

ADOPTED CONDITIONS AND PERFORMANCE REQUIREMENTS

Adopted Conditions and Requirements

The Applicant's proposal is hereby granted Conditional Use Approval. Applicant shall adhere to the following conditions and requirements under the terms of approval of this conditional use permit.

1. **Phase 1 Pre-Construction Conditions** – These conditions include requirements that the Applicant obtain relevant permit approvals (e.g., Benton County Public Works and Building departments, ODEQ, DSL, DOGAMI) and establish baseline monitoring data prior to construction activities. Only those activities necessary to complete these conditions are authorized until all of these Phase 1 Conditions have been met.

In the context of these conditions, “construction activity” means any earth-moving or ground-clearing activity.

In the context of these conditions, “landfill site” means the entire ownership area of the landfill, including existing areas with landfill and accessory uses as well as the proposed expansion area.

The Applicant must submit documentation confirming that all Conditions in Phase 1 have been satisfied. Upon verification, the Planning Official will issue a formal **Satisfaction of Phase 1 Conditions notice**. Only after receiving this notice may Applicant begin construction of the approved development, which remains subject to the Phase 2 Conditions and the Ongoing Performance Requirements outlined below.

2. **Phase 2 Pre-Commercial Operations Conditions** – These conditions include site preparation and public facilities improvements. Only those activities necessary to complete these conditions are authorized until all these Phase 2 Conditions have been met.

The Applicant must submit documentation confirming that all Conditions in Phase 2 have been satisfied. Upon verification, the Planning Official will issue a second, formal **Satisfaction of Phase 2 Conditions notice**. Only after receiving this notice may Applicant begin commercial operations for the approved development, which remains subject to the Ongoing Performance Requirements outlined below.

3. **Ongoing Performance Requirements** – Upon issuance of the Satisfaction of Phase 2 Conditions notice, and throughout the duration of the use, Applicant shall comply with the Ongoing Performance Requirements. Failure to comply with the Ongoing Performance Requirements may result in revocation of the Conditional Use Permit.

Pursuant to BCC 53.230, Phase 1 and 2 Conditions shall be met within four years of the date of decision; the Planning Official may grant one extension for up to a year prior to the expiration of the preliminary approval period if the Applicant makes a written extension request stating the reasons preventing completion within the approval period. Failure to complete the Phase 1 and Phase 2 Conditions within the period of validity shall render this Conditional Use Permit void. All of these conditions are binding on Applicant's successors and assigns.

Phase 1 – Pre-Construction Conditions of Approval

Phase 1 Pre-Construction Conditions – Only those activities necessary to complete the following conditions are authorized until all of these Phase 1 Conditions have been met. Failure to maintain compliance with these conditions may result in enforcement action or review of permit approval, at the discretion of Benton County.		
Ref.	Recommended COA	Applicable code citation
P1-1	Groundwater. (A) Well Impacts. The Applicant shall establish baseline water level, aquifer level, and water quality: (i) Borings. At least two years in advance of construction activities, the Applicant shall advance at least four borings to an elevation below the bottom of the neighboring water supply wells and perform a hydrogeologic investigation of the CBL expansion footprint and surrounding vicinity. The results of this investigation should, at a minimum, establish the following information to a reasonable degree of scientific certainty: • Characterization of the locations and depths of any water-bearing zones underlying the CBL expansion footprint and neighboring properties. • Characterization of all fracture zones within the basalt bedrock, including determination of whether each fracture zone is water-bearing. • Characterization of confining or semi-confining layers present between water-bearing zones. • Characterization of static water levels associated with each water-bearing zone. • Identification of which water-bearing zone(s) supply water to neighboring property owners. • Characterization of major aquifer parameters for water-bearing zones that have the potential to supply groundwater to neighboring properties. This should include hydraulic conductivity and transmissivity. • Comparison of the locations and depths of the identified water-bearing zones relative to the proposed excavation extent and depths. (ii) Develop CBL Groundwater Monitoring Program. The Applicant shall use the results of the investigation outlined in Condition P1-1(A)(i) to develop a groundwater monitoring program to be conducted before, during, and after construction of the CBL expansion. • The monitoring program shall include, at a minimum, four sentry/monitoring wells screened within the same water-bearing zones as the water supply wells on neighboring properties and located between the CBL expansion footprint and the water supply wells. • The precise locations and depths of the monitoring wells shall be informed by the results of the hydrogeologic investigation	53.215 (1) Adjacent Properties and Character of the Area - Water Quality 53.215(2) Water Quality 60.220(1)(a) Farm Impacts

	described in Condition P1-1(A)(i). • Static water levels in these wells shall be monitored at least twice monthly for a minimum of two years before the start of construction, to establish a robust baseline data set. • The Applicant shall submit the baseline water level information data set to document that this Condition has been satisfied. Additionally, the Applicant may demonstrate future compliance with this Condition by providing the County with the DEQ-approved annual groundwater evaluation reports. (iii) Final Design. The final landfill design shall maintain a minimum of 10 feet of separation between the base of the excavation and any water-bearing zone that supplies water to neighboring properties. In the event that this separation cannot be documented, the Applicant shall maintain 10 feet of separation above the maximum static water level observed during seasonal wet conditions in the sentry/monitoring wells. Prior to construction, the Applicant shall submit a justification for the proposed bottom elevation in the landfill demonstrating that this Condition has been satisfied. (iv) County review and monitoring. Applicant shall fund the County to retain a hydrogeologist to oversee methodology, testing, and resulting conclusions of Borings, Groundwater Monitoring, and Final Design components of this condition. This condition shall not be met until the County's hydrogeologist has provided written confirmation that Boring, Groundwater Monitoring, and Final Design conditions are met. (B) Well Quality Impacts/Arsenic. The four sentry/monitoring wells noted above will also be used to obtain background water quality data consistent with the analyte list required by the existing DEQ-approved Environmental Monitoring Plan for the current CBL, and must include arsenic. (i) In addition, the Applicant, subject to property-owner approval, will sample the domestic water wells immediately south of the landfill (i.e., along Blaze Drive and Ploughshares Road) for arsenic once a year to track levels. This sampling program will begin at least two years before landfill construction to establish a baseline for arsenic concentrations in those wells. The results of any domestic water well monitoring shall be reported to the County and DEQ with the landfill's annual environmental monitoring report. (ii) The applicant shall fund the County to retain a qualified hydrogeologist to review monitoring well water quality sampling and data. (C) E. E. Wilson Pond Water Quality Impacts. Applicant shall fund the County to retain a qualified environmental professional to develop a work plan to sample water quality in the E.E. Wilson Pond, and sampling is to be every six months. Sampling protocols shall be developed in coordination with ODFW to evaluate and detect possible leachate contamination. Testing results shall be shared with the Applicant, ODFW and retained in County records.	
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P1-2	Site Plan Map. Applicant shall submit to the Planning Official a final site plan map per County specifications of the approved proposal. The map shall contain a scale, north arrow, assessor map numbers, location of existing landfill, access, proposed alteration, leachate treatment or monitoring areas, surface water systems, and existing and proposed screening (location and types of materials). A statement shall be placed on the map that the site plan map and narrative together are considered as the Site Development Plan. A signature block shall be included for the date the approval is given and the signature of the Planning Official indicating approval.	77.310(2) LS Zone Conditional Use Review.
P1-3	Covenant. If not already completed, the property owner shall sign a declaratory statement to be recorded into the County Deed Records for the subject property on which the conditional use is located that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules, and that recognizes the hazards associated with the area.	60.220(2) FC Zone Conditional Use Criteria.
P1-4	Wetlands. On Tax Lot 1200, Applicant shall prepare and obtain approval from the Oregon Department of State Lands (DSL) of a wetland delineation. Applicant shall not locate any portion of the project within the mitigation wetland and required buffer of the mitigation wetland as shown in Attachment B (Record ID. BC016 Engineering Plans (Exhibit E2), p. 148).	99.255(1) Development Activities in Wetlands.

P1-5	Public Works. (A) Applicant, the County and ODOT must work cooperatively to analyze and address requirements for modification of the Coffin Butte Road/Hwy 99W intersection, if deemed necessary. (B) Applicant shall provide calculations, design, and specifications for all proposed public infrastructure to County Public Works Staff for review and approval. (C) Applicant shall apply and obtain approval for a Permit to Perform Work in the County Right of Way. The permit will be issued when construction drawings are approved, and all supporting documentation has been provided to the County. (D) Applicant shall provide the County with a unit price cost estimate for the work to be performed within the Benton County rights of way. This estimate shall include trenching, backfilling, paving, striping, signing, grading/restoration, seeding, mulching, fence replacement, and any required landscaping. Permit fees will be 4.0% of the estimate provided. (E) Applicant shall obtain a DEQ 1200-C permit, and a County Erosion and Sediment Control (ESC) permit prior to start of land disturbing activities. (The Applicant may wish to consider including the work within the Benton County right of way in the 1200-C application.) (F) Applicant shall obtain approval for all required local, state and federal permits prior to start of road improvements. (G) Construction of improvements to Coffin Butte Road will require a Miscellaneous Permit to Perform Work on the County Right of Way. Issuance of this permit may require the Applicant to enter into an Agreement for Improvements (AFI) to secure the proposed work. (H) Applicant shall provide the County with a detailed construction and sequencing plan for accomplishment of these Conditions of Approval.	53.215 (1) Adjacent Properties and Character of the Area - Traffic
P1-6	ODEQ. (A) Applicant must provide copies of ODEQ permits from the last 10 years to the County prior to beginning site preparation or grading activities. (B) Prior to the ODEQ solid waste permitting submittal, Applicant shall prepare the stormwater report and all related designs for the detention and conveyance features utilizing the most recent version of the Benton County Stormwater Support Documents. (C) Applicant must obtain an approved ODEQ air quality permit before commencement of solid waste disposal south of Coffin Butte Road.	53.215(1) Adjacent Properties and Character of the Area, Water Quality, Air Quality
P1-7	DOGAMI. Prior to any use of explosives on the expansion landfill site, Applicant must obtain permit approval from DOGAMI and submit this permit to the County Planning Official.	53.215(1) Adjacent Properties,

		Water Quality, Noise
P1-8	Active Rookery Protection. Applicant shall fund the County to retain a qualified biologist annually to monitor active rookeries throughout the critical nesting period of February 15 through July 31 to determine site-specific nesting chronology, nest productivity, the degree of habituation to disturbance, and nearby foraging habitat. The biologist shall: (i) Submit a rookery location map of active rookeries by January 1 of each year to the Applicant, County Planning Official, and ODFW. (ii) Identify and map a buffer of 300 feet around the primary nest zone of active rookeries and limit activities to maintain alternate nest trees, allow for growth of the colony, protect against windthrow, and prevent harassment.	Chapter 87 Sensitive Wildlife Habitat
P1-9	Compliance Enforcement. To assist the County in evaluating Applicant and its compliance with construction and performance requirements, beginning on the date this decision becomes final, following any appeals, and annually on or before March 1 thereafter, Applicant shall compensate the County a total of \$242,000, which is the approximate equivalent of up to one full-time employee with benefits (estimated at \$152,000) and the required third-party experts (estimated at \$90,000). This total will be adjusted annually in accordance with the United States Bureau of Labor Statistics Employment Cost Index (ECI), to enable the County to perform the following tasks: (A) Review compliance with the Pre-Construction Phase, Pre-Commercial Phase and Ongoing Performance Phase Requirements. (B) Contract and manage third-party experts as needed to support County staff: (i) Wildlife. Qualified expert to meet requirements of Conditions P1-8, P2-8 and OP-16; (ii) E. E. Wilson pond water. Qualified expert to meet requirements of Condition P1-1 (C); (iii) Well water. Qualified expert to meet requirements of Condition P2-4 (A)(v); (iv) Noise. Qualified expert to meet requirements of Conditions P2-2 (B) and OP-3 (B); and (v) Odor. Qualified expert to meet requirements of Conditions OP-4(A). (C) Review sentry/monitoring well records. (D) Provide Coffin Butte Landfill expertise to assist the county in monitoring on-going landfill activities and related community concerns.	

	(E) Perform inspections of the expansion area to assess compliance or to address complaints or compliance issues. (F) Perform such other service related to Coffin Butte Landfill as may be required. (G) Produce an annual report on subject matters (A) through (E) by June 30 of each calendar year. This condition of approval shall commence on the date the decision is final, following any appeals, and will cease four years from the date the Oregon Department of Environmental Quality issues a landfill closure permit which includes the expansion area.	
P1-10	Waste Acceptance Limit. Applicant's evidence submitted to support the conclusion that the proposed expansion will not seriously interfere with uses on adjacent properties or with the character of the area with regard to odor impacts is based on Applicant's submitted odor study. In order to retain consistency with odor study assumptions, upon approval of this Conditional Use Permit, Applicant shall comply with the following waste acceptance limits on annual waste deposited on any portion of the landfill site, evaluated on a twelve-month average basis: Municipal solid waste (MSW)¹ shall not exceed 1.0 million tons per year, and total solid waste inclusive of MSW shall not exceed 1.3 million tons per year. This does not include non-deplete waste (waste that is not deposited in a cell, such as cover materials). With written County Administrator approval these waste acceptance limits may be exceeded when an extraordinary event, such as fire, floods, and similar events results in increased waste. This limit on waste acceptance shall continue until closure of the landfill expansion cell.	

¹ Solid Waste" means all useless or discarded putrescible and non-putrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386. "Solid waste" does not include:

(a) Hazardous waste as defined in ORS 466.005.

(b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals.

(c) Materials used for the compacted six-inch soil layer (alternative daily cover).

P1-11	Fire Protection. In coordination with the appropriate fire officials, the Applicant shall develop and implement a fire monitoring and response protocol that includes the following components: (A) Initiate appropriate emergency notification and/or response within 15 minutes of detecting a fire or sustained heat signature on the site. (B) Document and log all detections and responses related to fires or sustained heat signatures and submit a monthly report to the designated fire official and the County. (C) For the active working face of the landfill, the following shall be required: (i) Implement a 24-hour, 7-day-a-week active monitoring system. (ii) The monitoring system shall include actively staffed fire watch and/or infrared thermal imaging devices to detect surface fires, evidence of potential fires, and sustained heat signatures. (D) To detect potential subsurface fires within the landfill, the following shall be required: (i) Conduct weekly visual and infrared thermal surveys of the landfill perimeter to identify any heat anomalies, soil cracking, smoke emissions, or other indicators of a potential subsurface fire. (ii) If a potential subsurface fire condition is observed, the Applicant shall coordinate with the appropriate fire official prior to taking action.	53.215(1) Adjacent Properties and Character of the Area – Fire Risk
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Phase 2 – Pre- Commercial Operations Conditions of Approval

Phase 2 Pre-Commercial Operations. Only those activities necessary to complete these conditions are authorized until all these Phase 2 Conditions have been met. Failure to maintain compliance with these conditions may result in enforcement action or review of permit approval, at the discretion of Benton County.

Ref.	Recommended COA	Applicable code citation
P2-1	Construction Phase. During construction of the expansion area, Applicant shall: (A) Conduct all blasting pursuant to its approved permit issue by the Oregon Department of Geology and Mineral Industries (DOGAMI) Limit construction to the hours of 6 a.m. to 6 p.m. (B) Comply with all applicable DEQ regulations applicable to the work. (C) Limit any required blasting to the hours of 12 p.m. to 5 p.m.	Construction conditions – not responding to CU criteria 99.110 Sensitive Land consideration.
P2-2	Noise. (A) Applicant shall replace all tonal back-up alarms on its on-site equipment with ambient sensing back-up alarms. (B) After completion of P2-2(A), Applicant shall verify by field measurement using a Type 1 sound level meter that sound levels of on-site equipment have been reduced by at least 10 dB compared to levels in Attachment C – Table 5.3 of the Noise Study dated September 25, 2023 (Record ID. BC016 (Exhibit E11), p. 831). The Applicant shall conduct sound measurements for onsite equipment using the same methodology that was used to establish the baseline data in the 2023 noise assessment. The Applicant shall fund the County to retain a third-party licensed engineer or noise specialist in the state of Oregon to observe and review these measurements The study will analyze noise during the expansion area’s normal operating hours. Reduction measures could include but would not be limited to upgraded engine mufflers, quieter equipment, and local noise barriers around stationary equipment.	53.215(1) Adjacent Properties and Character of the Area – Noise
P2-3	Odor. (A) Applicant shall establish at least four odor survey points along the landfill site perimeter. Applicant will reevaluate the odor survey points on a monthly basis as described by Ongoing Performance Requirement OP-4(B). (B) Applicant shall assign and train two personnel to conduct the daily odor surveys required by Ongoing Performance Requirement OP-4(B).	53.215(1) Adjacent Properties and Character of the Area – Odor

P2-4	Groundwater. (A) Well Impacts. The Applicant shall monitor potential groundwater impacts to wells on adjacent properties through construction. (i) Sentry/monitoring Wells. Maintain the sentry/monitoring wells required by Phase 1 Condition P1-1(A)(ii). (ii) Water levels in these four wells shall continue to be monitored at least twice monthly as part of the CBL groundwater monitoring program established in Condition P1-1(A)(ii). (iii) Should any of the four new wells show four successive decreases demonstrating a 10% decrease in the potentiometric surface over the baseline established prior to excavation, or a dramatic change across two events (not associated with local climactic conditions or residential water use), the Applicant will request the ability to evaluate yield and water levels at residential wells. As part of this analysis VLI may install additional sentry/monitoring wells to the south of the four new monitoring wells. (iv) If the sentry/monitoring wells show a decrease that is affecting adjacent properties' well levels that is unrelated to local climate conditions or changes in residential use, VLI will conduct outreach to those property owners to evaluate and implement mutually agreeable solutions at VLI's expense. (v) The Applicant shall observe soil conditions during excavation for the presence of upwelling groundwater (not including limited shallow perched groundwater). If groundwater is suspected to be present, the hydrogeologist shall prepare an analysis of potential sources and remedies that would allow the construction of the landfill to the proposed bottom elevation; otherwise, Applicant shall place necessary backfill to maintain the 10 feet of separation above the static water level that is required in Condition P1-1(A)(iii). • The Applicant shall fund the County to retain a qualified hydrogeologist to provide third party review of any analysis of groundwater observations and proposed remedies, or construction summary prepared on behalf of the Applicant. • The Applicant shall notify the County of construction observations of groundwater and proposed remedies within 2 weeks of initial observance, otherwise a construction summary prepared by the Applicant's Oregon-registered hydrogeologist shall document their conclusion that groundwater was not encountered. (vi) This condition shall not be considered to be met until the County's hydrogeologist has provided a written statement that all elements of this condition have been met. (B) Well Quality Impacts/Arsenic. The four sentry/monitoring wells noted above will also be used to monitor water quality data consistent with analytes required	53.215 (1) Adjacent Properties and Character of the Area - Water Quality 53.215(2) Water Quality 60.220(1)(a) Farm Impacts
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	by the DEQ-approved Environmental Monitoring Program in place for the current CBL extent prior to placement of waste in the new cell. (i) In addition, the Applicant, subject to property-owner approval, will sample the domestic water wells immediately south of the landfill (i.e., along Blaze Drive and Ploughshares Road) for arsenic once a year to track levels. As established in Phase 1 Condition P1-1, this sampling program will begin two years prior to landfill construction to establish a baseline for arsenic concentrations in those wells. The results of domestic water well monitoring shall be reported to the County and DEQ with the landfill's annual summary of environmental conditions. (ii) If changes in arsenic concentrations above baseline levels are measured and can be attributed to landfill operations, the Applicant will immediately remedy the condition. (iii) The Applicant shall fund the County to retain a qualified scientist to review monitoring methods and data. This condition shall not be met until the County's scientist provides a written statement that this condition is met. (C) The applicant shall fund the County to retain a qualified hydrogeologist and water quality scientist to monitor well status, sampling methodology, and resulting data relating to well impacts and water quality impacts to adjacent properties identified in this condition and including E.E. Wilson (per Condition P1-1(C)). The County experts shall provide an annual report verifying the ongoing status of this Condition of Approval.	
P2-5	Screening. Applicant shall install the landscape screening as shown in Attachment D (Record ID. BC016 Engineering Plans (Exhibit E2), p. 161) and the Site Development Plan. The trees shall be at least eight feet tall upon planting and be of a species to reach a height of at least 40 feet upon maturity.	53.215(1) Adjacent Properties and Character of the Area, Visual Impacts
P2-6	Public Works. (A) Applicant shall survey, design, and construct improvements to Coffin Butte Road between Hwy 99W and milepost 0.377 to, at minimum, to the Major Collector design standard. (B) To accommodate westbound left turns into the new facility, Applicant shall construct a center turn lane with a turn pocket storage capacity of four (4) standard semi-trailer trucks (~180 feet) with islands and 30:1 tapers to match existing. (C) Historically, the County has employed a section of 5" of HMA over 17" of CAB for facilities that receive heavy truck traffic. The Applicant shall complete a pavement design analysis in conformance with the AASHTO Guide for Design of Pavement Structures to determine if the above section is adequate on Coffin Butte Road given the high volume and loaded weights of the heavy truck traffic. The Applicant shall construct either the section identified in the analysis or a minimum 5" of HMA over 17" CAB, whichever is more restrictive.	General 53.215 (1) Adjacent Properties and Character of the Area – Traffic; Water Quality 99.510 Road Approach Permits. 99.515 Road Design and Construction Standards.

	(D) Applicant shall design and construct Coffin Butte Road drainage ditches, stormwater conveyances, connections to off-right of way conveyances, and detention facilities to accommodate runoff using ODOT standards, details and methodologies. (E) Construction and post-construction storm drainage discharge shall conform to the standards and tenets established by Oregon Drainage Law and shall conform to all ODEQ and County Stormwater Support Documents, erosion and sediment control details, and best management practices. The Applicant shall apply, pay fees, and obtain approval for a County Post-Construction Stormwater Management (SWM) Permit.	
P2-7	Structures within the FC zone. Applicant shall maintain a primary and secondary fuel-free fire-break surrounding each structure on land within the FC zone that is owned or controlled by the owner, in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991 and published by the Oregon Department of Forestry (ODF).	60.405(1) FC Zone Fire Break
P2-8	Active Rookery Protection. (A) Applicant shall fund the county to retain a qualified biologist to monitor active rookeries throughout the critical nesting period of February 15 through July 31 to determine site-specific nesting chronology, nest productivity, the degree of habituation to disturbance, and nearby foraging habitat. The biologist shall: (i) Submit a rookery location map of active rookeries by January 1 of each year to the Applicant, County Planning Official, and ODFW. (ii) Identify and map a buffer of 300 feet around the primary nest zone of active rookeries and limit activities to maintain alternate nest trees, allow for growth of the colony, protect against windthrow, and prevent harassment. (B) Applicant shall not engage in construction within a quarter mile of an active rookery during the critical nesting period from February 15 through July 31.	Chapter 87 Sensitive Wildlife Habitat
P2-9	Compliance with Archeological Report Conditions. Applicant shall comply with the performance requirements set forth in Attachment E (Record ID. BC016 Archaeological report (Exhibit E26), p. 1356 – 1358).	General

Ongoing Performance Requirements

Ongoing Performance Requirements.

Monitoring of Ongoing Performance Requirements will be subject to BCC Title 31. Enforcement. Failure to maintain compliance with these conditions may result in enforcement action or review of permit approval, at the discretion of Benton County.

Ref.	Recommended Ongoing Performance Requirements.	Applicable code citation
OP-1	Hours of Operation. Operating hours for disposal of waste in the landfill shall be as follows: (A) Monday through Saturday, the site may open to commercial customers using the commercial tipping area starting at 5 a.m. and to all other customers starting at 8 a.m. The site shall close to both commercial and other customers at 5 p.m. (B) On Sunday, the site will not open to any customers before 12 p.m. and will close no later than 5 p.m. (C) Internal operations, including opening and closing of the site and equipment preparation and inspection, shall start no earlier than one hour prior to opening the site for commercial customers and shall conclude no later than two hours after closing the site to all customers. (D) Following the start of commercial operations in the expansion area, scheduled infrastructure construction projects, such as new cell and gas facilities construction and road and driveway improvements, will be limited to the hours that the landfill is open to commercial customers. Emergency construction may occur outside these hours. An “emergency” is any unforeseen site condition that could result in property damage, affect site safety, or create negative off-site impacts. Landfill management shall notify the County within 24 hours of any emergency construction activity. (E) Staff or consultants may be on site or visit the site after the hours listed in sections A through D above for security, when necessary to respond to complaints or concerns, for equipment cleaning and maintenance, or to ensure that leachate disposal is adequately managed. (F) During an emergency or when requested by a federal, state, or Benton County agency, Applicant may open the landfill outside the hours listed in sections A through D above.	53.215(1) Adjacent Properties and Character of the Area – Noise

OP-2	Site Operations. (A) The working face (area of active disposal operations) shall not exceed two acres in size unless it is necessary to increase the size to accommodate disposal due to a natural disaster such as a fire or other event requiring a larger working face to meet public health needs. (B) Applicant shall install daily cover over the working face at the conclusion of every day that the area is open to the public. (C) Applicant shall provide interim daily cover of twelve inches of compacted soil on all areas of the expansion area not actively receiving waste in compliance with applicable rules and regulations. (D) Applicant shall keep all landfill infrastructure in good repair, and shall repair within 48 hours any disabled, damaged, or nonworking infrastructure. (E) Applicant shall not develop a use, construct any structures, or make any site improvements that are not contained in Attachment F, the approved site plan (Record ID. BC016 Engineering Plans (Exhibit E2), p. 147 – 146, 150 – 153), unless such uses or facilities are outright permitted uses in the zone. Any other structures, uses, or site improvement not shown in the approved site plan will require a conditional use permit to modify the site plan. (F) Applicant shall not accept regulated hazardous waste as defined in 40 CFR 258.20(b) at the site.	53.215(1) Adjacent Properties and Character of the Area – Odor, Litter, Fire Risk, Water Quality, Visual Impacts
OP-3	Noise. To ensure equipment sound levels remain 10 dB below the levels shown in the Noise Study (Attachment C): (A) Sound levels from on-site equipment will be measured during normal operating hours at least once each week using a sound level meter or application installed on a mobile device. (B) Additional measurements will be made every three years after commencement of operations in the expansion area, conducted during normal operating hours, using a Type 1 sound level meter. The Applicant shall fund the County to retain a third-party licensed engineer or noise specialist in the state of Oregon to observe and review these measurements. These triennial measurements will be used to prepare updated noise studies to evaluate compliance with DEQ noise requirements (OAR 340-035-0035) near the expansion area. Updated noise studies shall be submitted to the County Planning Official by December 31 of every third year following the start of commercial operations. (C) The Applicant shall conduct sound measurements at the property boundary for onsite equipment using the same methodology that was used to establish the baseline data in the said 2023 Noise Study. The study shall be conducted during normal operating hours.	53.215(1) Adjacent Properties and Character of the Area – Noise

OP-4	Odor. (A) The Applicant shall fund the County to retain the services of a qualified third-party for an independent verification of the daily odor surveys conducted using certified inspectors with training in how to appropriately use a Nasal Ranger Field Olfactometer. The independent third-party shall perform the verification at least once every 30 days and the third-party survey shall be documented and recorded. The standard D/T dial settings for a Nasal Ranger Field Olfactometer are set to 2, 4, 7, 15, 30, and 60. If independent verification results in a measured D/T of 4 or greater, Applicant shall immediately take steps to mitigate the odor level measured by independent verification. (B) Daily, and throughout the duration of the use, Applicant shall monitor according to the following requirements: (i) Monitor from the survey points assigned as a result of Phase 2 Condition P2-3. Applicant will reevaluate the odor survey points on a monthly basis to realign with the general proximity of the active working face of the landfill or to align with results of inspections conducted by Applicant due to public odor complaints, as applicable. (ii) Assign two trained personnel to conduct the daily odor surveys. (iii) Use a Nasal Ranger Field Olfactometer or equivalent technology. (iv) Record survey data including time, location, weather, odor intensity, and description. (v) Investigate any detected odors; if attributed to the Project, implement mitigation measures. (vi) Equip survey personnel with a portable hydrogen sulfide (H₂S) monitor set to an appropriate threshold (0.05 ppm). (vii) Elevated readings shall be logged investigated, and mitigated if the source is located onsite. (C) Applicant or current landfill management shall maintain all odor survey and mitigation documentation for a minimum of five years. (D) Applicant shall include a summary of odor survey findings and mitigation actions in the Applicant's Annual Report to the County. (E) Along with the Annual Report, submit a separate odor survey report to the County Planning Official evaluating the effectiveness of odor mitigation efforts. (F) Applicant shall: (i) Maintain a log of odor complaints received via phone, email, website, or ODEQ, including (if available): date, time, complainant name, and odor location. (ii) Retain complaint records for at least five years.	53.215(1) Adjacent Properties and Character of the Area – Odor
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	(iii) Investigate and remediate verified complaints . (iv) Submit a report to the County Planning Official summarizing complaint trends, response actions, and evaluating the effectiveness of mitigation efforts. (G) Applicant's evidence submitted to support the conclusion that the proposed expansion will not seriously interfere with uses on adjacent properties or with the character of the area with regard to odor impacts is based on Applicant's submitted odor studies' assumption that the maximum organic waste acceptance will be no more than 41,110,068 tons by 2052. Accordingly, upon approval of this Conditional Use Permit, Applicant shall comply with the following waste acceptance limits on annual waste deposited in the landfill site evaluated on a twelve-month average basis: Municipal solid waste (MSW) shall not exceed 1.0 million tons per year, and total solid waste inclusive of MSW shall not exceed 1.3 million tons per year. This does not include non-deplete waste (waste that is not deposited in the cell, such as cover materials). With written County Administrator approval these waste acceptance limits may be exceeded when an extraordinary event, such as fire, floods, and similar events results in increased waste. This condition contains the same requirements as Condition P1-10 and is included in OP-4 for additional visibility in relation to Odor requirements. (H) The Applicant shall continue to enhance the existing gas collection system by installing new gas wells in areas with elevated emissions.	
OP-5	Groundwater. (A) Well Impacts. The Applicant shall conduct sampling and tracking of potential groundwater impacts to wells on adjacent properties. (i) Sentry/monitoring Wells. Maintain the sentry/monitoring wells required by Phase 1 Condition P1-1. (ii) Water levels in these four wells will be monitored at least twice monthly as part of the CBL groundwater monitoring program established in Condition P1-1(A)(ii). (B) Well Quality Impacts/Arsenic. The four sentry/monitoring wells noted above will also be used to sample water quality data, using an analyte list consistent with the DEQ-approved Environmental Monitoring Plan for the facility, throughout the duration of the use, at least once every three months. (i) In addition, the Applicant, subject to property-owner approval, will sample the domestic water wells immediately south of the landfill (i.e., along Blaze Drive and Ploughshares Road) for arsenic once a year to track levels. As established in Phase 1 Condition P1-1(A)(ii), this sampling program will begin before landfill construction to establish a baseline for arsenic concentrations in those wells. The results of domestic water well monitoring shall be reported to the County and DEQ with the landfill's annual summary of environmental conditions. (ii) If changes in arsenic concentrations above baseline levels are measured and can be attributed to landfill operations, the Applicant will work with property owners to remedy the condition.	53.215 (1) Adjacent Properties and Character of the Area - Water Quality 53.215(2) Water Quality 60.220(1)(a) Farm Impacts

	(C) The applicant shall fund the County to retain a qualified hydrogeologist and water quality scientist to monitor well status, sampling methodology, and resulting data relating to well impacts and water quality impacts to adjacent properties identified in this condition and including E.E. Wilson (per Condition P1-1(C)). The County experts shall provide an annual report verifying the ongoing status of this Condition of Approval.	
OP-6	Maintenance of Tree Buffer. Applicant shall reestablish within one year and maintain the existing tree buffer along Hwy 99W, and the new screening measures required in Phase 2 Condition P2-5. Applicant will replace any dead trees annually during the rainy season between October 1 and April 30.	53.215(1) Adjacent Properties and Character of the Area – Visual Impacts
OP-7	Outdoor Lighting. (A) All outdoor lighting fixtures shall be fully shielded and directed downward to prevent light trespass and skyglow. (B) Fixtures must utilize beam angles and shielding that confine light to the intended area, with no upward light emission. (C) Lighting shall comply with the Five Principles for Responsible Outdoor Lighting: (i) All light shall have a clear purpose. (ii) Light shall be directed only where needed. (iii) Light levels shall be no higher than necessary. (iv) Lighting shall be used only when useful. (v) Warmer color temperatures ($\leq 3000\text{K}$) shall be used where possible	53.215(1) Adjacent Properties and Character of the Area – Visual Impacts

OP-8	Maximum Elevation. The ‘top of waste grade’ (TOWG) of the new landfill expansion area shall not exceed 450 feet above mean sea level in elevation. The top of the final cover shall not exceed 453 feet above mean sea level in elevation. (TOWG) refers to the elevation and contour of the uppermost surface of compacted waste in a landfill cell before it is covered. It defines the final shape and slope of the waste mass, ensuring proper drainage, stability, and compliance with landfill design specifications).	53.215(1) Adjacent Properties and Character of the Area – Noise, Odor, Visual Impacts, Litter
OP-9	Litter Control. (A) General Compliance. The Applicant shall implement and maintain all current litter control measures as described in Attachment G (Record ID BC016 June 23 Cover Letter (1/2), p. 131 – 134) including all measures applicable to the expansion area. (B) Working Face Fencing. (i) The Applicant shall ensure continuous deployment of bull fencing around the entire landfill working face to minimize windblown litter. (ii) A secondary line of bull fencing shall be deployed behind the existing line along the entire landfill working face, providing an added barrier for litter containment. (C) Perimeter Fencing and Containment. The Applicant shall install and maintain Defender Fencing in appropriate high-risk areas as identified in operational plans. (D) The main haul road shall have continuous deployment of wire fencing reinforced with orange snow fencing to control roadside litter. (E) The expansion area of the landfill, as shown in Attachment H (Record ID. A0096 Applicant Presentation to Planning Commission – July 8, 2025, p. 12), shall be enclosed with a chain link fence to mitigate off-site litter dispersion. (F) Off-Site Litter Management. (i) Applicant shall expand its litter collection program to include Tampico Road and Soap Creek Road. Applicant shall conduct daily patrols and clean-up operations to address litter along these routes. Applicant shall track and evaluate the effectiveness of these efforts and submit a report to the County Planning Official detailing patrol activities, litter volumes collected, and any observed trends or improvements. (ii) Subject to the request and written consent of the property owner, Applicant shall clean up litter on a weekly basis – or more frequently, as requested by the property owner – on any property that is an “adjacent property” as defined in the Staff Report at a time and day mutually agreeable to Applicant and the property owner. Applicant will ensure that Applicant’s employees or contractors are adequately insured and will sign an access agreement to defend and indemnify the property owner for any damage to their property caused by Applicant’s employees or contractors while on the property.	53.215(1) Adjacent Properties and Character of the Area – Litter

	(G) Private Delivery Requirements. To prevent litter originating from uncovered private vehicles, Applicant shall enforce the policy that applies a penalty for trash delivery that is not fully covered or secured in accordance with state standard ORS 818.300 and site-specific requirements. Applicant shall provide a weekly log and applicable photos showing license plate and truck bed documenting the absence of a cover to the County Planning Official and appropriate authority for traffic offences. (H) Monitoring and Reporting. Applicant shall document litter control efforts and submit semi-annual reports to the County Planning Official demonstrating compliance with these conditions, including photographic evidence, inspection logs, and corrective actions taken.	
OP-10	Fire Protection. (A) Applicant shall maintain at least two 4000-gallon+ water trucks in good repair, with at least one truck present at the landfill site at all times to help extinguish fires. At such time as Applicant may replace or update the water trucks or other firefighting infrastructure in the expansion area, such new truck or equipment will provide protection equal to or better than the truck or equipment being replaced. (B) Applicant shall maintain and submit a log of all fire incidents on Applicant's property used for landfill activities and accessory uses as outlined in Condition P1-11. Applicant will provide a verbal report of any fire events that have occurred since the last meeting at each Benton County Disposal Site Advisory Committee (DSAC) meeting. Applicant shall report all fire incidents to DEQ. (C) Applicant shall conduct semi-annual fire-protection and emergency preparedness training of its on-site personnel. (D) Applicant shall provide 24-hour per day on-site surveillance and monitoring of the entire landfill site during red flag days. (E) Applicant shall continue to provide 24-hour, 7-days per week surveillance and monitoring of the landfill site, in accordance with the monitoring and response protocol established in Condition P1-11.	53.215(1) Adjacent Properties and Character of the Area – Fire Risk
OP-11	Environmental Regulations. Applicant shall comply with all applicable regulations adopted by DEQ, the United States Environmental Protection Agency (EPA), or any other agency of competent jurisdiction regarding PFAS/PFOA, methane, and any other landfill gas component.	53.215(1) Adjacent Properties and Character of the Area – Water Quality, Air Quality
OP-12	Compliance with Application Materials. Applicant shall construct and operate the expanded landfill as described in the application materials, except as modified by these Conditions of Approval.	General 53.215(1) Adjacent Properties and Character of the Area – Traffic

OP-13	Maintenance of Other Required Permits. Applicant shall obtain and maintain all required federal, state, and County permits for construction and operation of the landfill. Applicant shall file copies of all such permits with the County Planning Division within seven (7) days of permit receipt.	General 53.215(1) Adjacent Properties and Character of the Area – Water Quality, Air Quality
OP-14	Working Face. Applicant shall not dispose of waste north of Coffin Butte Road during the Development Area's operation. Only one working face shall operate at a time. However, Applicant will be allowed to utilize two working faces during a short-term, three-month-or-less "transition period" when the Development Site first becomes operational. This transitional period is part of an industry-wide best practice to place municipal solid waste on the bottom of the new cell before disposing of any materials (such as construction or demolition) that could potentially impact the integrity of the liner system. Applicant shall proactively notify the County of the date the transition period is scheduled to begin, and again when it ends.	General
OP-15	Structures within the FC zone. Applicant shall maintain a primary and secondary fuel-free fire-break surrounding each structure on land within the FC zone that is owned or controlled by the owner, in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991 and published by the Oregon Department of Forestry (ODF).	60.405(1) FC Zone Fire Break
OP-16	Active Rookery Protection. Applicant shall fund the County to retain a qualified biologist to monitor active rookeries throughout the critical nesting period of February 15 through July 31 to determine site-specific nesting chronology, nest productivity, the degree of habituation to disturbance, and nearby foraging habitat. The biologist shall: (A) Submit a rookery location map of active rookeries by January 1 of each year to the Applicant, County, and ODFW. (B) Identify a buffer of 300 feet around the primary nest zone of active rookeries and limit activities to maintain alternate nest trees, allow for growth of the colony, protect against windthrow, and prevent harassment.	53.215(1) Adjacent Properties and Character of the Area – Wildlife Chapter 87