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Subject: Comment on the impact of admission of the ODEQ November 6, 2025 letter by January 20th hearings
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Dear Benton County's Commissioners:

The November 6, 2025 ODEQ letter to the Benton County raises the question whether the Benton County lawfully exercised its discretion granting conditional approval for the expansion of the Coffin Butte Landfill (CBL).

Under Statewide Planning Goal 2 local governments must build their comprehensive plans and decisions on a factual basis. The Oregon DEQ November 6th letter proves that the approval of the proposed CBL's expansion was not examined in a view of the all adequate evidence already in the record.

Under its Title V authority ODEQ required CBL to submit a plan to update the landfill gas collection and control system that complied with Oregon State and Federal requirements. As of November 2025 CBL was in Class I violation by exempting large areas from the required federal and state rules monitoring under the excuse that they were too dangerous or inaccessible to walk upon for its inspection teams. This resulted in four violations of the CBL's gas collection and control system, allowing gases to escape to the environment and cause harm to the adjacent properties. ODEQ cited the prior June 2022 inspections that measured methane exceeding regulatory limits 61 times, with twenty one of them measured at 20 times the 500 ppm limit set by the Oregon and the EPA rules. Methane is a greenhouse gas that's more potent than carbon dioxide and a major contributor to Climate Change. The local government's decision regarding a specific development must comply with the hazard mitigation standards established in its own land use regulations and the overreaching statewide planning, like Oregon Statewide Planning Goal 7 that deals with reduction of risks to people and property from Natural hazards. The ODEQ found that every post or tarp hole that is monitored exceeded the surface methane standard with releasing of up to 7% methane shown before the instrument maxed out. The leaking methane where the winds lift the tarps and where the final closure is supposed to be sealed, so that nothing can escape. ODEQ noted a comprised integrity of the cover used where waste has been placed, but is not at the final sealed grade. The Natural hazard as seasonal high winds must be mitigated with more corrective actions. However, as ODEQ noticed "no remonitoring and repairs where methane exceeding were found." Thus resulting in the mentioned four violations of the Landfill's gas collection and control system.

The Benton County omitted the facts pointing to the CBL's operators intentional violations of the Oregon and federal rules noted by ODEQ such as:

- 1) CBL has failed to amend its site design plan after installing a new enclosed flare in 2024;
- 2) CBL has reported extensive downtime events for its flares, but hasn't shut down the gas collection system during those events as required by Oregon and EPA.;
- 3) CBL failed to conduct monthly monitoring at each wellhead, as required to determine whether performance of the well is conforming with the gauge pressure, nitrogen, oxygen set by law limits, and whether corrective action is required.
- 4) ODEQ noted that no correction has been taken since 2024 EPA inspection of the closure that revealed many holes and a significant amount of trees, some of which were 3 ft tall, growing through the cover.

Likewise, ODEQ noted documented incidences of plumes of dust generated when loads of waste are tipped into the landfill despite the required prevention of particulate matter from becoming airborne under the Title V Air Pollution permit.

In fact CBL haven't requested a chance to its air pollution permit to allow to use drone tech to monitor methane emissions.

As of today, it would require a Public Notice and Comment period of 6 months under the Oregon SB726 (2025), which already requires to use satellite airflight or drone monitoring after ODEQ rule making completion by January 1, 2027.

In a meantime, the OAR 660-004-0020(2)(d) Compatibility Standard wasn't complied by the Benton County Commissioners who failed to consider the persistent air pollution and dust control management violations that are incomparable with adjacent properties uses and create health and safety hazards.

The Benton County based its conditional approval of the CBL's permit to expand its already unsafe and illegal

operations without requiring the Applicant to demonstrate its compliance with ODEQ requirements that include:

- 1) Submit a plan to update the Landfill gas collection and control system that complies with State and Federal rules.
- 2) Have a 3rd party conduct an inspection of the entire Landfill's cover integrity, and submit the findings to ODEQ.
- 3) Have a 3rd party conduct a study of fugitive dust control management and options for the landfill, and submit that along with a dust control plan.

Please note that the CBL hasn't demonstrated its compliance and hasn't fully addressed any of the specified violations while applying for the expansion permit.

The Benton County's conditional approval has Procedural Deficiencies in its failure to include necessary documents and available from its records file evidence and not following the County's own rules in exercising the decision making. ORS 183.484 (Judicial Review of Agency Orders): "A court can remand or set aside an agency order if it is not supported by "substantial evidence in the record"; meaning a reasonable person couldn't find the facts from the record as a whole or if it's inconsistent with the rules or law."

For the all above stated evidence based on the Oregon DEQ November 6, 2025 letter to Benton County I respectfully request a withdraw the conditional approval for the CBL's expansion and a denial of any future applications until the CBL demonstrates its complete compliance with all Federal, Oregon State, Benton County rules and regulations to ensure its safe and effective operations.

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Sent from my iPhone