

LU-24-027 IN-PERSON TESTIMONY

SUBMITTAL COVER SHEET

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MID-WILLAMETTE BIRD ALLIANCE

Date: January 27, 2026

Reference: LU-24-027, Coffin Butte Landfill Conditional Use Permit Application
Board of Commissioners Reconsideration

To: Benton County Board of Commissioners
4500 SW Research Way
Corvallis, OR 97333-1139

Thank you for the opportunity to provide additional testimony in response to the Oregon Department of Environmental Quality (DEQ) Pre-Enforcement Notice issued November 6, 2025. The Mid-Willamette Birding Alliance (MWBA) again respectfully urges the Benton County Board of Commissioners to deny the expansion of the Coffin Butte Landfill in light of this significant new evidence formally entered into the record since the close of the original proceedings.

The DEQ Pre-Enforcement Notice documents multiple Class I violations—the most serious category under Oregon environmental enforcement standards—related to landfill gas emissions monitoring, gas collection and control system design and operation, landfill cover integrity, and required corrective actions at the Coffin Butte Landfill. These violations were identified following inspections by both the U.S. Environmental Protection Agency and DEQ and reflect persistent, systemic non-compliance, not isolated or technical deficiencies. These findings directly reinforce—and substantially intensify—the concerns raised in MWBA's original testimony regarding air quality impacts, exposure pathways affecting avian and wildlife health, and the ecological consequences of expanding landfill operations adjacent to sensitive habitats, including the E.E. Wilson Wildlife Area and a Great Blue Heron rookery protected under Department of Land Conservation and Development (DLCD) Goal 5.

Of particular concern to MWBA, the DEQ Notice documents repeated methane exceedances far above regulatory thresholds, failure to conduct required surface emissions monitoring across large portions of the landfill, operation of an undersized gas collection and control system, extended flare downtime, and deficiencies in landfill cover maintenance. DEQ expressly concludes that uncontrolled landfill gas emissions pose significant environmental and public health impacts, including exposure to numerous hazardous air pollutants emitted from fill degradation that accompany the release of methane, a potent but odorless greenhouse gas.

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For wildlife, these emissions are not abstract or hypothetical. They contribute to chronic exposure risks affecting birds and other species through inhalation, bioaccumulation, and trophic transfer—concerns already documented in the record through expert testimony regarding bald eagles, gulls, and other avian species that forage at or near the landfill. Expansion of landfill operations under conditions of demonstrated non-compliance would increase waste volumes, gas generation, operational intensity, and duration of exposure, compounding these risks for decades.

Benton County Code is clear that issuance of a Conditional Use Permit is discretionary, not ministerial, and requires the Board to determine whether a proposed use would seriously interfere with adjacent properties, sensitive wildlife resources, or the character of the area, or impose undue burdens on public facilities and services. The operational failures documented by DEQ raise fundamental questions about whether these standards can be met now—let alone under an expanded footprint and extended operational life.

Moreover, the DEQ enforcement action highlights the fact that reliance on deferred analysis, applicant self-monitoring, and complaint-driven enforcement cannot substitute for a demonstrated showing of compliance at the time of approval, particularly where protected wildlife habitat is at risk. Conditions of approval cannot cure an approval that rests on speculative future compliance.

Taken together, the DEQ Pre-Enforcement Notice confirms that the Coffin Butte Landfill is currently struggling to meet basic regulatory obligations designed to protect environmental quality and public health. Authorizing expansion under these circumstances would increase ecological risk, intensify known impacts to wildlife and habitat, and undermine the County's responsibility to protect Goal 5 resources.

For these reasons, and for the reasons set forth in MWBA's October 6, 2025 testimony (see BOC1_T0177_10062025) and supporting expert evidence already in the record, MWBA respectfully urges the Benton County Board of Commissioners to deny the Coffin Butte Landfill expansion.



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