

**From:** [N Whitcombe](#)  
**To:** [SHEPHERD Gabe](#)  
**Cc:** [WYSE Nancy](#); [MALONE Patrick](#); [Coffin Butte Landfill Appeals](#)  
**Subject:** Please enforce 1983 Site Development Plan see attached letter  
**Date:** Thursday, January 29, 2026 12:03:10 PM  
**Attachments:** [Benton County Commissioners letter 01292026.pdf](#)

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NANCY WHITCOMBE  
37049 MOSS ROCK DRIVE  
CORVALLIS, OREGON 97330

Benton County Commissioners  
4500 SW Research Way  
Benton County, Oregon, 97330

January 29, 2026

Re: Non-compliance with Benton County code, current operations, Coffin Butte Landfill  
Chair Malone, Commissioners Wyse & Shepherd,  
This is not about LU-24-027. This is about current landfill operations. However, and out of an abundance of caution that this letter might be considered an ex parte communication, I will also submit this document to be included in the LU-24-027 public record.

Now that, per the P.E.N., you have all become aware of the serious violations of Federal and State regulations currently ongoing at Coffin Butte Landfill, you may want to consider what Benton County might be able to do to enforce compliance with Benton County land use requirements going back to 1983. There has been a lot of talk about “adjudication” – well, maybe it is time to adjudicate existing requirements imposed by the County on landfill operations.

You can find these requirements in the 1983 Site Development Plan, and various CUP decisions thereafter, where they are extremely clear, but have not been complied with for decades. If requirements had been complied with, problems with current operations would be much less dire. There are requirements for terracing, screening, size of the working face, operations hours, etc. I have a copy of the 1983 Plan and later CoA's and am willing to meet with any or all of you to go over these documents in detail.

None of these requirements have been respected since Republic/VLI took over landfill operations in 2009. Since then, no filled cell has received final cover, there are just towering hectares of disintegrating, weed-filled tarps that must make anybody who arrives in Benton County on Hwy 99 from the north think that Benton County is a post-industrial wasteland. It is a bad look for our fertile, green, forested land. If you're vacationing from Portland, do you stay and try the landfill-infused *terroir* of wineries in Benton County? Or do you continue down the road?

EPA/DEQ regulatory compliance, if it occurs, would ameliorate the current situation in North

Benton County somewhat, but that road will be a long one.

It will require, as a preliminary step, submission of a redesign of the entire gas collection and control system (GCCS) to DEQ. It is unlikely that DEQ will be able to review and approve a redesign quickly. After the redesign, of course it has to be actually built, also unlikely to be a quick fix. And, of course, any new system put in place would have to be maintained, which costs money, which in turn reduces shareholder value. Which, as we know, is diametrically opposed to Fortune 500 Company goals.

In the meanwhile, landfill personnel profess an inability to smell odors other than “ocean” and “fresh fish” whilst on odor patrols, giving new meaning to the term “gaslighting”.

Unless so many problems are fixed (and, frankly, nobody really believes they are all fixable, do they?) odors from existing operations are increasingly significantly negatively impacting the residential/agricultural/commercial character of the area –dying old ladies can’t sit on their deck in the sun, farmers can’t retain employees, kids can’t have outside recess, because of the stench. But that’s not the worst of it, is it? Is this gas making us sick? If you consider that it is part of your job to protect the health of your constituents, please ask OHA to investigate cancer clusters, respiratory complaints, and pregnancy outcomes in the area.

And while you ponder these issues, you may want to consider how short your levers are to enforce compliance with any conditions the County imposes on any development in Benton County. Applicants can talk all they want about enforcement (whether it’s development in a UGB, or it’s a variance, or it’s a CUP), how the County can “just” flip the off switch by pulling a use permit, but, you know, the County really doesn’t have that power. And in fact in discussions with former long-time CDD employees, none has any memory of that ever having been done. Because there is nothing in the code that sets out a procedure for doing so. So, unless and until the County has mechanisms for muscular, timely, and proportionate responses to non-compliance (i.e. not a \$45 fine), please consider a moratorium on imposing conditions which are unenforceable. I’d love to chat about potential revision to Chapter 77 as well.

Respectfully,

Nancy Whitcombe, AIA, Land Use Nerd  
-- LEED AP, architect (retired)  
-- Former appointee to BCTT (fired, 2021)  
-- Former Benton County Planning Commisioner (resigned, 2021)

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