

From: [David Patte](#)
To: [Coffin Butte Landfill Appeals](#)
Subject: Formal Opposition to Coffin Butte "Expansion" LU-24-027
Date: Monday, October 6, 2025 8:43:26 PM

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To: Commissioners Wyse, Malone, and Shepard
From: David Patte
Date: October 6, 2025
Subject: Formal Opposition to Coffin Butte "Expansion" LU-24-027

Dear Commissioners,

I am submitting this letter as a formal objection to the proposed "expansion" of the Coffin Butte Landfill (LU-24-027). Based on the Benton County Development Code, Oregon land use statutes, and DEQ permitting rules, this application must be rejected or, at minimum, deemed a **new landfill facility** rather than an expansion.

1. The proposal constitutes a new landfill facility, not an expansion

The proposed landfill area is **not contiguous** with the existing Coffin Butte landfill footprint. It is a separate site connected only by a haul road. Under **Benton County Code (BCC) Chapter 53**, "expansions" must be physically and functionally integrated with existing uses. A new, independent cell with its own infrastructure is, by definition, a **new solid waste disposal site** under **OAR 340-093-0050(87)** and **ORS 459.005(13)**.

Therefore, LU-24-027 must undergo the full **Oregon DEQ new landfill review process**, including compliance with:

- **OAR 340-093-0000 to 340-094-0070** (Technical and Design Requirements for Solid Waste Disposal Sites)
- **DEQ Siting Restrictions** (SW Guidance 01)
- **OAR 340-093-0130** (Location Restrictions and Hydrogeologic Suitability)

Approval of this project as an "expansion" would constitute a **violation of Oregon law** and expose Benton County to judicial appeal under **ORS 197.830** and **LUBA review**.

To illustrate: if I proposed an "expansion" to my home, but it was actually a **stand-alone second house** with its own foundation, septic, and utility systems—connected only by a driveway—the County would not treat it as an expansion, but as a separate dwelling. The same reasoning applies here. The only connection between the existing landfill and the proposed "expansion" is a haul road for trucks.

2. Violation of BCC 53.215(1): Serious interference with neighboring uses and the character of the area

The project fails to meet the conditional use criteria of **BCC 53.215(1)** in that it:

- Seriously interferes with the use and enjoyment of adjacent properties through odor, litter, noise, and high truck traffic volumes.
- Continues a **documented pattern of public nuisance impacts** unmitigated by the operator, Republic Services.
- Introduces years of blasting, heavy truck traffic, and dust during construction.
- Causes permanent degradation of property values and poses health risks to neighboring residents.

The applicant's failure to mitigate existing odor and litter issues at its current landfill site—coupled with the concealment of key information (such as the acceptance of regular truckloads of animal and fish waste*)—demonstrates **bad faith** and **noncompliance** with the public interest standard of **BCC 53.215(1)(b)**.

**In the summer of 2024, I personally visited the landfill with a friend (who can also attest to this). An employee informed me and a colleague that the most offensive odors originate from “fish and animal waste trucks” arriving regularly from processing and slaughter facilities. He stated these trucks can be smelled miles away and are the source of the worst odors. Republic Services has never disclosed this information publicly, including during the County’s Trash Talk community meetings.*

3. Violation of BCC 53.215(2): Undue burden on County services and infrastructure

The proposed use imposes a clear **undue burden** on County infrastructure, contrary to **BCC 53.215(2)**:

- The **EPA documented “explosive-level” methane leaks** at Coffin Butte between 2022 and 2024, indicating ongoing safety risks and additional demands on local fire and emergency services. The applicant has not demonstrated either the capacity or intent to prevent such leaks; therefore, it must be assumed they would occur in the new landfill area.
- Current operations produce **30–40 million gallons of toxic leachate annually**, trucked to Corvallis and Salem wastewater facilities that are not designed to remove industrial contaminants. This practice contributes to Willamette River pollution. The proposed expansion would **greatly increase** this pollution burden.
- The landfill and the expansion area are underlain by **fractured basalt**, not clay, creating a heightened risk of groundwater contamination that Benton County may inherit post-closure.

When the required **30-year post-closure period** lapses, Republic Services' obligations terminate under **OAR 340-094-0140**. Any subsequent methane leakage, groundwater contamination, or seismic failure (for example, from a Cascadia Subduction Zone earthquake) would fall squarely on **Benton County taxpayers**.

4. Notice of intent to appeal

If this application is approved as an “expansion” rather than a new facility, I hereby reserve the right to seek review before the **Oregon Land Use Board of Appeals (LUBA)** pursuant to **ORS 197.830–197.845**, on the grounds that Benton County’s approval would be:

- Inconsistent with applicable state and local land use law;
- Unsupported by substantial evidence; and
- Arbitrary and capricious in its interpretation of “expansion” under state solid waste siting standards.

Respectfully submitted,

David Patte

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