undue burden it places on the services that the public has reason to expect from the county. BCC 53.215.2 makes denial of this application essential and unavoidable.