

Dear Commissioners Malone, Shepherd and Wyse,

This letter lists (and briefly explains) a set of files I am uploading to enter into your Appeals Hearing record today, October 7, 2025.

Those files are the complete video set of the Public Hearings before the Planning Commission, and a complete set of the raw transcripts of those videos, in PDF form.

Commissioners, it's my hope that you will be able to find video material more easily with these file sets; you can search the transcripts for keywords and then scroll directly to that timestamp in the video content, for example.

These videos are also uploaded for use by Staff as they are preparing their new Staff Report; I will upload testimony to you relating to the Staff Report, and referring to material in the videos and transcripts, later today. That testimony will be named "BoC Staff considerations for de novo Staff Report KE" and in PDF format.

This testimony and its supporting files make clearer the strong reasons for you to uphold the Planning Commission's decision and deny LU-24-027, the application to expand Coffin Butte Landfill.

Thank you for your time and attention to this important matter.

Ken Eklund
37340 Moss Rock Drive
Corvallis, Oregon 97330

File list:

Day 1 PC Hearings - Staff Report.mp4
Day 2 PC Hearings - Application.mp4
Day 3 PC Hearings - People's Hearing part 1.mp4
Day 4 PC Hearings - People's Hearing part 2.mp4
Day 5 PC Hearings - Continuation.mp4
Day 6 PC Hearings - Revised Application.mp4
Day 7 PC Hearings - People's Hearing part 3.mp4
Day 8 PC Hearings - Deliberations Decision.mp4
Day 9 PC Hearings - Disputed Draft of Findings.mp4

Day 1 PC Hearings - staff report transcript.pdf
Day 2 PC Hearings - application transcript.pdf
Day 3 PC Hearings - peoples hearing 1 transcript.pdf
Day 4 PC Hearings - peoples hearing 2 transcript.pdf
Day 5 PC Hearings - continuation transcript.pdf
Day 6 PC Hearings - staff application transcript.pdf
Day 7 PC Hearings - peoples hearing 3 transcript.pdf
Day 8 PC Hearings - deliberations decision transcript.pdf
Day 9 PC Hearings - disputed draft of findings transcript.pdf

0:06

everyone this is uh you're all aware this is the benton

0:12

county planning commission meeting of april 29th and i will begin with a roll

0:19

call so uh commissioners as i call your name please uh respond with a a hear an

0:26

i or even a yo something uh commissioner bisco commissioner

0:34

cash participating remotely so it may take her a second

0:53

i'll proceed and come around to commissioner cash in a moment commissioner fulford here
commissioner

0:59

lee here commissioner sts here commissioner wilson here vice chairman

1:06

haymon present and circle back again and ask if sarah cash commissioner cash is

1:12

available yes

1:22

no yes i'm here very well good evening uh i'll note for the record that uh all

1:28

eight appointed commissioners are in attendance and represents a valid quorum

1:35

there is a slight change to our agenda in that uh we do not have our minutes

1:41

prepared and distributed to be approved and so we are going to uh jump right

1:47

into the main event for the evening which is why i imagine you are all here

1:54

uh and this is a larger audience than we generally have for our planning commission meetings uh
and so i think

2:02

it's fair to assume that this will be the first time you have observed a planning commission
meeting and so i

2:09

will try to provide some annotation as to what's going on at uh during the

2:15

agenda uh just so that you can follow along uh more productively we are

2:21

scheduled for 3 hours uh and wrap up at at 9:00 uh but i know i get tired before

2:28

then and my concentration begins to waver and so if i look at my colleagues and uh their their
eyes are glazing over

2:35

we we may very well adjourn uh prior to the full 3 hours we are scheduled uh

2:42

again for thursday evening and so uh we do have ample time to cover all of the

2:49

input we want the input and so we have thursday evening and in fact we have next tuesday as well should we not get

2:56

through all of the uh the public comment to begin the hearing uh i have quite a

3:02

bit of information that i need to read into the uh the record and i apologize i

3:09

will have to read it because i can't do it from from memory but it's all important information it's not like your

3:16

user agreement on an application uh that this is actually important information and will provide uh some insight of how

3:23

the hearing is going to go this is the time and place for the

3:28

public hearing in the matter of

3:33

lu-24-027 the subject of this public hearing is an application for a conditional use permit to expand an

3:40

existing landfill the application is republic services and the property owner

3:45

is valley landfills oregon law requires that i make several preliminary

3:50

announcement for this hearing this is a quai judicial hearing and it will be

3:55

conducted pursuant to benton county development code sections

4:01

51.705 through 51.725 in a quai judicial proceeding

4:08

such as this it is the commission's duty to apply the law not revise it the

4:14

commission must determine whether the applicant has met all of the applicable criteria in the benton county

4:19

development code the commission will consider the record as presented and will also consider any new testimony or

4:26

evidence that is submitted into the record please do not communicate verbally or in writing with the

4:32

commissioners outside of this hearing process and that's important as we go on break we're not being impolite we just

4:39

don't want to have a conversation about the content of this hearing one- on-one the the theory is we all need to have

4:46

access to all of the information collectively so we're not avoiding you it's just we would prefer not to have a

4:52

conversation outside of this hearing a staff report has been prepared for the

4:58

application and the staff report has been available for 7 days before tonight's hearing the staff report

5:04

identifies the approval criteria that apply to the applicant's proposed developments and analyzes those criteria

5:11

testimony and evidence should be directed towards the applicable approval criteria if you believe other criteria

5:18

apply in addition to those addressed in the staff report identify and discuss

5:23

those criteria and explain how and why you believe they apply to this application under

5:29

consideration a person may submit any written material while the public record is open on the application any written

5:37

materials received by the county staff during the time period in which the record is open will be placed in the

5:43

record written material submitted during the public hearing must be presented to the county staff in order to become part

5:50

of the record we have our public information office available to accept that information towards the back of the

5:57

the room no screen presentations are allowed if a person intends oversized

6:03

poster boards reports or pictures used in their oral testimony to be placed in the record copies must be submitted to

6:10

the county staff while the record is open if they are not given to staff they cannot be included in the record

6:17

following is a question to the planning commissioners does any member of the

6:23

commission wish to declare an exparte contact conflict of interest or bias in

6:28

this matter i see in and hear none and uh

6:35

commissioner cash could i get a confirmation please

6:46

was was that commissioner cash i couldn't hear

6:54

sorry i have to unmute each time no i do not need to declare expert

6:59

very well thank you this question is to the audience at large in including the

7:05

applicant does anyone participating in these hearings wish to challenge a specific commissioner on exparte

7:12

communications conflicts of interest or

7:19

bias and again i'll wait a moment to see if there's anything from our remote audience that we'll need to address

7:36

see none we are aware of none i will now go through the hearing procedure for

7:41

tonight the procedure is as follows the staff report will be presented by the

7:47

county professional staff the applicant will then present the case in support of

7:52

the application we'll move then to testimony from other persons in support

7:57

of the application limited to three minutes then testimony from persons opposed to

8:04

the application again limited to three minutes per person testimony from other

8:10

governmental bodies and finally the applicant may present rebuttal which is

8:15

limited to addressing any issues raised during testimony since the applicant's first presentation the commissioners may

8:22

ask questions of the staff or any persons providing testimony however the

8:27

purpose of public testimony is to provide information for the commissioners to consider the public is

8:33

not permitted to ask questions of the staff the applicant or the

8:39

commissioners any person wishing to present additional evidence and testimony to keep the record open to

8:44

respond to new evidence must make that request before the public testimony portion of this hearing is closed

8:51

following applicant's rebuttal i will ask whether any person who testified requests an opportunity to present

8:58

additional evidence or testimony um upon such request the

9:04

commission will either continue the public hearing for a period of no less than 7 days or will leave the record

9:10

open for no less than 7 days for an additional written evidence if there's no request to submit additional

9:16

testimony or evidence the public hearing will be closed the record will be closed and the commission will proceed to

9:23

deliberations and make a decision now all of that will not happen tonight we

9:28

won't get through all of it um and we'll go through this procedure again if we

9:34

have another session on thursday night so you hadn't needed to memorize that

9:40

procedure if you are a participant in this hearing the commission expects you to abide by the following rules please

9:47

be respectful of all participants speak only in the order of proceedings or when recognized by the chair in testifying

9:55

please do not repeat previous testimony made at this hearing just note that you are in agreement with such prior

10:01

testimony be advised the chair may halt testimony if it has become irrelevant

10:06

abusive or clearly intended to harass or intimidate the participants in this hearing any written exhibits you want

10:14

included in the record need to be handed to our public information officers staff

10:20

at the back of the room for marking before presenting to the commission for consideration any multimedia

10:26

presentations um is considered written testimony and should be submitted in the same manner

10:32

as written testimony no screen participate no screen presentations are

10:37

allowed during oral testimony all testimony and evidence must be directed toward the applicable criteria in the

10:44

benton county development code or other criteria which the person believes

10:49

applies to this decision failure to raise an issue in this hearing accompanied by statements or evidence

10:56

sufficient to afford the commission an opportunity to respond precludes appeal

11:01

to lura the land use board of appeals on that issue the failure to raise

11:06

constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the

11:13

commission to respond precludes any action for damages in circuit court to

11:18

have standing to appeal the decision of the planning commission you must present oral or written testimony to the

11:24

planning commission prior to the closing of the record except for the applicant

11:30

verbal testimony is limited to 3 minutes total per person please respect the time limit so others have the opportunity to

11:39

testify the public hearing is now open and we'll begin as previously discussed

11:47

the uh presentation of the staff report miss sheets

11:55

thank you very much i am at the end of a three and a half week hold i will try to

12:01

pronounce my words

12:09

clearly again my name is patra sheets i am the planning director here at benton county and we are gathered this evening

12:17

to consider the conditional use to expand the coffen but landfill republic

12:23

services is proposing to expand the existing landfill operations south of coffenbute road construct an 1,800

12:32

square foot employee building with off- streetet parking modify an access road

12:37

and relocate leche activities portions of a perimeter landfill road an outbound

12:44

scale and construct a shop and maintenance area the applicant is also proposing to modify access roads north

12:52

of coffen road we'll start with some background

13:07

in concert with the recommendations from the benton county talks trash process

13:12

that uh occurred a couple years ago the county joined third party land use and

13:18

engineering professionals and so i'm going to take this opportunity uh to introduce ourselves i i did myself um

13:25

representing the community development department um sitting here at the table i'll have uh public works introduce

13:31

themselves and then we'll have our third party consultants do the same

13:47

thank you pedra i'm jesse winterroad with winterbrook planning and we are a land use consulting firm and i am lissa

13:55

glatting i'm also with winterbrook planning

14:05

i am howard with mal foster alani and i will uh let my the rest of the mfa team

14:11

introduce themselves as well

14:20

i'm eric hoffman with m foster

14:25

chad darby with m foster laundry i'm a principal air quality consultant supporting the odor review

14:34

i'm jim go ahead jim i'm jim gokora with mosology

14:42

i'm bill bey with m fosterology

14:48

and i'm brian sneruvius with m boston

14:56

is that all of you that's all of us

15:03

and we also have a transportation engineer consultant uh keller sean keller with keller

15:10

engineering i'm not sure if he's online

15:18

i if he's not uh i'll make sure that we get him entered into the

15:30

meeting so just to give you a sense of where we're at um this has been a long process since we got started uh there

15:37

was a pre-application conference in june 27th of 2024 uh and then there was a

15:43

long uh pre-application process that went through the summer fall and into the winter and uh where we're at now is

15:50

that in january 15th of 2025 we did have a complete application and moved into uh

15:58

the review process so this evening represents the the first hearing um of

16:03

this application so here we have a timetable for reference slide

16:12

move into the proposal

16:19

description so here's another representation from the application uh or this the staff uh

16:27

developed this uh alternate um map of the application and our consultants here

16:33

will help point out uh spatially uh the project description so uh there are tax

16:40

lot um 0801 is approximately 89 acres

16:45

it's already in use for the exact and this is the exact excuse me the existing land use area the area of the proposed

16:52

improvement contains access roads a scale house and scales these tax slots

16:58

also contain emergent wetlands and these wetlands are vegetated non-channel

17:04

systems that are not influenced significantly by tidal waters they are usually relatively small and have over

17:11

30% uh vegetation cover including trees shrubs grasses and um the like and

17:18

that's on the eastern portion of that tax lot uh tax lot is approximately 4 acres the

17:26

majority of this property is grass while the eastern edge is uh treed and this

17:32

tax lot is currently developed with uh vli uh offices that's valley landfills

17:39

offices and this tax slot is also contains the emergent wetlands on the western and northwestern edge tax lot

17:48

1107 is approximately 59 acres that's currently developed with an access drive

17:54

leaked pre-treatment and treatment buildings parking and maneuvering areas

18:00

leche ponds and a and a um and a and a prem pond excuse

18:10

me aside from the leche ponds the improvements on this tax site are obsolete infrastructure

18:16

that has not been used since the early 2000s the existing improvements on tax lot 1107 are situated on the northern

18:24

portion of the development site which is relatively level from the current developed area the site slopes upward to

18:32

the south with an elevation change of 60 to 160 ft to different points along

18:37

tempico ridge the undeveloped portions of the site are vegetated with grasses

18:43

and trees this tax slot contains a likely abandoned but mapped great blue

18:48

heron rookery in the northwest quadrant along with a small area of emergent

18:54

wetland in the northeast corner tax lot 1108 approximately 29 acres already in

19:01

use for the existing land is already in use for the existing landfill area the

19:07

area the proposed improve improvement contains access roads a scale house and

19:12

scales these tax slots also contain the emergent wetland on the eastern portant portion tax lot 12000 is approximately

19:22

82 acres and the northeastern portion of the site contains native vegetation and trees there is also a buffer of trees

19:29

along the eastern property line abuing highway 99 the center portion of the site is

19:35

currently developed with a gas to energy plant gas blowers and flares parking

19:40

areas and drive aisles the approximately 20 acre center area that surrounds the

19:46

gas to energy plant is leased by vli to agra interest agra interest industries

19:52

inc and has historically been farmed for grass the land south of the fields is

19:58

steep sloping topography that is vegetated with douglas fur surrounded by native trees

20:10

this tax slide also contains a mapped but likely abandoned great blue heron rookery in the north central area

20:17

quadrant along with the emergent wetland and forested wetlands the applicant adds

20:24

adds on in exhibit bop on page 11 that row crops are also farmed on the 20

20:31

acres of that tax lot slide please

20:45

it's another representation of the

20:55

site we'll move on to a representation of the public agency comments slide

21:04

what i chose to do here was that uh we

21:09

chose to uh we have there were a lot of public comments

21:16

um between april 22nd um and this evening approximately

21:21

uh 185 to 190 have been received uh and so while we've received them um it's

21:29

been my intention to scan them file them and post them um in batches uh and so

21:35

we've been trying to do that iteratively but as we've been doing that um we've been using uh different methods to

21:43

thematically represent what they look like so that um planning commission has a general sense in those thousands of

21:49

pages um kind of the weight of the different concerns and comments that

21:55

folks have um all of the comments are against the

22:00

landfill but for two two are in favor uh and i'll just point out uh that uh some

22:09

of the uh primary or most comments that we're seeing are the lead and uh lead is

22:16

that liquid um when the water percolates through the waste also traffic odor

22:22

water quality uh the origin of the waste u pas which is a synthetic chemicals um

22:27

that's used um from industry that ends up in landfills um and that's been

22:33

around since the 1940s so those are some of the predominant um themes and of the comments um that

22:40

we've received so we are updating this uh graphic as we continue to receive

22:46

additional comments

22:54

slide as part of the land use process uh we're responsible for asking agency

23:00

referral uh comments from agency partners from around the region that may

23:06

be impacted or have some authority or vital interest um in the site and here is a list of uh the agencies uh that we

23:15

solicited comment comments from uh the highlighted areas uh the highlighted

23:21

lines are the agencies or groups that we receive comments

23:29

from the benton county environmental natural resources advisory committee is a committee here that

23:36

um here at uh the county um that did provide comments um their comments did come in a

23:45

little bit later than the other agency comments um so in the staff report we had not uh taken uh staff time to uh

23:53

reflect upon those comments however they are in the record um they are in uh the

23:59

materials that the planning commission has before them and in subsequent uh draft of the staff report um we will

24:07

make comments on their comments uh oregon department of fish and wildlife

24:14

um provided information around the rookery of the heron and the oregon

24:19

department of geology and mineral industries uh did not have any substantive comments for us uh today

24:25

however um we did receive comments from odot uh and so in again in a substantive

24:32

report uh they will be considered and incorporated into the report um naturally we did not have time to review

24:39

uh those comments they will be posted to the record and on the web

24:46

tomorrow slide another next section is we're

24:53

going to start discussing the relevant code chapters

24:59

slide and there's five relevant um areas of the benton county development code

25:05

but we're going to be focusing on three this evening there's the development code

25:10

administration general review criteria and procedures the forest conservation zone landfill site zone and the general

25:17

development standards

25:24

slide and here are some of our key findings

25:39

bcc 77 landfill site zone conditional uses approved by the planning commission

25:46

states that conditional uses are approved by the planning commission so tax lot 1107 proposes to expand existing

25:54

landfill operations including the working face and waste disposal area tax

26:00

lot 1108 proposes to access it proposes to access road and with those

26:08

modifications and i'm sure that the applicant will go into more detail on this slide please

26:20

bcc 53 general review criteria and procedures is rather general uh it

26:27

states that the decision to approve a conditional use permit shall be based on findings that proposed use does not

26:33

seriously interfere with uses on adjacent property with the character of the area or with the proposed or excuse

26:39

me with the purpose of the zone uh staff determined that in the case of the

26:44

landfill that noise noise odor visual traffic and groundwater impacts are the

26:51

most relevant uh

26:58

influencers and this subsection one is relatively general and so i'm going to spend a few moments more specifically

27:04

defining this criterion

27:10

slide the first term that i'm going to define more specifically is seriously

27:19

interfere staff adopted the bctt process definition for seriously interfere as

27:27

does the proposed use make it difficult to continue uses on the adjacent

27:33

property would it create a significant disruption to the character of the area

27:39

and or would it conflict in a substantive way with the proposed

27:47

zone next the second

27:52

term uses on adjacent property

27:57

sorry the code does not define adjacent the applicant defined adjacent and we

28:04

concur with their uh definition that that started uh the applicant says it

28:11

started with a base site that includes all the tax slots on which the existing

28:16

landfill operations and accessory uses are located plus all the tax slots

28:23

constituting the development site on which the project will be located or the

28:29

landfill boundary the applicant then identified properties abutting the landfill boundary and the properties

28:36

abutting the adjacent properties so basically uh basically it's the landfill with the

28:43

adjacent properties all the properties that they own and the adjacent properties to the properties they own so

28:49

that is their defined uh area here

28:55

slide the third and final definition is the character of the area

29:08

slide according to the application in exhibit e10 of the staff report the bcc

29:15

53 uh 53.215 215 character of the area this

29:21

is from the applicant and the graphic is also from the applicant's uh application

29:27

is 90 square miles both rural and urban resource land has varying topography and

29:34

natural habitats and quote occasional odors sounds noises and trips from the

29:40

existing landfill operation and surrounding resource extraction uses

29:49

slide the third and final term of is the purpose of the zone then the purpose of

29:57

the zone is that there has been a waste disposal site here since 1948 and that

30:04

became an allowed use in uh 1983 i believe and there have been two

30:10

subsequent expansions and a denial of a 2021 expansion

30:16

proposal

30:21

slide 53.215 215 the purpose of the zone um there's also uh land within this area

30:30

that's forest conservation zone

30:35

slide page 26 of your staff report includes an engineering analysis by

30:43

uh mfa and they can go into some more detail on their analysis and conclusions

30:49

but in short the applicant identified the closest noise sensitive properties

30:55

and evaluated potential noise impacts on their uses the applicant did not evaluate

31:03

noise impacts on other adjacent properties at greater distances and staff agrees with the applicant's

31:09

reasoning about this because if noise doesn't seriously interfere with close noise sensitive uses it's not going to

31:16

seriously interfere with uses that are farther away and the applicant also

31:22

addresses deeq noise requirements in this section we also agree with the

31:27

applicant that deeq noise rule that the deeq noise rule does not appear to be

31:33

directly and entirely applicable to the proposal further staff concurs with the

31:38

applicant's use of that deeq regulation to set a threshold for the noise increase to seriously interfere with

31:46

noise sensitive uses however as noted in the mfa findings the proposal appears to

31:53

exceed the deeq regulatory no noise threshold proposed for the use to

31:59

evaluate consistency with this standard the proposal does not meet that

32:06

criterion and therefore because there's an absence of a solution staff recommends this may be a basis for

32:14

denial

32:22

slide beginning on page 27 again evaluated by our consultant the

32:28

applicant was asked to develop an odor analysis when the find while the findings of the applicant's odor model

32:34

do predict the odors generally wouldn't would not be considered an odor

32:39

nuisance mfa observes several inconsistencies in the model setup that could significantly affect the predicted

32:46

values odor is tough to analyze

32:52

however staff appreciates um not however but and staff appreciates the evaluation

33:00

and the evolution of the applicant's odor analysis they've worked on this for uh nine months now um and for example

33:08

there are 18 different people um 18 different people have different levels of sensitivity there's weather systems

33:15

that produce different odor patterns and there are many sources of odor but there is a science-based method of evaluating

33:22

odor and odor levels can be uh quantified therefore staff places high

33:28

value on technical analysis in relation to the odor produced by the proposed expansion because the applicant's

33:34

conclusion relating to the odor levels is relatively low however there are a

33:40

couple concerns the analysis does not appear to identify adjacent uses that

33:46

are likely to be more sensitive to the odor impacts for example a residential use is likely to be more sensitive to

33:52

odor impacts than a farmed field locations of odor sensitive uses are not

33:57

clearly defined in the odor analysis or the mapping and the potential impact on these uses is not specifically evaluated

34:05

in particular there may be odor sensitive uses within the boundary area of their analysis we're not sure second

34:13

several technical elements of the analysis appear to be inadequately supported due to these concerns and the

34:19

lack of options for conditions to mitigate staff recommends this to be a

34:25

basis for denial slide

34:32

we're moving on to traffic groundwater and visual impacts staff concurs with

34:37

the engineering and transportation comments as well as the applicant's conclusion the transportation impacts

34:42

from the proposed expansion are minimal and are not expected to seriously interfere with adjacent land uses again

34:49

we did receive comments from odot today and we have not had a re opportunity to comment uh on those yet or review those

34:56

comments

35:05

slide okay staff understands that the in regards to groundwater staff understands

35:10

that groundwater impacts have been an extremely controversial topic however

35:15

the county is limited in its ability to evaluate and regulate groundwater impacts beyond the multiple levels of

35:22

state and federal regulation that apply to this proposal we made several legal inquiries and yet our position remains

35:29

that those regulatory agencies provide a more appropriate venue to address groundwater impacts that said staff

35:37

concurs with the applicant's analysis and engineering comments so for purposes of county review and in the context of

35:44

additional required regulatory frameworks the proposal meets this criterion

35:58

slide staff concurs with the applicant's findings in relationship to adjacent properties while some elements of the

36:05

project are visible as of the writing of the staff report staff has seen no evidence or reason to conclude that the

36:11

visibility of some of the elements of the proposed landfill expansion from the adjacent roadways will seriously

36:17

interfere with the uses on the adjacent properties the character of the

36:22

area be on the basis that the character of the area is that it is a

36:31

landfill so it's not having much more of an impact because the character there is

36:36

already a

36:43

landfill slide you can

36:52

and in regards to the forest conservation zone on page 45 of your staff report staff generally concurs

36:59

with the applicant's response the standards contained within the forest conservation zone directly implement the

37:05

purpose of the forest conservation zone by evaluating and limiting impact on the forest uses by addressing fire risk and

37:12

regulating the site development to limit impacts on forest resources staff evaluates the applicant's consistency

37:19

with this requirements um under chapter 60 uh with those findings

37:25

uh the findings in uh bcc 60.2201c that requires consistency with

37:34

53.215 215 and since we don't believe the criteria to be met with respect to

37:40

noise and odor impacts the proposal also does not consistent with the purpose of

37:45

the forest conservation zone and so the applicant states that the proposed shop maintenance building is located on tax

37:52

slot 1200 staff could not identify the proposed um shop uh structure um that's

37:59

on the exhibit e2 sheets five and six um and because it's not identified clearly

38:06

we're not able to uh evaluate it and therefore it's not meet uh the basis for

38:15

um uh evaluation and so uh this too could be a basis for denial

38:30

on page 55 of your staff report proposed employee building on tax

38:35

slot 1101 proposed maintenance shop um area building it's on tax slot 1200 and

38:42

we could not identify the proposed shop structure and so that standard is not

38:47

met also potential basis for denial slide

38:55

and beginning on page 64 of your staff report uh we have general development

39:00

standards again not an area of emphasis here this evening but those do include the development activities in wetlands

39:07

uh road design construction standards erosion and sediment control post construction storm water management and

39:13

sewage disposal these are things that um are more rigorously uh looked at as you

39:19

go towards actual development and we do have public works here that can answer uh more specific questions here but uh

39:27

we do not have any concerns in this area slide so that's uh goes to the

39:34

conclusion of the staff report u based on the findings in the report and the

39:41

information in the file uh staff concludes that the noise and odor analysis and evidence provided by the

39:47

applicant does not sufficiently demonstrate that the proposal will not seriously interfere with uses on

39:53

adjacent properties or the character of the area therefore staff recommends denial of this

39:59

application thank you very much thank you miss sheets i appreciate that

40:05

and as has been noted i i think we've all uh been um tasked with reading over

40:12

3,000 pages of uh of material uh and this is our opportunity for factf

40:18

finding on that uh that material and and uh we'll now offer each of the planning

40:23

commissioners the opportunity to ask questions uh regarding the staff report

40:29

and so we'll we'll afford that opportunity to each commissioner in turn beginning with commissioner bisco

40:40

excuse me thank you chair fowler is that working thank you

40:45

uh i have a couple questions for staff first i i do want to thank you for uh an

40:51

extensive application uh the 3,000 pages and the materials that are in there are

40:57

have been very helpful in this review process um the staff report was also very helpful i i want to ask maybe this

41:04

is a chair question or our planning department are we allowed to ask questions for things that were not addressed in the staff report but are

41:11

within our bounds of criteria and code so if i have a question on chapter

41:16

77 for example can i ask that question even though it wasn't addressed in this yes okay i just for clarification sake

41:24

that's helpful um so i would like to refer to that chapter 77 if i

41:34

could and when we look at benton county's code uh

41:40

77.205 talks about prohibited uses and this goes to a question that was raised during benton

41:45

um the bctt process um there were questions uh asked i'm not certain if

41:51

there were answers that were provided and so if they have if you can help me understand where they are so i can review them um this particular one

41:59

77.205 number one talks about hazardous waste disposal the question that was raised

42:04

during benton county talks trash was what types of hazardous materials i'll step back uh toledo had

42:12

experienced a train derailment and in that case that hazardous material was brought to our landfill called the

42:18

coffen landfill the question was under what circumstances would that occur uh and as it reads here that would not

42:25

necessarily be allowable and so i'm wondering if that is something that we got information or um context on through

42:33

that bctt process that was provided and/or if it's in this document and i just haven't found it yet

42:45

okay yeah so we did not dive into that question in the staff report or in the

42:51

materials would you mind telling me again who you were with woodbrook planning we uh put together the staff

42:58

report as contract staff planners and that was not addressed otherwise then so between woodbrook and also ben county

43:05

okay so the hazardous materials question perhaps i'll bring that back then to the applicant um i'd like to point to page

43:12

19 of the staff report uh for some clarification questions we talk about adjacent property and the interpretation

43:19

of the applicant response of adjacent property is from webster's third new

43:25

international dictionary defining adjacent as not distant or far off uh nearby but not touching relatively near

43:33

and having nothing of the same kind intervening having a common border abutting or touching living nearby or

43:40

sitting or standing close relatively near or close together immediately proceeding or following with nothing of

43:46

the same kind intervening in the staff report what i heard but correct me if i need to be

43:51

corrected here we were talking about the the landfill properties of ownership and then also those abutting properties when

43:58

we talk about adjacent being somewhat an ambiguous term here and being defined here at least in this case by the

44:04

applicant do we also include those adjacent properties such as the residential areas immediately around the

44:11

landfill yes okay so yes it it was a hopefully we can see on the map pretty

44:17

inclusive definition of adjacent okay and would we also then include the

44:23

properties across 99w which would be part of a dare as well i actually can't

44:29

oh sorry can't see that very well from here okay thank you for that clarification

44:37

um i will also go back to another po part part i don't have the page in front of me but it's in in um information i

44:45

was reading today we were talking about the solid waste advisory committee and their reporting um or that shifting of

44:52

reporting going to enroach the environmental natural resources advisory committee have we in this document uh

45:00

and just not got to it yet have we any reports we're supposed to receive an annual report correct yes so uh swac

45:08

submitted a document that is part of the record and enrac also did the

45:16

oh sorry dsac submitted a document that was 40ome pages long um but uh swac did not

45:25

because uh they're not um no longer part of that division i guess the duties were

45:33

uh transferred to enrac and enrac submitted uh 20ome page document the day

45:38

before our staff report was due so we did not include a full review of that document in the staff report and we

45:45

intend to update the staff report with that document in mind and and respond to the issues raised there okay and to

45:52

clarify so we'll see that update in in when will we see that report so we're

45:58

trying to include the comments that we're receiving uh in this process as

46:04

well as the um full weight of agency comments such as the odac comments

46:10

received today and the nra comments um so after the public um submission of of

46:19

information is done then we will update the staff report prior to your deliberation so that you'll have that

46:26

deliberation all right so that answers the question of when we'll see those documents i'm going to go back and just clarif clarify so i understand so

46:32

there's an annual report and there's also submittal for this testimony and there are also opportunities for maybe

46:40

enrac now to weigh in on land use applications i feel like there are three

46:46

different portals of which we should be receiving information am i reading that correctly

46:54

the code identifies two and one of those was replaced with a with

47:01

nra so um we should be receiving two and

47:06

not three okay and again for clarification excuse me i just want to make sure we have this right as we move

47:13

forward we will be receiving comments do we have the annual report that's also required by code uh at any point so we

47:20

had the shift from swac or desac forgive me for not knowing which one but one of them was to submit an annual report on

47:26

the coffin view landfill do we have that as part of this record and andor have we received these um they are complete they

47:34

have been um endorsed um by the respective by desac um and so they are

47:40

um up to speed um but um it is not part of the record at this time and uh just a

47:46

a clarification is what we did is we we considered enrac an agency referral

47:52

partner and we're considering desac as public comment

48:00

thank you that helps refresh what i had read okay so will we receive that annual report the most recent can that be

48:06

submitted for this record or can it be requested

48:25

thank you uh you're requesting the planning staff to add the enrac annual

48:30

report most recent annual report to the record

48:37

it's not enrac right enrach or desac um i think it's desac right okay so desac

48:43

is a a statutoily required agency it is not a a county code

48:50

uh originated uh body not an agency um i

48:56

don't really think it's a problem to add that dsac report to the record and i

49:03

believe desac's report is already in the record it just wasn't received before the staff report was published do i have

49:11

that right with the winterbrook the annual report that they work on is not in the record however um their comments

49:20

are in the record so thank you and thank you yes could we

49:25

add that report if i'm requesting that can we add that report for the record the annual report not the comments right

49:32

it can be in the record yes and is that a 2023 or a 2024

49:39

annual report 24 okay okay um another question i have is we

49:46

have a committee for citizen involvement by code the planning commission i think it's in the general code um chap

49:54

chapters excuse me planning commission serves by code as that uh citizen for

50:00

committee for citizen involvement it's part of this organ's land use laws right so number one our first land use law

50:09

um i'm not sure that we have officially talked about that since i have been on

50:15

the planning commission um which was january 1 of 2023 and i am curious how

50:20

we are representing that oregon's land use goal number one but also what was

50:26

the citizen involvement program so it's not just an identity that we hold here on the planning commission but there's

50:32

also a program that is supposed to go with that according to our code that program serves as a purpose for the kind

50:37

of um a liazing if you will to the community on inclusive of land use

50:44

applications this one being significant by evidenced by the interest in our community do we have any record or

50:50

documentation of things that have occurred out that i may have not been aware of in this

50:56

process of meeting that cci program requirement to lies with the community

51:02

on land use in this case this

51:07

application commissioner thank you uh the application before the commission

51:13

tonight uh is to be decided based on the specific criteria in the code i'm having

51:18

a little bit of trouble uh identifying the benton county code criteria that

51:24

apply to the conditional use application that would uh bring in the the cic issue

51:30

that you're talking about thank you could you state your name again because i yes meliss melissa ryan and i'm uh

51:37

special land use council for the county and i appreciate that so my understanding was is that

51:43

we're talking about all of the code chapters that were referenced here that was part of that code chapter and being an essential part of land use the

51:50

processes that we follow uh it seems like that's relevant to tonight even though we are talking about criteria

51:55

we're also maintaining a decorum and a process requirement as to how we do this

52:01

land use process so that was my question um is it possible to have that question

52:06

answered do we have any evidence of a cci here in this process it's been a

52:12

very lengthy application process as we know uh uh commissioner bisco uh chair fowler

52:21

again i'm not uh do you have a specific code reference that you're looking at in

52:27

the applicable criteria for this conditional use permit application otherwise i'm not i'm not

52:33

following perhaps that uh after the applicant's presentation we could uh

52:39

potentially take this matter up again i am looking

52:50

uh i will say that uh let's see it appears to

52:56

be well it's number four it's in one of the chapters that are listed on the front page of the staff the staff report

53:03

it says the planning commission shall serve as the committee for citizen involvement the c or cci the cci shall

53:09

assist the board of commissioners with the development and evaluation of benton county's citizen involvement program as

53:15

it relates to land use planning the cci shall conduct an annual review of the citizen involvement program and report

53:21

the findings to the board of commissioners my understanding from our uh department of land conservation

53:28

development is that goal number one is our number one goal for a reason on

53:34

citizen involvement in public hearings land use applications in this case it is

53:40

in the chapters that are referenced on the front of this staff report um if we don't have any answers i'm happy to move

53:46

on um but i i it's a question that i would like some

53:51

followup if we have that opportunity as to whether or not we have engaged with a committee for citizen involvement and

53:57

its roles and relationships with this

54:03

process give me a moment i'm going to scroll through my notes here to see if there are any additional

54:21

i do not believe i have any questions additional at this time chair fowler thank you and thank you for the clarifications

54:28

very well moving to uh commissioner cash do you have any questions

55:04

sorry i'm having a hard time unmuting i don't have questions at this

55:09

time thank you very much we'll move to commissioner fulford

55:16

hello thank you uh i do have i do appreciate it petra the staff um putting

55:22

in all the the good solid work on on the staff report uh one of the concerns i

55:27

have you know i know we flagged the noise side and the odor side and i know we referenced sort of the eq and epa as

55:35

um being more in charge on the groundwater piece um i i think there's a ton of risk in

55:43

that area obviously with the lie going up and down or 100redyear storm or something like that overflowing um do

55:51

you all have some concerns about that it seems like we left that off of uh i'll say it one of the denial pieces and uh

55:59

um i still have considerable uh concerns and the risk on that side what are your thoughts on that

56:09

thank you commissioner fulford so as petra said we um don't

56:15

have a lot of the technical capability to review u leate underground uh

56:22

pollution impacts on surrounding areas that's that's very difficult for us to do but we did have uh engineering review

56:29

of the application and of uh groundwater um storm water uh you know so we we took

56:38

a look at that and and got responses from our engineers on best practices and

56:44

the proposal and what they found was uh they didn't have concerns from an

56:50

engineering standpoint on that and um as planners we you know look to the

56:56

engineers to provide that feedback so so follow up on the on the pas stuff

57:01

uh that comes out right that both salem and corvalis struggled with pulling that

57:06

out based on their wastewater treatment plant and their their aging of that is there been any look
at i know at dare

57:13

village is looking at uh i think it's uh hb 3939 uh new wastewater more advanced

57:20

wastewater um um is that been in scope or have y'all thought about that at all because that that
seems like a solution

57:27

waiting to waiting to happen at least address the uh the wastewater piece i

57:32

believe uh we have uh some of our engineering consultants online here that um maybe we could
uh get a more direct

57:40

answer to your question on what they looked at and how they're looking at that question ellery
are you available

58:14

maybe fill in time while finally was finally was able to unmute i apologize it it uh looks like i was
i was locked

58:22

out there um we did not evaluate uh the anything

58:31

related to uh dare village uh the applicant noted that their existing

58:37

um they had existing agreements with cor corvalis and salem

58:46

so something probably to note uh there is a uh a current bill that's uh in in

58:52

good standing it's hh hp 3939 which uh would take the pas out and

58:58

uh uh i saw quite a few of the letters saying hey when i float from corvalis down to salem it's it's
it's not a good

59:06

place to be right so um i think that's probably it on on my questions thank you

59:13

very well um let me move then and invite commissioner lee if you have questions

59:21

thank you very much and i repeat uh all the appreciation for all the work that went through this so i have several

59:27

questions and i apologize they're not in any rational order um um there's um

59:34

benton county code 77405 that suggests that the planning

59:41

official needs to be reviewing all the reports that come from

59:47

deeq related to the application and i i interpret it as any any reports from

59:56

oregon deeq regarding um the landfill so i'm wondering i

1:00:02

wanted to ask petra you were were you the were you hired as the planning official have you ever been the planning

1:00:09

official is there a planning official in benton county i i am the planning official yes okay and is it in your job

1:00:15

description to review the uh reports from oregon deeq about the

1:00:22

landfill in my job description proper no so

1:00:28

essentially thank you um so my next question is

1:00:37

um kind of a a broad question a concern a lot of our code and a lot of the

1:00:45

regulations that that are referred to in the application and in our code refer to

1:00:52

federal laws and agencies and we're in a period of enormous

1:00:57

transition and i want to know what is being planned so for instance if the clean air act went away or the clean

1:01:04

water act went away what is the plan for that and uh

1:01:10

i'm going to ask the applicant how will they behave if the suddenly the clean water act goes away or the um you know

1:01:17

the environmental protection agency lab that is being used is gone what what's

1:01:23

going to happen um i'm i'm not sure of the

1:01:32

relevance of the question very important question but i'm not sure the relevance of the question to the hearing this evening not sure we could address it

1:01:45

okay oh oh thank you okay um

1:01:58

i think my other questions are for the applicant thank you thank you thank you will now invite

1:02:06

commissioner strers for questions thank you uh petra thank you

1:02:13

for i will not touch the mic again i promise apparently if i touch it it a little warm here today um
for the

1:02:21

your reports and as well as the consultants were helping you um i think my first question is more
of a

1:02:28

procedural just trying to wrap my head around the the the land use application

1:02:34

itself um looking on page eight of the staff report there is what's considered

1:02:39

the subject property of 462 acres of the whole the whole area of the landfill but

1:02:47

we're specifically for this application are only focusing on the five tax lots and those specific
acres and that's the

1:02:53

only thing we're evaluating for this criteria is that correct uh no it's actually the entire um area
that we

1:03:00

showed with the map uh because the significant impact area for example with

1:03:06

noise and odor extends beyond the expansion area proper that okay thank

1:03:13

you for that clarification that that actually does help wrap my mind around what we're looking at
here um my next

1:03:20

question sorry let me get i didn't write down the page number i apologize is related to the noise
rule with

1:03:28

deq and in the staff report oh i didn't write oh wait i'm looking at the wrong

1:03:34

set of notes here apologize um on page 22 of the staff reports um it

1:03:42

there's a footnote from the applicant's burden of proof and i and this may be a

1:03:48

question back to deeq or to the applicant but it makes a note that the deeq doesn't enforce its own
noise rule

1:03:54

is that back to the governmental body like the county to enforce or is that unknown at this time

1:04:04

and the footnote with i think i think it's page 22 if i have it it's a little footnote that says 40 right next to it

1:04:13

so we have our noise consultants uh online and ellery could you uh respond

1:04:19

to this question i can jump in on this this is bill bey

1:04:24

at maul foster my and i evaluated the noise report my understanding is that

1:04:31

deq lost funding for the enforcement of the noise rules so while the noise rules are still on the books they're still

1:04:38

there for reference um many years ago deeq lost funding to have a department

1:04:44

that goes out and enforces those noise rules

1:04:50

okay and so there is nothing within that rule then that delegates it back down to the governmental body that still resides

1:04:57

with deq if i'm interpreting what i've heard as i understand it there are

1:05:03

some local jurisdictions that have people that enforce those rules

1:05:10

different cities that may have adopted the deeq um rules there as in the same way there

1:05:16

are model codes that can be incorporated by reference into um local codes uh i

1:05:24

apologize for not being sure if benton county has uh an enforcement of the deeq

1:05:30

rules i don't believe so but someone from the county can set me straight if i have that wrong

1:05:36

we do not and then my last question at least for

1:05:41

now um there was some comments i i believe it was in the staff report

1:05:46

there's a lot to to consume so i apologize if it wasn't particularly in the staff report but um around the hours

1:05:52

of operation um but my i guess my question knowing that we're not looking

1:05:58

at um condition uh conditional conditions of approval um or

1:06:04

additional conditions approval at this point but with the hours of operation that are currently in use or or um

1:06:11

recommended is do staff having any issues with those hours of of operations that have been proposed

1:06:18

yes um there's uh some conflicting information presented by the applicant

1:06:24

on the hours and proposed hours of of use and their proposed conditions and i

1:06:29

believe they're going to clarify some of that in their testimony perfect that is

1:06:34

all i have then thank you and uh moving to commissioner wilson

1:06:39

thank you chair fowler and i'll turn my microphone on i want to thank petra and

1:06:44

her staff the staff report uh was put together in a way that made it easily digestible for me and i also want to

1:06:52

commend that uh in this instance going in this order all of my prior commissioners have asked almost all of

1:06:59

the questions i had on my mind except i wanted to come back to um commissioner

1:07:05

fulford brought it up um initially excuse me my allergies are acting up so i'm going to sound like a frog

1:07:11

um the um the water uh the issue with water

1:07:18

groundwater and i it's first let me clarify is it uh is it my understanding

1:07:24

that that the county using our code uh the the groundwater issue is one that

1:07:30

isn't necessarily is not one of the reasons u is a criteria that is either not is met

1:07:36

or not met because it's a matter that's dealt with outside of the county's jurisdiction iction

1:07:42

correct and with that in mind do did the c when

1:07:47

you were evaluating or had the consultants do the evaluation of the groundwater issue um did they make a

1:07:54

distinction between groundwater flowing uh either underneath or through or past

1:08:01

the landfill the existing landfill versus percolate or that that percolates

1:08:06

through the landfill and then potentially intermixes because i i and it's a question i might offer to the

1:08:13

applicant but um i always uh i it wasn't clear to me with regards to leech which

1:08:21

is the effluent from the landfill itself which percolates through the landfill uh

1:08:27

what the capture rate is on that and it's not in it's in that groundwater discussion it's not in that section so

1:08:35

uh it's just a question as to whether uh that was an issue that was considered when looking at uh the groundwater uh

1:08:43

issue itself so um i would defer this to our engineers who were reviewing the uh

1:08:48

the groundwater item uh while we did look at the leech

1:08:54

specifically uh the groundwater um as petra mentioned is difficult to address

1:09:00

um note that there is an unlined portion of the landfill that does still operate to our knowledge uh however the rest of

1:09:08

them uh are all lined and this existing uh or this proposed uh expansion is

1:09:15

proposed to be lined so that the lee is fully captured and treated

1:09:22

and it's it would be safe to assume that with this expansion there would be an increase in volume of the leech

1:09:30

chain that would that would be a a a correct assumption

1:09:35

additional uh leech is correct is generated as you expand um and as

1:09:41

portions are closed that would tend and and capped then that would tend to stop

1:09:47

um generating leech so that the areas of the landfill that

1:09:52

become closed capped and sealed those no longer generate a leech runoff as

1:09:59

opposed to the areas that are still being used it's it's it's a process basically as the leech that is within

1:10:06

the the landfill material u slowly makes its way down through the bottom so there

1:10:12

is even after it is closed generally landfills will continue to generate lee

1:10:17

um although it it diminishes over time hopefully that makes sense it does thank

1:10:22

you and i have no other questions chairman thank you vice chair haymon

1:10:31

thank you chair fowler um again thank you for the report and uh take a very um

1:10:37

informative conversation for my part um i have just one question and uh it may be

1:10:45

articulated in the report that i perhaps didn't pick up but the issue the primary

1:10:51

issues that you've noted for uh recommendation of denial are odor and um

1:10:59

noise and i i guess what i'm trying to understand

1:11:04

is at least it's my perception that these conditions already

1:11:10

exist and so can help me to understand how how those issues play

1:11:18

into the consideration of this uh application thank you that's that's a

1:11:24

great question we looked at this as uh the expansion is under review the

1:11:32

existing conditions are somewhat of a of a baseline and so what we asked of the

1:11:39

applicant was to show us exactly what the expansion is creating in terms of

1:11:45

noise and odor and map that and provide technical analysis related to that and

1:11:52

um and we brought in our technical experts to review their work and um and

1:11:59

so that's what we're looking at we're not looking at um adjudicating the existing landfill in in those respects

1:12:06

so the noise and odor are based on the new landfill expansion area

1:12:12

thank you that's very helpful no more okay i'm batting

1:12:20

cleanup uh i do have a a few questions and i'll apologize in advance that uh

1:12:26

some of these may be staring me in black and white and either the application or the staff report and i may not have just

1:12:32

picked them up um and some will uh be probably best answered by miss ryan but

1:12:41

um so you and i'll ask many of these both of the applicant and the the staff

1:12:47

um i'd like to get their perspectives on both first is how should we read the

1:12:52

statements in the application um are they commitments are they statements of

1:12:59

direction subject to change how firm and i'll just give an example the application states that there will be

1:13:06

only one working face at a time and operations will be roughly the same

1:13:11

scale so i'll come back to the applicant during uh that presentation but to the

1:13:16

staff um how did you take the applications statements into

1:13:23

consideration that's a that's another good question what we would typically do is assign conditions of approval related

1:13:31

to um the scale and the time and and all of the elements of the landfill you know

1:13:38

um operation that we intend to regulate and restrict in this case we were

1:13:44

recommending denial and rather than sort of throw out confusing statements of you

1:13:50

know if you you know if you are approving it then this these conditions and or not uh we went with we recommend

1:13:57

denial knowing that we will have another staff report as well and if we get

1:14:05

information that responds to all of our issues and and we have a a situation where we can actually assign conditions

1:14:12

of approval then we will have a host of conditions of approval that are related

1:14:18

to uh restricting what's happening here but what you don't see is that host

1:14:25

of conditions well and i'm going to wade right into that because um i am sure the

1:14:32

applicant is going to try to persuade you to change the staff report to a

1:14:37

recommendation of approval and they're certainly trying to persuade us to uh to approve uh and so i've got a number of

1:14:44

of questions around hypothetical uh considerations of approval knowing

1:14:50

that these have not been proposed uh they're not on the table uh but they i i

1:14:56

think are important uh to discuss um and and so uh for example um we see that

1:15:05

republic services and valley landfills are used somewhat interchangeably so

1:15:11

what is your understanding of the relationship between the two entities and who will hold if we assign

1:15:18

conditions of approval who will hold those conditions of approval and who will be held accountable

1:15:25

that's that's a very interesting question uh we have an applicant that's public services and a property owner

1:15:30

that's landfill i would mention that their october submission actually has valley landfills

1:15:36

as the applicant so i'm a little confused and and maybe it's a distinction that is immaterial but um go

1:15:44

ahead please so we would we would assign these conditions to the

1:15:50

use and they would go with the the owner with the property owner so the the the

1:15:57

owner of the use would have to comply with the conditions of approval okay so it's the property owner that

1:16:03

would be bound by the the conditions if if if approved um how would transitions

1:16:11

of ownership be uh be handled um in terms of either a sale of valley

1:16:20

landfills or an assignment or if uh i understand republic services is a public

1:16:28

entity so a significant restructuring of a public entity when does a condition of

1:16:36

of of approval uh get lost in a transition

1:16:43

yes it runs with the use so as long as the the use is active it

1:16:51

will run regardless of entity thank you um what if this i i probably

1:17:01

obvious what if operations are outsourced it retains then with the property owner

1:17:09

and the property owner remains responsible regardless of the outsourcing of of operations

1:17:17

um what if there's a bankruptcy that's an interesting

1:17:22

speculation yeah i i can't really get into the speculation of what will happen after you know if there's a bankruptcy

1:17:29

here does and i'll look at miss ryan does a bankruptcy dissolve obligations that is a

1:17:36

complicated question i am luckily not a bankruptcy lawyer i can look into it and

1:17:42

get back to you at the next meeting if you want but there in bankruptcy i do

1:17:48

remember that there are ways to discharge some obligations a bankruptcy judge uh trustee would be overseeing that

1:17:56

that entire thing i did want to note um one thing that i have seen some jurisdictions do to um make certain that

1:18:04

conditions of approval that are placed on an approval are known uh is to

1:18:10

record a notice of the land's decision in the property records so that it comes up on a title report and a future owner

1:18:17

then is made aware of it okay thank you

1:18:22

and um a landfill is a unique situation because we generally look at a

1:18:29

business operation having a beginning and an end uh and while deposits into a

1:18:35

landfill may end uh much of the other surrounding infrastructure needs to

1:18:42

continue uh so how are conditions of approval that we may or may not impose

1:18:49

uh how do they how is operations defined so that it continues beyond the deposit

1:18:56

period in a landfill

1:19:02

i think that is in the realm of the legal uh expertise

1:19:09

not uh chair fowler i'm not entirely understanding your question

1:19:15

i've seen in the past where a planning commission has imposed operating conditions but operating conditions

1:19:23

require a definition of operating and in a landfill does operating mean

1:19:28

continuing to deposit solid waste or does it once it's been capped sealed

1:19:34

whole thing is done some of those conditions we may desire to persist into

1:19:40

the future how would that be handled i think the county has a lot of latitude and how they phrase conditions of

1:19:47

approval should that be the direction that the planning commission goes uh to to uh address that potential problem

1:19:55

okay so so there are options available to us uh so code sections

1:20:03

53.220 99.905 and

1:20:09

9992525 provide the potential imposition of a bond to ensure compliance with

1:20:15

conditions of approval at least during my tenure i don't recall that ever

1:20:20

having been imposed by the county and so uh miss sheets could you describe what

1:20:27

that process is it's it's generally for the actual before the actual development of the

1:20:33

property to ensure that the like public improvements are completed uh so i don't

1:20:39

know what the history here uh at the county is but i've seen that done regularly in other jurisdictions

1:20:45

and in in that case similar to an operating condition can that bond be

1:20:51

held beyond the development site and into operations essentially uh as long

1:20:59

as there is the risk of an externality maybe another legal question

1:21:07

uh thank you i believe uh again it would be up to the county with some discretion

1:21:14

to determine that the applicant of course is uh involved in conditions of

1:21:19

approval and can object to them and can potentially then accept them and and

1:21:25

then go and challenge them in a either in circuit court or at luba but it is it

1:21:32

is possible thank you um i i see three governing

1:21:41

processes happening some in synchrony some out of synchrony so there is a deeq

1:21:47

permitting process uh there is uh this conditional use process and then there

1:21:54

is a franchise agreement that the county has with with the applicant um how do

1:22:00

they interrelate where are the boundaries where are the overlaps

1:22:09

do we have the county's attorney here to speak to that issue you know i i did get

1:22:15

a little rundown on this uh the so the franchise agreement and the land use process within the county are not

1:22:21

intertwined they are separate because the land use process is driven by the development code uh the deeq process is

1:22:32

separate uh it's it's its own separate process but the county has given itself in

1:22:39

uh 77405 a separate way for the county as a

1:22:46

body as a government to provide comments in that deeq process

1:22:56

uh through 77405 hopefully that answers your question

1:23:06

so there were two of us that were a part of the previous application process and

1:23:11

this question came up in the previous application process uh as well and and i

1:23:17

think we got a a similar answer um which quite frankly makes me uncomfortable

1:23:24

uh because we have a deeq process where perhaps the planning commission has no

1:23:31

say whatsoever it's the county that could offer um content um but the

1:23:38

externalities associated with the uh the landfill such as methane which came up

1:23:44

in public comment and a number of other places uh we don't have any way of

1:23:50

evaluating monitoring regulating controlling even though it is a significant component uh of a land use

1:23:58

decision because it would affect the surrounding properties so it makes me

1:24:03

very uncomfortable to have uh not even any input to a deeq uh process uh much

1:24:13

less any control and it we do our part

1:24:19

and then we're done we we don't get to then look at the deeq results and come

1:24:25

back and revisit our land use decision and this is more of a soapbox than it is

1:24:32

uh a question that makes me very uncomfortable we won't see the result of

1:24:37

the deeq process before we have to make a land use decision even though they're very very intertwined but again soap

1:24:44

box um moving on to uh a question of the

1:24:50

county i believe the county has climate goals that it intends to implement i i

1:24:56

confess i'm not very familiar with them but um i i believe there are uh some

1:25:02

climate goals uh and this gets back to the deeq process because i don't understand the mechanism to implement

1:25:09

those climate goals unless there is some county control over things like the greenhouse gases associated with a land

1:25:16

use opportunity so miss sheets would you like to comment on what the uh county

1:25:24

climate goals are and how it would relate to this particular land use

1:25:29

application particularly um familiar with them um it's it's not necessarily

1:25:37

directly in my line of work um and it's not directly related to uh this land use

1:25:44

application criteria so um so um i'm i'm i'm not sure what i

1:25:52

mean surely there's correlation but it's not relevant um to this hearings process

1:26:01

okay appears as though you're itching to also offer sure there there are ways to

1:26:07

bring the climate goals into the code so that we can and you can review them uh

1:26:12

against applications and that as my understanding hasn't happened yet that

1:26:19

that is true although uh some of those exist in our comprehensive plan and uh

1:26:27

certainly the comprehensive plan compliance is within our opportunity to

1:26:33

uh discuss as well even uh i will go ahead and take that one so uh the benton county code uh

1:26:41

development code provides the the only review criteria the comprehensive plan

1:26:46

is not a review criteria the comprehensive plan can be helpful to uh

1:26:54

inform uh interpretations of ambiguous code sections exactly but it doesn't

1:27:01

apply directly to this this or any conditional use application right it is

1:27:07

it is not code i i i understand that but in terms of having it as a context to uh

1:27:13

to define some of these terms that are not defined yes uh that's perfectly

1:27:19

within our realm of for example your going back to your question about how do

1:27:25

how would the county define operations the length of operations i don't know but perhaps there's something

1:27:32

in the comprehensive plan that could guide that crafting that condition of approval right

1:27:40

uh we've we've had some um some terms thrown about and and this is my

1:27:45

ignorance more than anything else we have a dsac a swac an enrack i guess

1:27:51

swac is no longer extant um what what

1:27:56

are they and what roles do each play

1:28:04

uh so uh the swack was

1:28:09

uh the the swack um was a requirement um of the

1:28:16

um the disposal process um but it was dissolved um while they went through the

1:28:22

benton county detox trash process and the board of commissioners um then um

1:28:28

put that on a hiatus and um for the land use process then designated

1:28:35

um or used uh continued with dsac um but designated enrack the environmental

1:28:43

committee um to fulfill the swac uh responsibilities ities um for this

1:28:49

application so that's that relationship um the disposal site um committee is

1:28:56

specific to the operational uh concerns um of the committee and uh the committee

1:29:04

and representing uh the community and it also includes representation

1:29:11

uh and membership of republic services so it's aimed to be a partnership to

1:29:16

work through uh concerns um at the landfill site so those are those

1:29:22

different roles um at some point in the future uh we'll probably reinstantiate a

1:29:29

swac um but at this time it is still on hiatus

1:29:34

and i mentioned earlier this evening that that one was considered an agency referral and one was considered the uh a

1:29:42

public comment which falls into which camp yeah so um enrac was the one that

1:29:48

was appointed by the board to fulfill swac's responsibilities uh so the closest

1:29:57

um uh responsibility or role since they're more than public comment seemed to be

1:30:03

classified um in my opinion as more of an agency referral comment uh so that's

1:30:10

why uh they received um agency referral notice um and was classified that way um

1:30:17

they were treated a little bit differently um we needed to give them some training on the land use process uh

1:30:24

and the criteria and what that means and put some sidebars um and uh so those are

1:30:31

all uh meeting minutes and uh you know agendas that um we may add into the

1:30:37

record that's also been a question uh so that uh folks understand that we were

1:30:42

you know above board in terms of um the guidance that we gave uh that committee uh so they did a lot of work i think

1:30:49

they met four or five times um and and really worked hard um on their response so we really appreciated their efforts

1:30:57

um uh desac um on their own were interested um in the topic and even

1:31:04

though they had not been appointed with a formal role uh they chose as a committee and because they had um uh the

1:31:12

ability to do that amongst themselves decided uh to provide public com uh

1:31:19

public comment as a committee or an entity so they did uh provide that as an

1:31:25

entity great thank you uh chair just to clarify

1:31:31

the desac is a statutoily mandated uh committee and it's because coffen but is

1:31:39

a regional landfill so it's not it's not a county generated or county sanctioned uh

1:31:46

committee it's a statutory committee in that statutory committee is because of

1:31:52

the regional nature of the regional and that designation occurred see in

1:31:59

1974 um the code wasn't updated until

1:32:06

1983 but i don't see anything in the code and i may have missed it but i see nothing in the code about regional

1:32:13

landfill uh and so from a land use perspective from a code perspective

1:32:18

regional landfill is is what it's the statute that defines the regional

1:32:24

landfill it's the statute that requires a desac and sort of specifies the composition including having a a member

1:32:30

of the landfill operator on it and some other folks and the statute def uh

1:32:35

defines regional landfill but i don't have it at my fingertips but but we have nothing in our code

1:32:43

that's correct it has regional land there's no discrimination between landfill and regional landfill in

1:32:48

chapter 77 but there will be um when we get to the

1:32:54

second phase of our development code update so it is on the list

1:32:59

yeah um i very much appreciated the circle chart with all of the the public

1:33:05

comments i attempted to read all of the there were nearly 3,000 pages just of

1:33:10

public uh comments um and so that that was uh impressive and i think the circle

1:33:17

chart does a very nice job of of summary

1:33:22

uh but as i as i reflect on those 3,000 pages um there are a couple of o

1:33:30

overwhelming themes that seem to speak directly to some of the concerns that

1:33:35

were expressed in the in the staff report uh yet none of the public comments entered into the analysis

1:33:42

portion of the of the staff report and i recognize for example with with odor our

1:33:48

public doesn't have the instrumentation other than their noses um to to be able

1:33:54

to quantify something um but for i guess first answer if you would why that

1:34:01

public comment wasn't considered as a part of the analysis um it it will be we wanted to make sure that we continued um

1:34:09

to collect through the record and so the subsequent staff report will have a more

1:34:14

thorough analysis i i i would hate to lose all of or just

1:34:21

leave it as the public comment is there for us to digest i i would very much

1:34:27

appreciate that the the staff report incorporates some of that very valuable information that was uh was submitted

1:34:34

and if if i could add um there's some um concentration points um that we're

1:34:40

working on as well that we'd like to um uh so uh so for folks that um live near

1:34:47

the land bill for example we're uh specifically interested um in their

1:34:53

comments around odor and we'll do a spatial analysis and comparison on their

1:34:59

comments and weight those comments differently than um odor uh concerns from folks that do not live

1:35:05

in the vicinity um of that of that so you'll see a variety of ways that we

1:35:12

approach those different things in a uh uh socio um or excuse me a a dem

1:35:17

demographic uh and spatial way thank you i look forward to that uh what is the

1:35:25

property tax structure of the tax lots in in question i don't know anything

1:35:31

about the property tax structure of a landfill zone whether it's similar to a

1:35:36

resource zone h how is it how is it assessed is it county assessed is it part of the state assessment process um

1:35:44

how are property taxes uh calculated and realized on this property

1:35:50

it's county assessed i know nothing more okay uh it it also seems unusual you

1:35:58

know we have a we have a zone that's exactly one set of of tax lots and never will be anymore i don't i don't think uh

1:36:05

and it's an unusual situation where i imagine this property is very valuable during the depositing stage and not very

1:36:13

valuable once it's complete and so i'm just but that doesn't mean that the uh
1:36:20
county burden associated with that property changes in the same way that
1:36:25
the property value changes and so as we uh evaluate things like undue burden uh
1:36:33
h how do we assess the um the mechanism by which uh tax revenues are collected
1:36:41
for things like fire service protection uh throughout the process because i
1:36:46
imagine that the fire service is supported through the property tax collections of this particular
property
1:36:51
as they are for for all of us
1:36:59
are you are you asking um how does the value of the property impact the
1:37:05
associated districts well i i'll use fire service as as an
1:37:11
example um i think we do have a letter from um the adair fire service uh i
1:37:17
believe they are supported exclusively through property tax revenue and i would appreciate
asking them if that is that
1:37:24
is accurate um the landfill uh poses a
1:37:30
unique risk for them to manage i imagine there's specialized training associated
1:37:36
with with landfill operations and and so forth and i'm just trying to to balance
1:37:43
what are the collections versus the the public burden of offering fire service
1:37:52
that's a a very interesting it's it's related to your question actually i really appreciate it um we
haven't
1:37:59
delved into that and we can ask for more feedback on that issue
1:38:04
i i would appreciate it and it's probably not the only example of public infrastructure that is uh is
impacted by
1:38:13
this unique property and so i would encourage us to look at more than just the fire service but
that seems to be
1:38:19
one chair if i i may this might be a good topic for the applicant as well as
1:38:26
i say most of these questions are are going to be asked uh in a bit of the of

1:38:31

the applicant um in addition uh moment on character of the

1:38:38

area the bctt information interprets area to include as one of the bullets

1:38:45

the likely extent of effects of the proposed land use

1:38:50

uh that i think is broader than the abutting and the adjacent properties and

1:38:59

what we've seen in the public comments if there are any indication the area used in the application and staff report

1:39:06

might be too restrictive uh based on uh that what the bctt

1:39:11

includes in the definition of of area uh adair village with the support of the

1:39:16

benton county board of commissioners expanded their urban growth boundary largely to the south but also some

1:39:23

parcels in the in the north which are getting closer to the uh to the to the

1:39:30

landfill site um how did you assess and accept the definition of area for

1:39:38

character of the area and why did you exclude something broader when the impacts are clearly uh experienced

1:39:46

outside of that zone so we did have two areas that we looked at and the

1:39:51

application looked at as well for adjacent properties that was the

1:39:56

properties that were next to and next to the the landfill for character of the area we had a the applicant provided a

1:40:04

90 square mile area that included the extent of uh reported odor impacts and

1:40:12

and we thought that was a quite large area to evaluate the character of the i

1:40:20

would say the difficulty in um uh this evaluation in terms of character of the

1:40:26

area is that there is an existing landfill and we're evaluating the impact

1:40:32

act on the character of the area um for the expansion of that landfill and so

1:40:38

it's it's a complex sort of question this whole application is complex and

1:40:44

and we appreciate that so uh so thank you and i want to build on that a little bit and in terms of uh current

1:40:52

operations are considered kind of the base case and then we build on that and obviously um this is really a a scenario

1:41:02

and we've looked at the landfill operations as a as a base case but the character of an area is dynamic uh just

1:41:09

as the landfill operations have doubled in size since 2017 if i read the the

1:41:16

report correctly i'm wondering what's happened to the surrounding use areas

1:41:21

over that same time so if we accept the character of the area that it includes a

1:41:27

landfill uh but over that same 8-year period what's happened and i guess i

1:41:33

would focus on residential applications because that's going to be most sensitive to expansion of a landfill

1:41:40

what's happened to the residential area in that same character of area analysis

1:41:49

area that's a a good question i think uh one of the important things to keep in

1:41:56

mind is is the objective of the analysis and our constraints on looking at what

1:42:04

the proposal is versus um you know what what has changed with the existing

1:42:10

landfill and what has changed around it and and we're looking at will this

1:42:17

expansion seriously interfere with the character of the area when the character

1:42:23

of the area as you're saying has changed over time and so has the landfill over

1:42:28

time and we're looking at just the expansion and and so it it's hard to get

1:42:36

to an answer of what what makes a difference in the character of the

1:42:42

area to an extent beyond people who are are you know concerned about and

1:42:49

have uh reported impacts from the existing odor that it's i i hear what

1:42:56

you're saying and i it's difficult to establish that distinction well and i

1:43:01

would add on to the to the complexity but i think it's important in that when we look at approving an

1:43:08

expansion okay we know what that expansion looks like but what is happening to the area as well we we know

1:43:16

that that area so can you project as a scenario 10 years into the future what

1:43:22

what does the surrounding area look like 10 years in the future because

1:43:27

i i i think we should consider impacts not just today and one variable changing

1:43:34

which is a landfill expansion uh there are other variables that are changing as well the surrounding area is changing

1:43:42

and so as we evaluate impact on the area both ends of the equations kind of need

1:43:47

to be spun forward in a scenario i i appreciate the the thought and and

1:43:54

that idea it's just beyond uh the scope of of pretty much any land use

1:44:01

application i've ever seen that so i i think it's it's a great idea but it's

1:44:06

just not something that applicants or staff really evaluate

1:44:12

okay and if i can jump in i i think that the reason jesse is saying that it has to do with the goalpost rule which you

1:44:18

know uh gives the applicant protection from changes in the law

1:44:24

um as of the day date their application is deemed complete it doesn't give them

1:44:30

protection from changes in fact but the way that land use applications are processed is to sort of take a a

1:44:36

snapshot of the lay of the land at that time unless a specific

1:44:42

criteria tells the county you know look forward and project what's going to be

1:44:47

happening with traffic between the in 5 to 10 years there you know there are some criteria that require an assessment

1:44:53

of can public facilities support this use and that does require a forward-looking projection but the

1:45:00

character of the area uh language is not quite like those you know public

1:45:05

facilities projection criteria that you sometimes see so that that's maybe a

1:45:11

maybe a reason why you don't see that that and um you know we we've done a lot of of planning and not just review of

1:45:18

applications but helping cities plan 20 50 years in advance um i've been doing

1:45:23

this for nearly 30 years and the only thing that we know for sure is that our

1:45:28

planning is not going to be right it's we're going to we're going to miss some things and um and so asking an

1:45:37

applicant to provide a burden of proof that speculates on future land use in

1:45:43

the next n you know in 90 square miles that's that's a pretty tough hill to climb

1:45:52

did you want to comment sheets i agree well said thank you okay

1:45:57

uh i i saw our our uh engineer walk in and um i i i was

1:46:04

reading the staff report around traffic analysis and i i know traffic is a

1:46:11

really i ask all these complex questions and i apologize and i realize traffic is one of those uh those complex ones um mr

1:46:20

curts i'll be looking at you a little bit but um i i had expected some sort of

1:46:25

a travel uh traffic analysis because we know how many tons of solid waste are

1:46:31

moving uh and we know the routes over which they are moving and so i i guess i

1:46:37

had expected some sort of a pound mile comparison that we'd have for this application and compared it to other

1:46:43

heavy uses like logging uh and just to

1:46:48

put it just to ground it for us whether this use is exceptional in terms of uh

1:46:54

of utilization of our transportation network or well it's whether it's

1:46:59

similar to a logging operation do you want to talk to the it manual and such

1:47:05

analysis

1:47:12

i'm not sure i'm qualified to answer that question how however

1:47:19

um my perspective on on on the effect of the expansion on

1:47:27

traffic in general is that the traffic flows are likely not to increase

1:47:35

substantially that that the purpose of the expansion is really to maintain a

1:47:42

use and as a result i mean again i can't speak to the

1:47:48

motives or the or the goals of the of the organiz the corporation itself but i

1:47:54

i would guess that the that that traffic would not

1:48:01

increase noticeably as a result of however that doesn't mean that that you

1:48:07

know that those uses aren't going to be there and those uses do not do not have an impact um

1:48:16

it it isn't i i i don't think you can accurately compare

1:48:23

um like a logging operation with uh what i would consider to be a daily ongoing

1:48:30

use uh in intensive use i mean it's almost like having a logging operation going 24/7 um

1:48:39

so i'm not sure if you would gain anything by doing the the the pound the

1:48:47

pound per per vehicle or something like that impact on on the facility and i guess i should point out

1:48:55

also that historically we've had we've had difficulty with we've been in

1:49:02

negotiations with with the landfill and with the with republic services and allied before them um at various times

1:49:09

you know to to address maintenance issues on coffin view road and one of the things they're proposing is to

1:49:16

completely rebuild a substantial portion of that of that road and um that's kind

1:49:22

of a boon to us and as the trans as as transportation systems go i think it's

1:49:28

an improvement that that will definitely benefit those who use the facility on a

1:49:33

regular basis who aren't who who are not associated with land use or or with the uh with the landfill

1:49:39

use uh however um in in in terms in

1:49:45

terms of the actual analysis of of what trucks are going where how much

1:49:51

they weigh and how much they're dumping on a regular basis i i did not address that at all so
1:49:58

okay i hope that answers your question did i travel off on tangents there or words

1:50:04

well i i understand what what what you've you've done and uh uh and i'll ask this the same thing
1:50:12

of uh these questions of the applicant as well but i was trying to put in my head uh how how does
this operation

1:50:20

compare to other fairly heavy utilization of our transportation system

1:50:26

i to be honest this use is probably one of the most intense uses that we have um

1:50:33

coupled with the of course with the quarry um i mean that you've got got

1:50:38

garbage coming in you got rock going out you know it's that's that's heavy use uh

1:50:44

the only comparisons that i could make anywhere else in the county would be

1:50:49

adjacent to the quarries that we have in the county um the those are the only

1:50:55

other operations that i would consider to be analogous

1:51:00

um i'm i'm looking around and i i do not see another industrial use in the county

1:51:08

that that that really has these kinds of impacts across the board from from impacts on

1:51:16

our infrastructure to impacts the environment to impacts water quality etc etc this is this is kind
of the

1:51:22

boogeyman sheets i could add to that a little bit there is national data that has those

1:51:28

correlations that we can we can capture if we need to do that um we of course do

1:51:33

have a number of uh aggregate companies

1:51:38

uh in the county and so some of the conditions associated with those uh do

1:51:43

include um some additional maintenance on the roads um responsibilities uh

1:51:49

knife river for example that's associated um with um with this application um they are
responsible um

1:51:57

for additional maintenance um in their uh conditions approval for for their application so that is
absolutely in

1:52:04

your wheelhouse um to take a look at the impacts u of transportation um of the
1:52:10
maintenance um of the road system and then also uh not just the weight but um
1:52:15
the it manual um in terms of impact and that's a a
1:52:21
trip generation manual is a nationally recognized source of estimating the sight specific trip
generation for
1:52:26
certain uses so there's a ton of um national data that will talk about uh
1:52:32
the relative impacts um of landfills um and the haulers and uh so that was used
1:52:38
as in the transportation analysis that is a standard um engineering tool that was used um as an
input
1:52:46
great thank thank you um i i didn't see any input from adair village can you
1:52:53
confirm that we did not get any input from adair village correct
1:53:01
um i tried to look at the the detailed topographic map and i was trying to
1:53:07
identify where the called the continental divide where does surface
1:53:13
water flow towards the east and where does surface water flow towards soap
1:53:19
creek um i didn't see any analysis in the staff report and again i'll ask the
1:53:24
applicant the same thing um but i was wondering whether there are any uh test
1:53:31
facilities monitoring stations of surface water uh either to the east or to the west uh and my
question to adair
1:53:39
village was going to be that bowowers creek exhaust into the wamut very very
1:53:44
close to where their municipal water system intake is do they have monitoring
1:53:51
uh of bowowers creek uh to give an early warning before they intake wamtt river
1:53:57
water for municipal use um is there any any chance we could extend another
1:54:03
invitation to um adair village
1:54:09
could do that um or uh monitoring uh systems um we could certainly look into
1:54:14
those uh technical questions okay well i can i can speak to couple other points

1:54:21

there the um on the east side of the highway uh

1:54:26

there was a mitigation area that constructed wetlands that was built around the time that uh that uh the

1:54:34

landfill built its original leche treatment system and i believe there are

1:54:39

a couple of subsurface monitoring wells in on that property i i don't know for

1:54:45

certain and i will defer to to the applicant to to and i'll ask the same questions of the applicants um however

1:54:52

there's there isn't any surface water testing that that i believe is done on a

1:54:59

regular basis by anyone other than the applicant

1:55:04

um in compliance with their deq requirements for leate analysis and that sort of thing

1:55:10

however the city of adair would routinely test their intake waters on

1:55:18

the wamtt uh so they would be aware if there were a sudden spike

1:55:26

in in in detectable pollutants um there there's a whole host of franken

1:55:35

chemicals that are of that are in our environment now that are functionally undetectable without without

1:55:43

extraordinary effort in a lab um and have not reached that sort of affordability phase so there's a lot of

1:55:50

stuff in our water that we don't we don't really know what it is and so the

1:55:56

every municipality that has a treatment plant will do testing on its intake and

1:56:01

its output to give itself an idea of how how how its systems are are functioning

1:56:07

so there would be that stop and there as i mentioned there may be other

1:56:14

testing of surface water that is conducted by the applicant themselves

1:56:20

my final question i'm sure you're all very pleased it's my final question um i

1:56:25

didn't see any uh discussion of the subduction zone

1:56:35

risk we uh i believe we did have some review of their seismic analysis and if

1:56:42

ellery uh can manage to get back online

1:56:48

hi i am available um and able to to speak now um there is um in in our

1:56:56

letter we did reference some additional um geotechnical reviews and uh i would say

1:57:05

analysis be done if this were to be approved so we have a a letter

1:57:11

um jesse you you may have to direct the the commission to where that letter is

1:57:17

uh but there is a section that speaks to the uh geology specifically in the geotechnical issues and and as well as a

1:57:25

proposed uh condition if it were to be approved

1:57:31

so that's in uh bc1 which is the um the comments of mfa

1:57:38

okay thank you now we'll move uh in in case any

1:57:45

questions have come uh of the commissioners during uh the time of questioning and i got a note that

1:57:51

commissioner cash would uh would like to ask a question so we'll begin with her commissioner cash

1:57:58

can you hear me yes thank you commissioner fowler so i i waited to the

1:58:04

end because i was assuming this might be discussed um through the questions of others but i

1:58:12

need to be led through something um that that i'm trying to track between

1:58:21

what i read in the reports and what i have heard said tonight

1:58:31

uh so far from the um folks who have been thank you for answering our

1:58:36

questions um okay so i felt like the

1:58:42

residents concerns the the benton county residents concerns who had sent in their

1:58:48

comments um we're talking a lot about these is it

1:58:56

pcfs going into the wamut river that was a very consistent

1:59:04

theme and then when i look at the staff report it says we're really we're really going to focus on noise and

1:59:12

odor and is and is that because i think what i heard stated

1:59:19

tonight this is now my question did you say we are not looking at the release of these untreated

1:59:29

um chemicals into the river because we don't have a way to track it and or we

1:59:36

don't have a facility to do the treat the treating and then that question would

1:59:42

have a followup of could you educate me about whether we should be treating those things before they're released

1:59:48

into the river

1:59:55

so i i heard a number of elements of that question and uh one thing i'd like

2:00:01

to address first is um we are still

2:00:06

evaluating and i i hope we've made that clear in our staff report and in what

2:00:11

we've talked about tonight uh comments and what would be very helpful for

2:00:17

anybody submitting comments uh verbally or you know in writing um in any way to

2:00:24

put your address to make sure your address is on those comments so that we can evaluate that so that's one piece we

2:00:32

are still evaluating all of the comments we will evaluate all the comments in relation to the code standards

2:00:39

um regarding the um microlastics and our ability to uh regulate groundwater um

2:00:48

you know i think we are limited to um looking at best practice we've asked our

2:00:54

engineering consultants you know what what should we look at how can we

2:00:59

evaluate this and um and what can we put in as conditions of approval in relation

2:01:06

to this application and uh you know as a county and and as something that is

2:01:13

regulated by other agencies and so that's u that's i think what we focused

2:01:19

on is what best practices can we assign as conditions of approval but you don't

2:01:26

see those conditions of approval because we're recommending denial and so that u

2:01:33

makes it look like you know maybe we haven't addressed some of these concerns

2:01:38

when we do have a lot of potential conditions of approval that we can apply

2:01:43

to this application um so that's that's a

2:01:49

response uh i think it would be very applicable to the conversation to ask

2:01:55

the applicant as they h also have the the burden of proof to um let us know

2:02:01

how they intend to monitor and report and um we can assign conditions of

2:02:08

approval that will uh allow us to also do that

2:02:15

thank you and i think what i heard you say is that you didn't feel the need to

2:02:20

dig more deeply into some of these other areas because of uh simpler issues being caused for a

2:02:29

suggestion of denial

2:02:35

i'd say to to some extent that's true uh we are still evaluating the comments so

2:02:42

there may be additional items in our updated staff report that are incited uh

2:02:50

evidence that people present that can come into the staff report that will lead to different conclusions on some of

2:02:58

the items in the staff report so right now our focus was on a technical evaluation of their application and

2:03:05

their uh information they submitted and in that we had uh our

2:03:11

recommendation of denial on on those two items and the lack of information on the location of the shop in the fc zone so

2:03:19

those are things we pointed out as technical inadequacies with the application as we bring in other

2:03:25

testimony there may be other conflicts other impacts that we haven't yet

2:03:31

considered that we will incorporate into the staff report to uh respond to those

2:03:36

items that people have raised so that's that's what's going on there and this is

2:03:42

something that we struggled with to try to explain the best we could that this

2:03:48

staff report is looking at uh the applicant submission as a technical

2:03:53

exercise now what you see on the 22nd was that and the next one will

2:04:01

incorporate enrack comments citizen comments all of these elements will come

2:04:06

back into play as they hopefully are people are relating their comments to approval criteria specifically enough so

2:04:15

that we can look at that and say here is how it relates and here is conditions

2:04:21

addressing this that we recommend thank you for that very clear um answer

2:04:27

i feel educated and informed and i appreciate that and um i'll seed the

2:04:35

floor questions wrap-up questions from other

2:04:40

commissioners commissioner lee so i have a question that's just

2:04:46

beginning to form in my mind so forgive me while i fumble around and try to express it

2:04:52

is there a chance that during this process the staff report will get

2:04:58

information from any source that would change its recommendation from denial to approval

2:05:08

yes okay uh i have several other questions uh again in no particular

2:05:15

order um ben county hired a compliance officer

2:05:21

recently i haven't learned what the job description of that compliance officer

2:05:27

is i've wondered if that officer will be

2:05:32

reviewing compliance of conditions of approval at coffin

2:05:41

but not likely because it's such a specialized area and the operating permits are through

2:05:48

deeq thank you so um i have some other random questions

2:05:57

but let me follow up about our relationship to oregon deeq because missy who's that's the name

2:06:05

i remember you as i apologize i'm not trying to be disrespectful um suggested that

2:06:12

77.405 in the code defines our relationship with deeq but you expressed it in a way that is not how i see that

2:06:19

as reading could you go through that again

2:06:24

just put that code section over

2:06:31

77405 is a unusual code section and it looks uh to our firm did a a review of

2:06:38

this a code section specifically a couple of months ago it looks like what

2:06:44

the county wanted to do here was give the county itself through the planning

2:06:50

official and potentially through the planning commission the chance to re to

2:06:55

weigh in in its official capacity in the deeq proceeding that is simultaneously

2:07:02

going on in a different world than this room that's how i would say it so it's

2:07:08

it's a part of your land use code but it's not germanine to this this

2:07:14

conditional use proceeding okay can i tell you how i read it mhm i

2:07:20

i it is it isn't a very well written bit of code because it's because it has so

2:07:26

many vagaries in it but i read it as an opportunity as a as a goal to have the

2:07:33

county involved in understanding what the issues that the

2:07:40

deeq is involved in and be totally transparent about when those issues

2:07:46

become of concern so for instance there were i

2:07:54

don't recently for some reason the environmental protection agency has been

2:07:59

playing a role in evaluating conditions at uh at coffin but and i don't know if

2:08:07

that was the result of a chain of events that led from the county to deeq to epa

2:08:12

i mean i don't understand that whole who's who's minding the store and how transparent are they being to the county

2:08:20

and you know that's what i want to understand right so okay so the the title of the

2:08:28

code section which is a title you know it's not um binding but it does say

2:08:34

review of deeq permits and then it says copies of materials submitted to deeq as

2:08:40

part of any permit process which i understand to mean deeq permit or uh

2:08:47

because of its context shall be submitted to the planning official who is para if at any time patra determines

2:08:54

that deeq permit application materials or conditions of the deeq qqq permit are

2:09:00

judged to merit public review a public hearing before the planning commission shall be scheduled so that is really

2:09:08

talking about the parallel process of deeq permit review that is going

2:09:13

on outside of separate from this conditional use permit process in which

2:09:19

the applicant is trying to satisfy the criteria in the code only well okay so

2:09:26

what i read it as is deeq has a permit and it has conditions of approval so it

2:09:32

says uh in the permit process or at any time so that's why i said well at any

2:09:38

time if there's if if deeq is sending tech information about the status of

2:09:44

stuff at at coffin to the planning to the county to the planning official and they're reading it and they say oh red

2:09:50

flag here maybe we should maybe the public has a right to know um that's the

2:09:56

way i'm reading it it cannot not i'm not reading it as just limiting it to this

2:10:01

period of time when there is a permit in process but when there is a

2:10:07

permit and its conditions of approval which is continuing

2:10:14

continuous so this leaves me again so you're saying that's not that's not how

2:10:19

it's interpreted that's that is correct that's not how we interpreted it so at the request of the county okay

2:10:27

so once again conditions of approval are not

2:10:35

being monitored or enforced by benton county at coffin deeq per permit

2:10:43

conditions is that is that your question and benton county's conditions of approval and some of those may reference

2:10:51

deeq and its stuff anyway it gets too complicated it it's like okay we want

2:10:56

transparency we want to know and we're in a we're in a position now where we don't know and and that's that's causing

2:11:03

frustration because it and it it limits our ability to evaluate um

2:11:10

um the criteria which we're charged with so so again soapbox appreciate the

2:11:18

opportunity to have a soap box and and it is it's very concerning because these issues are essentially health and life

2:11:25

for people so i think these these issues should be become much more

2:11:31

transparent so i have another question which may not be related okay i haven't heard any much

2:11:40

about the tonnage cap being lifted as a result of approval of this request and

2:11:49

my question is so is related so right now is is

2:11:56

coffen but depositing into cell six which is the which is the

2:12:02

um quarry is is that where is that where they're depositing now well at any rate

2:12:08

i want to i want to i'm going to be asking the applicant what's the longevity of of coffen but and at what

2:12:16

point if we approve this con this application at that point does the does

2:12:24

the franchise say that the tonnage limit of 1100 million whatever it is goes away

2:12:31

and so that there they can accelerate at any point after that regardless of whether that material is going into the

2:12:37

new new area

2:12:42

i think you're asking a question about the franchise agreement which i would be able to get back to you on on thursday

2:12:49

okay okay i think that that's hearing about tonnage agreements and thinking

2:12:55

that's probably in the franchise it is it's it's the lifting of the cap

2:13:01

uh on the on the tonnage yes okay so completely unrelated about traffic so

2:13:10

um i hear people saying that the traffic for this for this uh new area won't

2:13:18

change but did i also read that there is going to be a process by

2:13:26

which vehicles are required from

2:13:31

um i think it's some of the people who like individuals who go there to dump are going to still go to the old area

2:13:37

and get weighed and then they'll have to cross coffin but road to take that

2:13:43

material over to the new area so will there be places along coffin but in

2:13:49

which traffic is going from the north to the south is that a new thing is that

2:13:54

did i understand that

2:14:04

correctly historically there has been a lot of traffic across coffin view from the

2:14:11

north side of the road to the south side of the road um it fluctuates according

2:14:17

to with time uh there have been several instances where where that traffic was

2:14:23

very intensive um and actually there were there were conversations with

2:14:29

landfill at the time about the impacts to coffin beer eroded um

2:14:36

and those crossings were coming like directly across the road

2:14:42

like and and through temporary access to the north side of the road

2:14:48

um those occurred on two separate occasions over the course of the last 15 years or so

2:14:54

um the in this instance and i again i will defer to the applicant regarding

2:15:00

the domestic dump off and then the requirement to weigh elsewhere than the

2:15:05

scales that are being proposed on the south side but um if they were to go

2:15:11

into the existing uh access to the north cell and way there and then come out and

2:15:17

go across the road they would be turning right onto coffin but road from the

2:15:23

northerly cell proceeding to the west and going into a turn pocket to turn

2:15:30

left to get to the south side of the road for the deposit of the materials that had just been weighed so in terms

2:15:37

of the i i guess across the street traffic and such uh the proposed

2:15:45

transportation improvements uh would take care of that of those motions or

2:15:50

those traffic movements and then on the at egress you know those

2:15:56

same vehicles would come out and turn right to get back out to highway 99 where there are also acceleration lanes

2:16:02

and turn lanes and such like that so i don't think we're going to run into the same kind of cross street problems that

2:16:08

we had at at points in the past um i i think that that i think that the

2:16:15

configuration of the transportation improvements will will mitigate that that problem thank you

2:16:24

commissioner fulford got a question uh regarding it's kind of

2:16:29

a math question um 2003 it was uh 20070

2:16:35

right 67 years 2013 20150 that's 37 years 2023 it's 2035 which is like 12

2:16:45

years and now we're we're expecting uh 12 years for this next next run right

2:16:51

and we're going to get another six are we doing the math right cuz i'm i'm thinking here in 10 years when i say 10

2:16:58

years 8 years in 2033 we're going to be at like two and not not another another 10 or 16 okay

2:17:07

what what kind of uh i guess math are we doing because we seem to we've seem to

2:17:12

miss it by quite a bit every 10 years so uh are we taking that into account

2:17:19

i'm sorry i uh that was a lot of numbers that you uh you put out there

2:17:26

i i think you know that's a question that is not directly related to our code

2:17:33

standards that we're looking at right now and i think it's a good question for the applicant okay sounds good i i'll

2:17:39

wait vice chair haymon

2:17:46

thank you um really quick question about transportation again um i guess granted your assessment that

2:17:55

it will not the approval would not impact the level of transportation of

2:18:01

transportation uh at the site um will none nonetheless extend the

2:18:08

period of time over which we experience that transportation the permit is is is

2:18:13

designed to extend the life of the landfill and so is that that's not to be

2:18:19

considered in this i i would say existing condition is the

2:18:26

landfill as it currently exists thank you are there any other

2:18:34

questions from the commissioners commissioner bisco

2:18:47

um i'm gonna circle back we've we've touched on it with a couple of the commissioners um
thank you chair

2:18:53

fowler related to the traffic analysis and what was presented in the staffer report excuse me and
it's related to the

2:19:00

traffic question also of of commissioner haymon just confirmation uh if we if

2:19:08

there is an approval of this landfill expansion i to commissioner lee's question i believe it is in the

2:19:14

franchise agreement that the cap the tonnage cap on the waste that is brought into the landfill will
be lifted is that

2:19:21

correct meaning the agreement that we have that only x amount of tons comes in

2:19:27

on an annual basis that will go away that that is correct it'll go away in

2:19:33

the land in the franchise agreement correct but the land use decision if it

2:19:38

was approved could include a tonnage cap

2:19:44

can you clarify what you mean by the land use did you say application

2:19:50

if approved so the the conditional use permit could include a tonnage cap i think the tonnage cap

2:19:56

is in the franchise agreement if there's and i think it says but i i really now

2:20:01

i'm wishing i had that agreement here and i don't um uh uh if the expansion is approved the

2:20:08

the tonnage cap goes away but i don't see any reason why the conditional use permit couldn't
include a condition of

2:20:14

approval that imposes that tonnage cap very good thank you uh with that in mind

2:20:20

we come back to the compliance management of benton county we have a compliance officer that it sounds like

2:20:26

won't be involved in managing compliance conditions of approval were found during the benton county talks trash process

2:20:34

um to be not enforced by benton county might be the way to say that um quite

2:20:42

significantly and the landfill in itself uh under their management did not pursue

2:20:49

those conditions of approval and a compliance as was agreed so in the instance let's say that we do have that

2:20:56

opportunity to put a tonnage cap as a condition of approval what would the enforcement and

2:21:02

this is probably for for benton county what would our enforcement options be because we had exceeded the cap tonnage

2:21:09

cap in several years prior due to wildfires and some other scenarios that

2:21:14

were presented i'm not sure the actual reasons but we had exceeded that tonnage cap before so what enforcement options

2:21:20

would we have if we were to put a tonnage cap on in this space and that

2:21:25

tonnage cap does relate to the traffic amounts that we would see uh and the traffic impact analysis that we've been

2:21:31

provided

2:21:36

um we we do have we we do have options but we haven't gone through those scenarios um in in regards to um the

2:21:45

authority yes we do have the authority on several levels uh the

2:21:53

methane the fire um etc there is an authority but we have not contemplated

2:21:59

uh at this point um how we would be enforcing that

2:22:04

okay and and to it's miss harris is that correct ryan miss ryan sorry missy ryan okay um

2:22:13

with that would a set of conditions of approval have a greater authority than

2:22:18

the franchise agreement or would the franchise agreement have a legal where is the authority who which

2:22:25

one overright the other or yeah i'm sorry if the condition conditional use permit

2:22:32

condition included a tonnage cap monitoring that would fall under

2:22:37

community development it wouldn't fall under the franchise agreement which is a business issue with the county is how

2:22:45

i would characterize it uh so in in the cdc's enforcement portfolio they may you

2:22:53

know decide to budget for a position for inspection um maybe some self-monitoring and

2:23:00

self-reporting coupled with inspection there's a number of ways to structure that

2:23:09

okay um additional probably just question requests for information u so

2:23:15

chair fowler had mentioned the the character of the area uh the

2:23:20

conversations are around the landfill but but to the point of that surrounding character of the

2:23:26

area we're talking about a lot of residential that are within that 90 square miles right so is it possible

2:23:32

that we have access to like a housing needs analysis urban growth boundary agreements for adair village do we have

2:23:38

a housing needs analysis for benton county that might give us some additional information on what those

2:23:44

projections could look like or what those boundaries have changed within this 90 square mile space

2:23:52

would be no housing analysis in the unincorporated areas um we are going

2:23:57

through a comprehensive plan um update which will provide us that data but not

2:24:02

um within the timing of this application process that's going to be in the next 18 months uh there is uh information on

2:24:13

uh buildable lands inventory for adair village okay thank you on the buildable lands

2:24:19

inventory and again i didn't quite hear what you said about adair villages housing needs analysis or their projections there we don't have access

2:24:25

to that i might have misheard you um there is a buildable lands inventory for

2:24:32

dart village but not a housing needs analysis

2:24:37

i'm not sure on that okay thank you um to uh mr curts thank you for your

2:24:44

information on um traffic and also impacts to that infrastructure when we

2:24:50

talk about the quarry operations at the landfill location um during benton

2:24:55

county talks trash the narrative and and this may have changed so for the applicant if you'd like to respond to this when we get to that part

2:25:01

too that corey space was being presented as a future landfill another cell right

2:25:08

so we're removing okay i see head nods that's helpful um with that in mind how

2:25:14

is that quarry traffic um mr courts referred to and pat sorry miss sheets

2:25:20

also referred to the traffic impacts of corey trucking so when we talk about

2:25:26

that traffic impact analysis have we considered that component of current

2:25:31

landfill operations and ongoing as they extract whatever they're going to

2:25:37

extract from that corey i think that those would i think that the quarry uses are going to be captured

2:25:44

in the counts that were that were created by the applicant's

2:25:50

transportation engineer and so those uses are

2:25:56

um those uses are in place currently and in truth during this period of time

2:26:04

uh this period of time being the last year and a half or so um there there's been an a significant

2:26:12

intensification of of extraction of resources from the coff quarry and so

2:26:19

traffic is about at least for the quarry is about as high as it ever is or has

2:26:24

been um the you my it's my understanding that the goal is to extract enough uh rough

2:26:34

blasted rock uh that has not yet been crushed or or graded um screened uh in

2:26:42

order to get the resource out of the way um quickly so that that cell that can

2:26:48

then be used sooner um now again i think this is

2:26:55

a question for the applicant because uh because the they're working in symbiosis

2:27:01

basically with knife river to accomplish this task and there were the only reason

2:27:07

i know this is because we received a lot of complaints about truck traffic from cuff and be delivering rock to areas uh

2:27:16

to various areas and there were traffic complaints and use complaints and that sort of thing so um we addressed that

2:27:24

issue uh i think also with you all at one point um the but the the the bottom

2:27:31

line is is that i think that the traffic the traffic counts that have been established for the traffic impact

2:27:36

analysis that the applicant has provided um represents as intense a use for the

2:27:43

quarry as as as you could as you could possibly portray so at least higher than

2:27:50

what i would consider to be normal commerce so

2:27:56

thank you for that mr curts um a couple questions came up from the commissioners previously about i think it was chair

2:28:03

fowler was talking about um in the process might have been known as

2:28:08

reclamation when i was reading this application i was also seeing information we've got two separate funds

2:28:14

i believe one was a \$16.1 million fund perhaps if i read it correctly to manage

2:28:19

the site after closure but there's also a reclamation bond is that is that

2:28:25

correct somebody and that bond is intended to in the case of say

2:28:31

um leech remediation or other issues over the lifetime of the landfill after

2:28:38

closure does anybody is that an applicant question is that a county question i do we have numbers on what

2:28:44

that bond is and can you clarify the difference between that ongoing maintenance after closure and then the

2:28:51

reclamation specifically

2:28:56

we'd have to look into that specific question and get back to

2:29:03

you right um the applicant would probably know right

2:29:11

uh there's a lot of reference this evening about a secondary additional

2:29:16

updated revised staff report do we have a time frame on when that will be and will we have a 7-day period before the

2:29:24

meeting that we need to apply that updated staff report yes you will have that at least seven

2:29:30

days before you deliberate

2:29:37

the june 17th deliberation meeting very good it'll be before that okay yes before that at least seven days um as

2:29:45

far as pas have been been discussed this evening so i'm going to brutalize what

2:29:50

is it per floro alcohol substances a number of many thousands of chemical

2:29:56

components it's a big environmental protection agency uh discussion right now previously that had not really been

2:30:03

on the radar of epa and during the benton county talks trash that came into uh the realm of discussion although just

2:30:09

ever so uh in an introductory kind of way i had literally

2:30:15

just happened and it was kind of news at the close of the bctt

2:30:21

process if it is in this report i have not gotten to that component yet i

2:30:26

haven't read that we are looking at that pas impact so beyond the leeches it it's woven into the leate conversation but

2:30:33

it's also its own conversation do we know if the agreements that we have with corvalis and salem to treat our lee uh

2:30:41

do we know if they are treating for those pas at this time are there plans for that pas to be mitigated um due to

2:30:48

the nature of the epa recommending uh no or next to no amount it's a very very

2:30:54

small amount um for the safety health and well-being of not only human populations but agricultural as well uh

2:31:01

it seems to be something that hasn't ridden into the top largely here but it certainly is if it is within excuse me our

2:31:08

public comment so do we have any are we looking at that in this process at this

2:31:13

time

2:31:19

we haven't provided comments on pas in the staff report and i don't believe the

2:31:26

applicant has provided comments on

2:31:33

pas's is there plan to do so by the next f report in any way yeah considering the

2:31:41

weight um of the public comment um once we get through all of those um there will be a um a response um on pas very

2:31:51

good um thank you miss sheets that's very helpful and may make a clarification on the timing of a

2:31:56

subsequent report we don't uh know when that report actually uh will be made um

2:32:03

based on uh decisions that will be made by this body the applicant and ourselves

2:32:08

okay just to clarify we would expect before deliberations at least maybe not a date you absolutely will get it one

2:32:14

week before we just don't have a tentative date very good understand um i

2:32:20

am just going to quick take a look here

2:32:29

the current state uh this would be my last question i believe or related questions um the current state of the

2:32:34

deeq permits for the landfill do we have a status of where they are sitting right now

2:32:43

no there is a uh i i am i am aware of the air pollution uh title five um

2:32:53

public hearing that uh will be occurring sometime in may um so i'm aware of that

2:32:59

it's been um posted publicly u but uh i don't have any more information on that

2:33:05

thank you miss sheets and to clarify title five was air was that one and the same air pollution and title five thank

2:33:12

you and do we uh just a maybe procedural and and perhaps um this is a legal

2:33:19

question with the investigations going on for the methane reporting um with

2:33:25

deeq at the state does that impact in any way this process is it something we
2:33:30
need to take into consideration does it have to do with good standing with the county i'm
2:33:37
not clear but certainly it's part of the conversation and there's a lot of discussions around that so
does that
2:33:42
that methane reporting and the deeq review process impact our process in any
2:33:49
way or is it standalone it depends on what their
2:33:56
answer is uh we have asked deq for comments on this application and they uh
2:34:04
will not provide comments until we're done with this
2:34:09
review uh i can i think uh i may be able to some jurisdictions have a code provision
2:34:17
that says for example you know if there's an ongoing violation then you can't get any future
permits until you
2:34:23
remedy the violation the benton county does not have that and so the relevance of any
2:34:31
deeq uh issues really it's up to you to
2:34:36
decide if they're relevant to the conditional use criteria here which are are really the only only
listed in bcc
2:34:47
53.215 th those are really the only criteria that actually apply here which
2:34:52
are the staff report went through uh you know does not seriously interfere with
2:34:57
adjacent uses or the character of the area or place an undue burden on public
2:35:03
improvements facilities utilities or services so if you find that evidence to
2:35:09
be relevant to those criteria then yes it's relevant right
2:35:17
and may i ask a clarifying question okay um so to be clear the seriously
2:35:23
interfere we may consider methane and its emissions that exceed epa and rdeq
2:35:32
requirements they seriously interfere it if the if the landfill expansion
2:35:39
seriously interferes with uses on adjacent property or the character of
2:35:44
the area thank you that's the criteria i'm finished thank you chair fowler

2:35:51

i'm looking one more time to confirm there are no more questions um we have

2:35:58

gone much longer than uh at least i anticipated on the the staff report and

2:36:06

uh we're well into the evening and i don't believe it would make sense mr cond to to begin the applicant report at

2:36:12

this late hour okay uh so uh given those conditions

2:36:22

um i am going to recess this meeting and we will convene at 6:00 p.m on thursday

2:36:30

evening back right here in in this room and we'll move immediately into the

2:36:37

applicant uh presentation um to the applicant you've you've seen this is a

2:36:42

group that is more than willing to ask a lot of questions and will provide as as

2:36:48

much time as necessary to go through the the entire application as as you see fit

2:36:59

so this uh public hearing is recessed

0:03

do it one more time up there since it's getting annoying

0:17

So um let us

0:24

begin Are you all set applicant all set Very well This will be

0:32

a little familiar to those that participated on Tuesday evening I have

0:39

four pages of material that I need to read into the to the record So bear bear

0:45

with me please This meeting is called to order Actually before I do

0:53

that let me take a roll call I apologize I forgot to do the roll call again Uh

1:01

planning commissioners as I call your name please uh respond Uh Commissioner

1:07

Bisco Commissioner Cash participating online

1:16

here

1:25

Here that her here Yes that's it Is I Sarah

1:39

here And we got an affirmative reply from Commissioner Cash

1:44

Yes I'm here

1:51

So I think we can uh take that as she is present Commissioner Fulford here

1:57

Commissioner Lee here Commissioner Strs is he said he may have to attend

2:05

late so we expect him to join us uh in a little bit Uh Commissioner Wilson

2:11

present Vice Chair Haymon present I will note for the record that this is a valid

2:18

quorum On with the reading This meeting is called to order This is the time and

2:24

place for the public hearing in the matter of LU-24-027 The subject of this public

2:31

hearing is an application for a conditional use permit to expand an existing landfill The applicant is

2:37

Republic Services and the property owner is Valley Landfills Oregon law requires

2:42

that I make several announcements for this hearing This is a quasi judicial hearing and it will be conducted

2:49

pursuant to Benton County Development Code sections 51.705 through

2:57

51.725 In a quasi judicial proceeding such as this it is the commission's duty

3:02

to apply the law not revise it The commission must determine whether the applicant has met all of the applicable

3:08

criteria in the Benton County Development Code The commission will consider the record as presented and

3:14

will also consider any new evidence or testimony that is submitted into the record Please do not communicate

3:20

verbally or in writing with any of the commissioners outside of this hearing process A staff report has been prepared

3:28

for this application The staff report has been available for 7 days before tonight's hearing The staff report

3:35

identifies the approval criteria that apply to the applicant's proposed development and analyzes these criteria

3:41

Testimony and evidence should be directed towards the applicable approval criteria If you believe other criteria

3:48

apply in addition to those addressed in the staff report identify and discuss those criteria and explain how and why

3:56

you believe they apply to the application under consideration A person may submit any written material while

4:03

the public record is open on the application Any written materials received by the county staff during the

4:09

time period in which the record is open will be placed into the record Written materials submitted during the public

4:16

hearing must be presented to the county staff in order to become part of the record No screen screen presentations

4:23

are allowed with the exception of the applicant If a person intends oversized

4:28

poster boards reports or pictures to be used in their oral testimony to be

4:33

placed into the record copies must be submitted directly to county staff while the record is open
If they are not given

4:40

to staff they will not be included in the record Question to the members of the

4:45

planning commission Does any member of the commission wish to declare an exparte contact in
this matter

4:55

I see none The hearing procedure for tonight is as follows The staff report

5:02

was presented on Tuesday evening So we'll go directly into the applicant's presentation in
support of the

5:08

application As time permits testimony from other persons in support of the application limited to
three minutes per

5:15

person As time permits testimony from persons opposed to the application also

5:21

limited to 3 minutes Finally the applicant may present rebuttal which is

5:26

limited to addressing any issues raised during testimony since the applicant's

5:31

first presentation The commissioners may ask questions of any persons providing testimony
However the purpose of public

5:38

testimony is to provide information to the commissioners for consideration The public is not
permitted to ask questions

5:45

of the staff the applicant or the commissioners If you are a participant in this hearing the
commission expects

5:52

you to abide by the following rules Please be respectful of all participants

5:57

Speak only in the order of the proceedings or when recognized by the chair In testifying please
do not repeat

6:04

previous testimony made at this hearing Just note that you are in agreement with such prior
testimony Be advised the

6:11

chair may halt testimony if it has become irrelevant abusive or clearly intended to harass or
intimidate the

6:17

participants in this hearing Any written or other exhibits you want included into the record must
be handed to the

6:24

commission's recorder for marking before being presented to the commission for consideration
All testimony and evidence

6:31

must be directed toward the applicable criteria in the Benton County Development Code or other
criteria which

6:38

the person believes applies to this decision Failure to raise an issue in this hearing accompanied
by statements

6:44

or evidence sufficient to afford the commission an opportunity to respond precludes appeal to
Luba the land used

6:52

Board of Appeals on that issue the failure to failure to raise constitutional constitutional or other
6:59

issues relating to proposed conditions of approval with sufficient specificity to allow the
commission to proceed to to

7:06

respond precludes any action for damages in circuit court To have standing to appeal the
7:14

decision of the planning commission you must present oral or written testimony to the planning
commission prior to the

7:21

closing of the record Except for the applicant verbal testimony is limited to 3 minutes total per
person Please be

7:28

respectful of the time limit so others have the opportunity to testify No screen presentations are
allowed Let us

7:36

then move then directly into the applicant's presentation

7:50

technical difficulties Um uh good evening uh Mr Chair members of the commission My name
7:56

is Jeff Condid I'm an attorney at Milanash and LLP in Portland and I am a

8:01

local counsel for the applicant Um I am going to uh introduce uh the applicant

8:10

team here Uh they'll tell you a little bit more about their credentials when they get up and make
their presentations

8:16

But these are the people who are here tonight or are speaking tonight So uh from uh the company
Valley Landfills

8:22

Brian RP he's the area vice president uh uh for the Northwest area Uh we have

8:29

Brent Lurch and Brent is the area environmental manager for the Northwest

8:35

area We have uh Brett Davis He's the general manager at the

8:41

landfill Uh we have Paul Coer He is the environmental manager at the landfill Uh

8:48

we have uh Julie Jackson She is the municipal manager

8:53

And for our consultants here tonight who will be making presentations uh we have

8:58

um Adam Jenkins from B Greenbush He is our sound engineer We have uh Jeff Shepard uh who

9:06

is the overall project engineer We have uh Jeff Leadford who is

9:13

our uh odor consulting engineer Joe Bestman Joe is the traffic

9:19

engineer And online testifying tonight there's Jim Walsh who is our fire consultant and uh

Stephanie James who is

9:27

our environmental consultant Hopefully I got all those names If if

9:34

the first time you were called on to present if you could reintroduce yourselves that would be very helpful Thank you

9:40

Well we're going to start off with a general presentation of the application And uh uh first I understand everybody

9:47

has a copy of our slides on their computer and so we'll try to let you know when to turn the page

Uh so uh uh

9:55

Brett Davis is going to start out with that So I'm turning it over to Brett All right Can you hear me Everything's

10:01

good All right Uh thanks for having us tonight We uh look forward to presenting

10:06

and answering all the questions that uh I'm sure we'll get at the end So thanks for having us We'll go to slide two

10:15

Um you know we really appreciate the partnership with the staff of Benton County and DESAC during this process Um

10:23

we believe that our expansion proposal is a culmination of more than three years

10:29

of active listening and understanding dialogue and consideration and planning that incorporates feedback from various

10:36

community stakeholders whenever possible Next slide

10:42

I know most of you have seen the orientation but we'll just go through this again to make sure everyone knows uh the expansion area that we're talking

10:49

about So the large white area on the map is the area that we're currently uh

10:55

landfilled The dark blue area u I hope it's blue I'm color blind

11:02

So

11:28

um there So as I read in the the preamble the the

11:36

intention is uh for this information to be delivered to the planning commission

11:42

We we do have the uh the materials in front of us So I know that we can follow

11:48

on Um do we have it electronically

12:17

I I I understand that uh and I appreciate the the comment Uh I can only

12:24

reiterate the that we have to operate by Benton County code and policies and procedures and that was as I read we we

12:31

do not permit the presentation of uh of materials from from computers in this

12:45

the testimony has has been uh submitted It's I I understand

12:53

actualize what you're saying Well I I I also cannot get into a

13:00

dialogue with the the public Um this this is a hearing to to hear the the

13:06

applicant and to have them provide information into the record That record is is in or the information is in the

13:14

record Um and I have to abide by the the rules in Benton County Code Um and so uh

13:23

my apologies uh but this uh complies and comports with uh Benton County Code Uh

13:32

yes chair I recommend that you uh move on and allow the applicant to continue their presentation Thank you And uh

13:42

please please proceed So the dark area to the top left is the quarry area that

13:47

was excavated by knife river and uh the road in the center is coffinbe road and

13:53

the light colored area is the proposed expansion area Next slide So how did we get here U

14:02

lots of information in uh on our expansion proposal from 2021 But what

14:08

I'll cover is the difference uh of our proposal today So today's proposal is actually

14:15

50% smaller in scope with only six years of uh life Uh does maintain and improves

14:22

coffin but road where the previous proposal had us closing coffin but road

14:27

Uh the anticipated final grade is 180 ft which is 90 feet lower uh than the

14:32

original 270 proposed and the expansion is contained in parcels designated as landfill site

14:40

or owned by valley landfills where the previous um expansion request had some

14:46

parcels that were zoned for other uses And uh unlike last proposal that didn't

14:52

have community input we've spent over two years getting community input including Benton County talks

14:58

trash excuse me uh and outreach meetings uh improved vegetation screening along

15:04

uh transportation corridors which includes robust technical studies including odor modeling wildlife lee and

15:11

groundwater monitoring So go next slide So why does the expansion make

15:18

sense Well for us we truly believe that the expansion in Coffenbe Landfill is a

15:23

regional asset for all of us living in the region So it provides critical infrastructure for growing communities

15:30

It's an economic engine for Benton County contributing between two and \$3.5 million annually to discretionary funds

15:37

through host fees Provides affordable local disposal of waste for residents

15:42

and businesses in the region And the expansion would provide continuous and reliable capacity for the

15:49

region while Benton County continues its work on a solid materials management

15:55

plan With that I'll pass it over to Brian RP Good evening Maybe I need to lean forward a little bit

Uh my name is

16:01

Brian RP I'm area vice president for the Northwest area for public services And before um we turn over to Jeff Cond and

16:09

start with some of the more technical aspects of the presentation I just wanted to kind of touch base on where we're at Uh in terms of the staff report

16:16

that was released on April 22nd um as you guys heard on as everyone here heard

16:21

on uh Tuesday night the vast majority of the application uh the staff concurs with with two main points that um we're

16:29

still trying to work through Both of those being noise and odor Uh we learned about some of um maybe either uh the

16:37

feedback from uh Benton County staff on the 17th of April and immediately

16:42

circled the wagons um to try to ascertain you know the feedback maybe

16:48

where we uh could communicate better and and or provide more solutions Uh staff

16:53

and the consultants were very accommodating We did get on the phone with them on the following Monday uh which is the 21st but uh you know we

17:00

would have loved to come with complete package of solutions uh to include in the staff report but there was no way

17:06

for us to get that done just given the nature and the volume of the work we wanted to make sure that we did that correctly and so we were unable to

17:13

provide all of that evidence uh prior to this meeting Uh there is some of this in

17:18

the uh presentation though because we were able to provide um comments and some feedback uh into the evidence to

17:25

help address some of the concerns but we plan to uh continue to work with county staff to uh find good solutions Um and

17:33

then lastly uh at this time we would like to request uh a 14-day extension

17:38

past the closing of public comment to help us work through mainly two things

17:44

uh one is to take in public feedback uh based on public comment which we expect there to be a fair amount and also to

17:51

continue to work through and find good solutions for uh odor and noise I I'll

17:56

definitely offer that opportunity to to uh to make that request at the the end of the public comment period Fair enough

18:03

But I'll make note of it now as well And with that uh I'll turn over to Jeff Condet to talk through some criteria and

18:10

get some of the more detailed uh technical side of the uh presentation

18:17

underway So uh thank you uh the planning commission and the staff had quite a

18:23

colo clea on the uh applicable criteria and so I'm not going to sort of go back through all that but I will say that we

18:30

do agree with uh the staff's interpretation of both what is applicable and what isn't

18:37

applicable and we um we uh

18:43

uh we also agree that the the the focus of applicable criteria are the impacts

18:49

on the surrounding uh properties in the surrounding area as well as uh whether or not there's any

18:56

undue burdens on public infrastructure So um one of the things I

19:01

wanted to address a little bit was the relationship between um the county's

19:06

approval and DEEQ's approval So uh under this uh uh state law there's a state

19:13

agency coordination requirement they are required to make sure that whenever they're considering an applicant for a

19:20

pro application for a project that they it complies with the local land use

19:25

policies That's wherever it's located And so the um the uh DEEQ will not

19:33

consider uh any application to expand the landfill uh until uh they've gotten

19:40

approval from this body And I understand why that's frustrating to some of the commissioners

It's a little frustrating

19:46

to us as well Uh but they do that because uh the the EQ undertaking is a

19:52

separate process There's three major permits There's the disposal permit there's the groundwater permit there's

19:58

the air permit and we will have to seek modifications of those for from DEEQ if

20:05

we obtain approval uh from the county And we have to do both of those things

20:10

have approval from the county and approval from DEEQ to uh proceed with uh uh

20:18

construction of the expansion area Um our our primary argument about the about

20:25

the expansion area is basically uh the area that's currently where the disposal

20:31

site is north of Coffen but Road is going to move south of Coffen but Road that north area will be closed and the

20:38

area south of Coffenb Road and the new expansion area will be roughly the same size and have similar impacts to the

20:46

north side So we uh agree with the staff's comment that there's been a

20:51

landfill on this in this area for 70 years And so the issue is when we move

20:57

that landfill uh operation from the north side of Coffen Road to the south side will that have any that movement

21:06

substantially change the impacts as they exist And we think we can demonstrate the answer is no And in fact in many

21:12

cases it's going to get a lot better with some of the improvements Um so on the DEEQ uh

21:20

criteria uh one of the commissioners expressed concern that okay well we say

21:25

yes and then we have no control over the rest of the process uh with regard to DEQ So one of the proposed conditions of

21:33

approval basically requires us to maintain our permits in good standing as a condition of approval of the uh of the

21:41

CUP which means that if the uh if BE comes in and enforces against us or

21:48

finds us out of compliance that the county can also look at uh other

21:53

penalties under the county code up to and including revocation of the CUP So

21:59

there is there is uh there is some teeth there that would enable you to come back

22:05

in and take a look at the conditional use permit if we should prove to be in violation And I one of the other things

22:12

I wanted to address is some of the there are some comments that you're in violation of the permit now you're in investigation from EPA So um EPA and

22:22

DEEQ do routinely do inspections and the EPA inspection we're currently under is

22:28

informational inspection They could as a result of that find some violations that

22:34

they ask us correct or they could conclude we are in compliance So it's

22:41

not quite the same thing as as being found out of compliance And and and e

22:46

DEQ regularly comes in and analyzes for example uh gas releases and if if they

22:53

find issues they we fix them So that is the sort of uh that's sort of the long-term basis of the relationships

23:00

with the permitting agencies Um I I think

23:06

um I think those are the points I wanted to hit And so I'm going to turn this over to uh and we're going to start

23:14

talking about the two issue We're going to start with the two issues that the staff found uh us not to be in

23:20

compliance with And we're going to start with uh noise And so I'm going to turn this over to Adam Jenkins

23:29

Thank you uh Mr Conit Uh good evening chair vice chair commissioners My name

23:34

is Adam Jenkins I'm the vice one of the vice presidents at the Greenbush Group and I'm principal in charge of our

23:40

acoustical consulting department Mailing address 1448 Elliot 2 L's 2TS Avenue West in

23:49

Seattle Washington zip code 98119 I have a bachelor's degree in

23:54

electrical engineering and physics and a master's of engineering degree in acoustics I'm also a registered

24:02

professional engineer in acoustics and electrical in the state of Oregon and a board certified noise control engineer

24:08

by the Institute of Noise Control Engineering I have a little over 19 years of experience in consulting um

24:15

with an emphasis on environmental noise issues Greenbush was hired by the

24:21

applicant to analyze sound emissions from the proposed landfill expansion We also analyze sound emissions from the

24:28

previous expansion proposed in 2021 I was in responsible charge of both of those noise

24:34

analyses I'll be referencing three documents in the record during my testimony tonight Uh one will be the

24:41

staff report that we heard last on Tuesday The second will be the noise study that is applicant exhibit number

24:47

11 And the third will be an ambient noise memorandum that was provided on

24:54

Tuesday It was attached to a cover letter submitted by Mr Condit This will be the three documents that I'll be

25:00

referencing in your packet If you could turn to slide 10 or page 10 This shows

25:07

a site plan of the site and some locations where we did ambient noise monitoring Before I talk much about what

25:13

you see on this slide I want to walk you through the criteria that we used to assess uh potential noise effects from

25:19

the project So our analysis assessed sound levels both existing what's near

25:25

the site today and what sound levels might be in the future based on the

25:30

proposed operations and we found that they were in compliant were compliant with state standards

25:36

Uh so the state noise ordinance is codified in Oregon administrative rules

25:41

chapter 350-035 and uh this is what we used to

25:48

establish uh assessment of noise effects from the project The Oregon administrative rules which is overseen

25:55

by the department of environmental quality DEEQ establishes noise limits in two ways uh levels that cannot ever be

26:03

exceeded and for new noise sources on a previously unused site It also limits

26:08

increases to existing conditions to not more than 10 dB While the proposed

26:14

expansion area does not meet the definition of a previously unused site

26:20

in the OAR due to the cup approval criteria to not seriously interfere with the use of adjacent and nearby

26:26

properties uh satisfaction of this second OAR criterion uh was used in the

26:32

study to provide a comprehensive framework for cup approval The staff report on the bottom

26:38

of page 26 includes a comment that agrees with the use of OAR limits to

26:44

assess satisfaction of cup criteria So we're uh in agreement with with the

26:49

staff report on the appropriate thresholds Since the increase element of the code

26:54

is more complex I'd like to talk about it more So to incre to assess increases

26:59

to those existing conditions measurements were conducted at the four locations that you see on the figure in

27:05

front of you uh in proximity to adjacent noise sensitive properties We did not

27:10

gain access to adjacent properties We placed the monitors as close as we could to the adjacent property boundaries

27:17

which you'll see on your figure

27:22

If you could move to uh the next page page 11 This shows a table of the results of

27:28

the monitoring that was used to develop the decibel values to represent existing conditions And these are the numbers

27:35

that you'll see or saw in the noise study And uh these were the levels that

27:41

would be used to assess the increased to existing conditions threshold of of 10

27:46

dB Since Menton County doesn't have any noise assessment thresholds that apply to this application these state

27:53

thresholds as was mentioned were used to determine the noise effects Uh the table shows a summary of these existing sound

28:00

levels It shows uh in each cell three numbers a lower end of the range an

28:06

upper end of the range and in parenthesis a median value So in order to determine what the threshold is for

28:12

substantial increase we need a single number but we collect data over the course of days So we use the median

28:18

value to uh represent a typical sound level from

28:24

each location that we monitored And the L50 is one of the

28:29

metrics in the noise code It's also considered a median hourly sound level

28:34

And since it's not mathemat mathematically appropriate to average statistical sound levels the median was

28:40

another reason uh why that was used because that's an appropriate way to analyze it mathematically

28:46

If you could advance to the next slide slide 12 In response to concerns uh in the

28:53

staff report and in the preceding discussions uh that were mentioned in communication with the consultant MFA

28:59

that reviewed the noise analysis Uh there were some concerns about increases

29:04

of existing conditions by up to 10 dB in the noise study at location 4 Your packet says location one but it was

29:12

location four in the noise study that showed an increase of up to 10 dB So in response to this concern we conducted

29:18

further analysis on the ambient data And it's important to to know that the noise

29:23

study uh looked at the median sound level during nighttime hours which is 10:00 p.m to 7:00 a.m all of those hours

29:31

to determine the nighttime existing sound level But the facility will not be

29:36

open until 5:00 a.m So the quieter ambient sound levels between 10 p.m and 5:00 a.m in the morning really drew the

29:43

median sound level down which was overstating noise effects and it was a quite conservative way to analyze it So

29:49

in response to that concern we updated that evaluation only looking at ambient conditions during hours that the

29:56

facility would be operating And those are the values that you see on this table And we'll see that the nighttime

30:02

ambient conditions are 8 to 15 dB higher than what was used in the noise study So

30:08

the we're not changing any predicted sound levels just refining the the window of time that we analyze the

30:15

ambient or existing conditions uh as mentioned previously it's not

30:20

appropriate to average statistical sound levels but if one were to do that the the numbers would be anywhere between

30:27

zero and one decibel different than what you see on the paper Uh the staff report included a

30:33

comment on page 26 uh from the consultant MFA that the lowest existing hourly value should be used for the

30:40

existing condition instead of the median And this conflicts with DEEQ guidance uh

30:46

on how to document the existing ambient conditions They say to not emphasize to not

30:52

emphasize any especially quiet or especially loud periods And there's some

30:57

discussion about this uh guidance from DEEQ in that ambient criteria memo that

31:03

I referenced at the beginning of my testimony tonight This is an important issue uh since it

31:10

was used as a basis for county's recommendation for denial As a result of

31:15

the updated existing sound level analysis predicted sound levels are below existing ambient conditions which

31:21

we will see on the next slide If you can advance to page 13 please As mentioned previously aside

31:29

from the increases to existing conditions OAR 34035 also establishes

31:35

sound levels that cannot be exceeded at any time And those are shown in the first column

31:43

on make sure yes those are shown in the first column on the table on your page

31:48

in orange So in order to determine the most restrictive limit in any particular

31:53

receptor location 1 2 3 or four we use the lower of the two numbers either the

32:00

OAR must never exceed limit or the AM existing sound level plus 10 limit and

32:06

those are shown in different colors to try to help illustrate that So the existing sound levels are shown in the

32:11

next column over in black The next column over is existing plus 10 in blue

32:17

And then the boxed column to the right is the project limit which is the lower of the two values in orange or blue So

32:25

for example location one and two are both limited by existing ambient conditions due to the measurement data

32:30

that we collected where location three and four due to higher ambient conditions are more limited by the the

32:37

state code limits themselves And in green you'll see uh the predicted

32:43

sound levels that were reported in the noise study There's no updated modeling These are the same numbers that were presented in the study But when

32:51

comparing them to this refined ambient calculation we see that there are no uh increases to the existing

33:03

condition If we could uh move on to slide 14 please

33:10

You'll see some renderings of the site These are from our 3D noise model that was used to compute noise emissions from

33:16

from the site Uh slide 14 is the model typical operations for scenario one

33:23

which is near the beginning of operations when the site is nearly empty And scenario two which we'll get

33:30

to in a minute is when the site is nearly full We analyze both scenarios

33:36

For scenario one the current proposal is a little bit different than what it was in the previous application The bottom

33:43

of site is 40 ft lower than what we analyzed previously back in 2021 And the hall route that was shown in the

33:50

previous application that resulted in some sound level exceedences at the property west of the expansion area has

33:55

been relocated into the into the current application is no longer a a contributing factor to noise emissions

34:03

Uh if you move on to the next page slide 15 this is a two-dimensional view of the

34:10

noise model that was used to compute the predicted sound levels in the study

34:16

Some of the sound sources that are shown include excavators compactors dozers tippers idling vehicles and landfill

34:23

trucks Sound levels from the current proposal are lower than the previous proposal by as much as 14 dB in this

34:30

particular scenario and are well below state code standards and will not seriously interfere with neighboring

34:36

properties If you advance to the next page slide 16 this is a 3D rendering again from the

34:42

noise model with the previous design and current design showing some of the differences

34:48

uh the field height is 60 ft lower than the previous proposal in the noise analysis and the hall route during the

34:54

field condition is also farther away from adjacent properties similar to the difference in scenario

35:01

one If you advance to the next page 17 you'll see another similar output

35:08

from the computer noise model although this is for scenario two And sound levels are up to 10 dB less in this

35:16

updated scenario which is again within state code standards and will not seriously interfere with neighboring

35:23

properties My final slide is on uh page 18 This is just a summary of some of the

35:29

things that we've gone through already Uh the noise study shows satisfaction of the state code limits uh both in the

35:37

noise study which included a conservative analysis of those existing sound levels uh and with the updated

35:44

analysis of the existing sound levels were much less than what was uh shown in in the noise study in terms of levels

35:50

above existing And when focusing analysis um on those existing sound levels as we

35:57

updated them again there's there's no sound levels that have been predicted above existing ambient conditions

36:03

Therefore the project will not seriously interfere with surrounding properties As a betterment we do recommend that

36:10

on-site vehicles be fitted with ambient sensing backup alarms They sound like

36:17

instead of beep beep We found that while not covered by the state code they can be very helpful uh in terms of uh

36:25

potentially reducing the the propensity of of complaints from the community So that is a betterment that was was

36:30

recommended And I'd also like to mention that we are working through some additional analyses as was mentioned uh

36:37

prior uh in response to MFA's comment about ambient how ambient sound levels were analyzed which you talked a little

36:43

bit about tonight We're still looking through some potential measures that could be implemented to reduce sounds

36:49

sound levels further Although the one of the challenges with this effort is the proximity of the location 4 receptor Uh

36:56

but we are are working through uh that analysis And then that concludes my

37:02

testimony on noise

37:17

How's that Oh good Um one just one minor thing I wanted to add One of the things

37:23

that staff raised a concern when we were talking about noise and when it should be measured was our hours of operation

37:30

conditions of approval We had hours of operations limit limit limitations uh

37:36

basically the same as we currently have but we did not provide any uh uh further

37:41

discussion of what the hours were for some of the other operations So we submitted as part of our April 29th uh

37:48

letter uh some revised uh proposed conditions of approval that more

37:53

thoroughly sort of describe what that is And so basically uh the the landfill is

37:59

open to commercial truck traffic from from 5:00 in the morning to 5:00 in the

38:05

afternoon Uh it's open to the public from uh oh somebody correct me if I get

38:11

this wrong It's open to the public at 8:00 a.m and closes at 5 So opens at 5 to commercial 8 uh for regular members

38:19

of the public and then closes to everybody at 5 So there's some activities before and after So the the

38:26

the landfill site has to be opened The daily cover has to be removed Uh the

38:32

tipplers and everything have to be turned on That they're probably shooting

38:38

daggers at me back there for saying that And uh then same thing at closing Uh the

38:43

daily cover has to be put on So there's a daily cover that's put on over the waist every evening And that's to help

38:49

keep the odor down and to and to keep the waste from flying around and then

38:54

it's taken off in the morning Uh so that uh so that people can deposit additional

39:01

um solid waste Um and then outside of those there are some maintenance that

39:07

happens outside of those hours There's some like uh there are people on site for security There uh there are people

39:14

um there there's uh maintenance of the vehicles uh and uh a few other things that are

39:20

mentioned in in those criteria that happen outside of those hours but those are mostly very quiet and wouldn't be

39:27

heard off site Uh maintenance um maintenance will happen in the maintenance building which gives me a

39:33

chance to correct Something I forgot to add to my presentation which is one of the things that the the uh staff noted

39:40

is that we referenced the maintenance building on lot 1200 but we didn't actually show it on the site plan

39:47

Totally uh oversight on our part Uh so uh on if you look at slide number eight

39:55

that's the site plan showing the improvements on the site and the uh the

40:00

um location of that building uh on that site Uh and uh we submitted a

40:08

more detailed drawing of that again on April 29th So with that that exciting testimony I'm going to turn it over to

40:15

uh Jeff Leadford our odor engineer to talk about the odor analysis

40:22

Hi Um yeah my name is Jeff Leadford I am a registered professional engineer in

40:28

Oregon Um I have 12 years of modeling air dispersion modeling experience Um

40:34

six with SCS engineers directly with the landfill industry Um so yeah I work with

40:41

SCS engineers We're located at 15940 Southwest 72nd Avenue in Portland Oregon

40:49

Um yeah So if you go to if you're able to go to slide 20

40:55

um so yeah SCS engineers is a leader in the landfill and landfill environmental

41:01

consulting and air dispersion modeling uh industries Um we reviewed a bunch of

41:07

odor complaints submitted um to the Oregon Department of Environmental Quality and then we attempted attempted

41:13

to determine if coffin but was the likely source of the odors So um you

41:20

know we first looked at 84 complaints from the years of 2022 to 2024 Um and

41:28

there was a lot of missing data in there as far as being able to fully tell the culprit but we looked compared that to

41:34

on-site meteorological data the wind speed during the time of the complaint and with the location of the

41:40

complaintant when it happened to see if the landfill was upwind to see if that's the direction that it came from Um and

41:48

we found that only 1% of the odor complaints are likely attributed to the landfill Now um this also is because you

41:57

need to think about uh the fact that a lot of this odor data didn't come with a location date and time stamp to fully

42:04

corroborate it So there was 58% of the odor complaints are possibly from the landfill Thus we didn't have a full data

42:10

set to fully fully um consider that And then another 29% of voter complaints are

42:15

not likely attributed to the landfill And that was ones that did have a location date and time stamp and the

42:22

landfill wasn't upwind during that time Um but just some some notes of the

42:28

complaints we looked at they really peaked in the morning Um and especially between 8 8 and 11 a.m and

42:35

especially during the winter months which is common in the odor field in in winter months when it's colder out

42:41

there's less mixing going on in the air So you know odors and air pollution can can travel easier Um complaints all the

42:50

complaints were focused mostly to the south and southeast of the landfill and the distance range was from a half a

42:56

mile to a 7 miles away um which is a sizable distance away from the landfill

43:02

Um but yeah those are those are the basic results um of the odor complaint

43:08

analysis So if you can go to page 21 um I can all you know this is basically

43:14

where I'm describing how I did the odor modeling study Okay so we assessed the odor modeling um in two different

43:21

scenarios Scenario one was from 2023 Um we used um actual conditions from 2023

43:28

as a baseline And then a scenario two would was used as year 20 202 which is

43:35

if this expansion was approved and 202 is estimated when the full buildout

43:41

would happen and that would be the maximum amount of emissions um you know

43:46

odor emissions coming from the landfill at that time So looking at these two scenarios um just to for for a

43:53

comparison um the methodology I used has been previously approved by Oregon DEEQ

43:59

for cleaner Oregon for health risk assessment modeling um in for the department of ecology in Washington as

44:06

well as um many uh air pollution control districts in uh in California including

44:12

San Diego Um so we basically were assessing the emissions uh emission

44:19

sources The emission sources we looked at were like the fugitive emissions of the landfill just of gas percolating up

44:26

from the ground Um as well as the flare the flares of the landfill Um and then

44:32

the engine tippers that are run by diesel that are t picking up the picking up the trash trucks and and dumping them

44:39

as well as just like ass source you know assorted working face emissions where they're putting cover soil or daily

44:46

cover on the landfill and just stuff that happens right at the at the working face Um the model used on-site

44:52

meteorological data that is being collected on site for with for wind and wind speed and direction to to run this

44:58

model Um and we assumed 75% of the landfills generated gas is going to the

45:04

flares and the other 25% is coming up fugitively from the ground That's a very standard um number used by the EPA and

45:12

DEEQ Just that's it's a very standard number to use Um okay Okay So if we go to page to um slide

45:20

22 um in scenario one we have two open flares um which are um basically just

45:28

flares with a with the open flame at the top um which are not allowed in Oregon

45:33

anymore but in 2023 they still still were So this is our baseline Two two open flares um and with a landfill area

45:40

only north of Coffen but Road which is currently allowed um and the working

45:46

face which is you know the AI is what's considered in here which is the aggregate insignificant area the working

45:51

face and the tippers are all in that northern area as well scenario two um for year 202 um by this time you know we

45:59

have we have now and in by this year switched to an enclosed flare instead enclosed flare has all the gas being

46:06

combusted inside of a large chamber it's a lot more um clean combustion it's now

46:12

required by DEQ to do it this way it's a more clean combustion inside of there which is that was just put online at the

46:18

end of 2024 And um it also allows you to do a source test on the flare where you can

46:24

take you can put instruments into it take the gas that's been already combusted test it and see like what the

46:31

how you know how good it is at combusting the gas um you know before

46:36

with an open flame as you can imagine there's no way to test after it's combusted what how you know how um

46:43

efficient of combustion we're talking about right there's no way to contain it up above the flare when you're when you

46:49

have a chamber you're able to you know way above the flame be able to take a sample and be like oh this you know

46:55

usually 99% or more of the gas in that situation is combusted and thus um

47:01

doesn't have odors Um so that that was that that that occurred at the end of

47:07

2024 Um and then yeah like I said scenario two it also assumes that the um

47:12

landfill expansion to the south has has been allowed So the fugitive emissions are coming from the southern area as

47:17

well And at that point the tipper engines and the active face region would be both be moved down to the southern

47:23

area That's where they would be filling um that area up So um and yeah just to

47:30

mention like that source test I was mentioning we they were they performed a source test on this new flare at the end of 2024 and tested it to make sure that

47:37

it meets all of the um DEQ standards which it did It was that was successful

47:43

Um okay So that was that's just basically the full modeling setup And you can kind of see here to the right how I've set that up Um and then if you

47:51

move on to page 23 um for the modeling conclusions just for

47:57

a in in the mo odor modeling world one d over t is considered a a dilution in the

48:05

air that is detectable by the average person Thus like half pe the people can't smell it half the people can smell

48:11

it at at one deity which is the dilutions of an odor in the air divided by that odor's threshold Okay Um so so

48:22

you know from from our modeling in you know scenario in in scenario one and in scenario two there was no you know one

48:29

over DRT was not exceeded Um so the odor detection level was not exceeded in

48:35

either scenario The highest impact in scenario one was actually from NOx which is nitric oxide and nitrogen oxide was

48:43

which which is was driven by the tippers the diesel powered tippers that are on the landfill surface um with with moving

48:49

to the southern area of the landfill because it's lower down and kind of more insulated um within the property

48:55

boundary Knox emission the uh the odor actually goes down for for NOx but in

49:02

the in the expansion area now in scenario two with a full buildout then

49:07

you see dimethyl sulfide which is considered DMS um increase and that is

49:13

then the primary odor driver at that point Um and you know so that's kind of

49:20

what happens You know the NOx emissions are going down from scenario one to scenario two into the future and dime

49:26

sulfide goes up So and both of both of these are still under the odor threshold

49:32

Um but they we're seeing that transition happening Um and generally 7D overt is

49:39

considered a nuisance level which we were we are all under 1D overt Um so you

49:44

know basically the odor monoline shows that you know the the proposed landfill

49:49

expansion would not sincer seriously interfere with uses on adjacent properties um or with the character of

49:56

the area And you know that there wouldn't be a um serious difference um

50:02

odor-wise from from now until uh that 2022 scenario

50:27

I think I may just leave this on considering my technological difficulty with it

50:32

Um so one other thing I wanted to bring to the commission's attention is we did

50:37

uh submit in our recommended condition of approval we have a operating

50:43

condition that uh that uh will result in us actually doing noise analyses every

50:50

day at specific locations and then if there is or not noise excuse me odor uh

50:58

and if we do detect that then we will be able to take quicker action One of one of our frustrations and we will keep a

51:05

record of that too So we'll have a better record of when they occur One of our frustrations is when people um

51:12

report noise problems to DEEQ often times we don't find out about it for a day or two and at that point it's tough

51:18

to go out to check Uh when we get them at the uh at the uh coffin but then we

51:25

immediately go out and check and to see if we can detect it uh but a a majority

51:31

of them come into DEEQ and so that makes it difficult and as Mr Leadford said oftentimes people don't tell us the

51:36

exact location or time of when it happened So we're hoping to get a much better grip going forward both for the

51:43

purposes of being able to understand if that odor is coming from coff and if it is coming from coffen but uh that we can

51:50

do something about it quickly So just drawing that to your

51:56

attention And now uh I'm going to go to uh Jeff uh Joe Bestman who's our traffic

52:02

engineer and he's going to talk about the traffic report Good evening commissioners Uh for the record Joe

52:07

Bestman Uh address is 61271 Splender Lane Bend Oregon

52:14

97702 and I am a professional traffic engineer uh licensed in Oregon with over

52:19

23 years of experience working on traffic So I was

52:24

hired to address the impacts of the Coffen But landfill expansion and I've been involved in this property for

52:29

about 5 years now and within the current application it's a real privilege to be here because I think this is

52:36

highly responsive to all of the concerns that we heard with the previous application So what's what's in the

52:43

record right now is a February 2024 traffic study and a quick supplement from April of 2025 that just validates

52:50

those numbers are still valid What the traffic study is looking

52:55

at and I think staff described this well is really just

53:01

transitioning an existing use on the north side of Coffen Road to the south side of Coffin But Road So the the

53:08

traffic that's coming from the west from the east that that traffic's going to come using those same routes using

53:14

Highway 99 Soap Creek Road to to still enter this this landfill in the in

53:19

the same regional patterns So when you get outside the bubble of this landfill you're you're not going to see any

53:25

difference in in how people are accessing this site What is changing is is how the

53:32

internal circulation is going to operate And and there's a reason for that We're going to keep using the way scales

53:39

on the north side of Coffen But Road The reason we want to keep using those current way scales is because it

53:44

provides over a 1/4 mile of spacing for vehicles to queue without backing up and blocking Coffen But Road So our

53:52

circulation pattern is really best described by separating out the residential and the commercial trips So

53:59

for residential customers there's going to be no change from what they do today They're going to enter the site use the

54:05

current waste scales dump the solid waste come back south to Coffen But Road

54:11

and and head back on their way whether that's east or west For the commercial trucks they're also going to access the

54:18

site in the exact same way coming in coming in primarily from the highway using the current way scales They are

54:25

then going to head south back down to Coffen but Road make a right turn and

54:31

about 850 ft to the west they're going to make a left turn to go into the new site dump way on the way out and then

54:40

return on their trip So I think there was a question from the commissioners about you know not changing traffic Well

54:46

between these two access points there is going to be a change in traffic We are going to be increasing the truck traffic

54:51

between the current landfill entrance and this new entrance So I want to be real clear about that But once you get

54:58

outside the boundary of the entrances there's no change in traffic Now what does this mean

Having

55:06

this type of circulation means there's no change in area travel patterns And that was a big issue last time We're not

55:13

going to impact Tampo Road in in any way Tampico is going to stay just as it is

55:20

Coffen but road is going to remain open So now we can maintain that as an emergency route and and as a as a as a

55:27

public road And I also want to point out that Coffen Road is a major collector in

55:33

the Benton County transportation system plan And it's also designated as a freight route in the transportation

55:39

system plan So maintaining the use of coffen but road to serve the landfill is

55:44

consistent with these with these designations I should also point out that highway 99 west is a regional

55:51

highway and it's also designated as a freight route So having those trucks using the highway system is also

55:56

consistent with its designation Now for that section of

56:01

coffen but road that we're going to have more traffic on and this is on slide 26 We are going to be rebuilding that

56:08

road because coffen but road is a major collector and because it's a freight route it it changes the design of that

56:15

road It has to be big enough to handle trucks and and these bigger vehicles So we're building a a thicker pavement

56:21

section and a wider road to accommodate our our vehicles And we're building that wider road section between the new

56:27

access point and the current landfill entrance We don't require a left turn lane based

56:34

on your typical left turn warrants but we know that having all of our trucks making a right turn onto Coffen Road and

56:42

850 ft later making a left turn you're going to have these big slowmoving vehicles that could be blocking

56:48

throughput And so we want to have a left turn lane between these two connection points to make this road as safe and

56:55

functional as possible And so we've we've volunteered to make that a condition of our of our application

57:01

approval And I I saw in some of the comments people also laughed at the fact that we have bike lanes that go to

57:06

nowhere But you have to remember these are these are part of the Benton County roadway standard And and even if those

57:12

bike lanes aren't being used they're still protecting the pavement edge from unraveling So it's a structural benefit

57:18

as well as well as a a way to separate cyclists in the busiest section of Coffen Road

57:27

all the costs for this for this um reconstruction of the road are being borne by public services These aren't

57:33

being being borne by the public or by the county So I want to make make sure that's that's clear too And and we we

57:39

feel and and staff agrees that with these improvements we're fully mitigating the transportation impacts of

57:45

our site Now I I know there was also some comments about well how does it work Well it it works really well You

57:51

know I I I watched this intersection the the current landfill entrance for several hours It it works really well

57:57

and it's going to continue to operate at that level of service Just just to test it I I took all the traffic that's

58:04

currently using it with with the rerouting and stuff that's going to happen with the way scales and the and the setup just added 50% more trips

58:11

using those same patterns and it still works really well By really well I mean using less than 10% of the road's

58:17

capacity And that's because coffin but road is carrying a very low volume of traffic today So it works very well very

58:23

efficiently and with our improvements we think it can work very safely So again we agree with the staff report We don't

58:30

see an interference with adjacent properties with this with this layout We don't see how this changes the the area

58:36

character or causes any undue burden to public facilities So that's that's what

58:41

I have on transportation Thanks for your time Uh thank you Joe Um one one comment I

58:50

wanted to make based upon some of the comments that I read that had been submitted in the record uh and it was

58:56

triggered by Joe's comment about this we we propose these uh this left turn refuge voluntarily is well if it's

59:03

voluntary can they just change it and that's not the case uh once you approve

59:09

the site plan and the conditional uses or the conditional use even though they're recommended conditions they

59:16

become binding and enforceable under the county code And so I just wanted to clarify that because several people

59:21

testified to that and I just wanted to be clear that if you approve this like this we have to build it that

59:28

way And now I am going to turn it over to uh uh Jeff Shepard to talk about uh

59:35

groundwater and leech Good evening commissioners chairman Uh

59:43

my name is Jeff Shepard Uh I am a a civil engineer with civil and environmental consultants My address is

59:50

2356 Gold Meadow Drive in Gold River California 95670

59:57

I've been working in the solid waste industry for 30 plus years and I am a registered professional engineer in

1:00:04

Oregon as well as the surrounding western states So we should be on slide 28 at

1:00:12

this point Um and the this it describes the topographic and groundwater

1:00:18

setting The proposed site is on the northern slope of Tampico Ridge It is

1:00:24

separated from the adjoining properties by a topographic high The groundwater

1:00:30

flows northerly below proposed site and away from adjoining

1:00:35

properties We have measured groundwater flow direction in this area since

1:00:40

1993 and it is consistently to the north away from adjoining properties to the

1:00:45

south Two pisometers were installed in 2022 near the UPS slope southern boundary of

1:00:53

the proposed landfill cell footprint Groundwater measurements from those new wells verify this direction of

1:00:59

groundwater flow The hydro hydrogeologic drainage divide that separates the landfill from

1:01:06

adjacent properties is the topographic high area to the south of proposed

1:01:11

landfill Again this creates a high groundwater recharge area that

1:01:16

establishes a groundwater drainage divide between the landfill and adjacent properties The drainage keeps

1:01:23

groundwater on the landfill side of the of the divide following uh flowing to

1:01:28

the north Let's move to slide 29

1:01:33

please For groundwater supply water volume used by landfill operations will

1:01:39

not change one well for the landfill office ups slope ups slope of the uh

1:01:47

expansion area This well is south of the landfill office on western slope of

1:01:52

Tampico Ridge There will be one there is one well for the scale house near Highway 99 and it's the water from that

1:01:59

well is only used for uh restroom use The operations in construction water is

1:02:06

supplied by Adair village Production at private wells on adjoining properties is from the basalt

1:02:13

bedrock Flow rate and volume is limited by local rainfall that is

1:02:19

affected by climatic cycles Inherent low permeability and poor fractured flow

1:02:25

qualities of the basalt bedrock aquifer limit domestic well production

1:02:32

Water is present in fractures which are not connected over large distances In addition fractures have very low porous

1:02:38

volume Basalt typically alters or weathers to clay material clay minerals

1:02:44

that have very low permeability which is the ability which is the ability to transmit

1:02:49

water Let's move to slide 30 please

1:03:00

The protection of groundwater resources is obviously important The primary landfill design

1:03:06

features that contributes to the protection of water quality include a

1:03:12

bottom composite liner to contain leech liquid generated during waste

1:03:17

composition A secondary collection system underneath the bottom liner to collect any other fluids

1:03:25

interim and final cover systems to limit the amount of precipitation and storm water that comes into contact with the

1:03:32

waste and a leech collection and recovery system designed to collect lee and convey it to a holding pond for

1:03:38

subsequent transfer to the wastewater treatment

1:03:44

plant Let's move to slide 31

1:03:50

The water quality monitoring program will consist of uh we currently

1:03:57

have 52 groundwater monitoring wells and we have a secondary leech collection

1:04:03

layer and we also have a primary leech collection layer as well as surface

1:04:09

water monitoring uh stations The the sample wells and other

1:04:15

monitoring points for surface water are twice a year Split sampling events with the

1:04:21

DEEQ Groundwater and surface water again are two times per year and storm water

1:04:27

is sampled four times per year Republic submits an annual

1:04:35

environmental monitoring report in March for the previous year's results for storm and for storm water Those results

1:04:41

are submitted quarterly to the DEEQ detection monitoring program for

1:04:47

development area includes four new wells that will be installed upgradient ups

1:04:52

slope of the landfill and the ponds Two new wells that will be installed crossgradient east and west of the

1:04:59

landfill And they will work with the four existing wells that are downgradient both shallow and deep wells

1:05:07

Baseline monitoring will occur for nine straight quarters and then develop a statistical water quality limits for

1:05:14

ongoing monitoring at the wells for this landfill cell Routine monitoring again

1:05:20

will be twice a year with annual reporting consistent with the existing

1:05:26

program Let's move to slide 32

1:05:34

The naturally occurring arsenic is a regional occurrence Oregon's Department of Environmental

1:05:40

Quality established background concentrations for arsenic and soil for the Wamtt Valley at 18 mg per kilogram

1:05:48

For the Cascade range it's 19 mg per kilogram And for the Portland area it's

1:05:54

8.8 mg per liter Reason is that arsenic is associated with volcanic soils of the

1:06:01

region The US geological survey found that regional patterns of arsenic concentration in groundwater in the

1:06:08

Wamut basin reflect primary primarily natural

1:06:13

sources Arsenic concentrations from 10 to 50 micrograms per liter in groundwater are widespread in the Wamtt

1:06:21

basin The arsenic is typically bound up in the

1:06:27

iron oxides and that's the rusty color that you see in the rocks or absorbed in

1:06:32

clay minerals With low oxygen conditions the iron oxide dissolves and arsenic is released into the

1:06:40

groundwater Slide

1:06:46

33 At Coffen but the groundwater on the east side of the landfill in locations

1:06:51

unaffected by landfill activities have naturally occurring arsenic Monitoring well

1:06:58

9S along Highway 99 dating to 1991 before landfilling near that part of the

1:07:05

site has arsenic that occurs at 27 to 42 micrograms per liter

1:07:11

Monitoring well 26 which is a baseline sampling period had arsenic at at levels of 12 to 16

1:07:19

micrograms per liter And monitoring well 27 was 5 to 19 micrograms per

1:07:26

liter The groundwater from monitoring wells 26 and 27 was sampled during the

1:07:31

baseline period meaning before there was any possibility that groundwater from the landfill could have been

1:07:38

affected The groundwater samples from monitoring well 9S were collected even

1:07:43

earlier before the east side landfill cells were constructed It is not possible that that

1:07:50

the well was in any way impacted by the current cells uh from earlier than cell one Therefore

1:07:58

that well has the best history for background water quality at this site In the development area arsenic

1:08:06

concentrations in wells 8S and 15 are mostly non-detect or when detected are

1:08:13

at low to trace concentrations below 2 micrograms per liter At monitoring well 16 arsenic is

1:08:22

all non-detect The low oxygen conditions are present in the eastern part of the site

1:08:29

The low oxygen is from an organic rich clay in the cell 4 area that was
1:08:34
deposited in a former marsh or wetland environment The natural low oxygen
1:08:39
condition causes the iron oxides to in the soil to dissolve releasing arsenic into the groundwater
1:08:50
I think that what the the the heart of these slides show is that the the
1:08:59
groundwater is has not been contaminated by the landfill and that arsenic is
1:09:05
naturally occurring I think everybody has to understand
1:09:12
that I think that's it for groundwater and turn it over to back to Jeff
1:09:20
I think uh I'm going to turn it over to uh Brent uh Lurch who gets the enviable
1:09:25
job to talking about Lee and POS
1:09:30
Thanks Jeff Um good good evening commissioners and chair Um I wanted to
1:09:36
talk a little bit about our our engineered liner system for the expansion area and what that looks
like
1:09:43
and how we are planning to control our leech within the expansion area So our
1:09:49
liner system is an engineered system that is the exact same as our existing
1:09:56
DEQ approved base liner system and final cover system So we did not have any
1:10:03
changes from the already previously approved DEEQ liner system to the
1:10:08
expansion area If I could just interrupt you for for a moment a couple of us didn't catch your your
name and
1:10:15
association Sorry Yep Got got a little ahead of myself there Um my name is Brent Lurch I am the
area environmental
1:10:22
manager for Republic Services and my address is
1:10:27
8343 154th A Redmond Washington 98052
1:10:35
Thank you Yeah sorry about that Um so going on with our our
1:10:41
baseliner system we have proposed no no changes to what has already been
1:10:46
previously approved by DEEQ um as we build out our cells and then do

1:10:54

third-party testing and get approval for each development area that we then would

1:11:00

place waste in We have to get approval by the state that yes we have constructed this correctly and we have a

1:11:06

a construction quality assurance report that accompanies that that shows all of

1:11:11

our testing surveying everything in there Once we get approval we can start placing waste within that area

1:11:19

Once waste is placed our leeate which is you know rainwater or whatever moisture

1:11:27

content that is in the waste that is disposed as that leeches out with lee it

1:11:33

goes into existing sumps that we construct as part of that landfill

1:11:40

system So it all goes to one area into a sump and is then pumped out Our proposal

1:11:46

also has us moving our exist our our two leech ponds because that would take up

1:11:52

this area Um our leech ponds are also lined per DEEQ regulations and those

1:11:59

would not change from the existing um just the locations would change the you know the schematic would be the same So

1:12:06

we pump our leech out in out of the sump into our ponds and our liner systems

1:12:13

protect any integration into groundwater or or leeching out from the essentially

1:12:20

bathtub that we create from the ponds We then transfer it into a truck and then

1:12:29

to date we either ship via truck to the city of Corvalis wastewater treatment

1:12:34

plant or the city of Salem Just to give you guys a a background of how we looked

1:12:40

in 2024 we generated approximately 40 million gallons within the 2024 time

1:12:49

frame And of that 40 million gallons we had a 50/50 split So 20 million gallons

1:12:54

went to city of Corvalis 20 million gallons went to city of Salem Um one

1:13:00

item on slide 34 you will see that um a

1:13:05

a typo here I think it was the engineer and me that messed it up and didn't do

1:13:11

the times 100 and put it into 5% cuz my bad um we actually only take up um 0.5%

1:13:20

of the city of Corvalis's annual load that they see in wastewater flow So they

1:13:28

typically use or are discharge about 4 billion gallons per year out of their

1:13:34

existing site We gave them 20 million gallons So we're about .5% of their load

1:13:40

Um similarly with City of Salem they have a little bit larger plant Um and

1:13:46

they actually do about 40 million gallons per day from what I found online And when you look at that in a year

1:13:53

standpoint that's about 14.6 billion gallons per year which would put us

1:14:00

at .14% Um and I think one big item of note is and I'm I'm sure it's everybody

1:14:06

knows that at the end of 2025 we will no longer be disposing of our leach at the

1:14:12

city of Corvalis power plant So in relation to that or wastewater treatment

1:14:18

plant sorry Um in relation to that we are currently working on other disposal

1:14:23

options um both at internal republic sites and trying to see at potentially

1:14:30

other POTWs around the area that we could potentially dispose of this So um

1:14:35

we're actively working on that and also just trying to see and work with our POTW partners of what contaminants are

1:14:43

you looking at what what are of concern and how can we help out with that Um I

1:14:48

will say for both city of Salem and Corvalis we are in compliance with our

1:14:54

permit our existing discharge permits with them and we have been for the past

1:14:59

though we don't see that as any big issue And with or without this expansion

1:15:06

going through it's important to note that this landfill will continue to produce leach 8 through the postclosure

1:15:13

period which is approximately 30 years Um so with or with the expansion we will

1:15:20

still be generating leach aid and it is our responsibility to treat that in

1:15:25

accordance with rules and regulations and and to help out the environment Um just on the level there

1:15:32

there have been a lot of questions about POS and that you know everybody's asking about it and and what type of

1:15:39

regulations there are out and how we're addressing it Um every day it seems like it changes

1:15:46

The the science is always changing on on your method parameters that you're

1:15:52

sending to your lab Um how they are are the number of labs that can actually get

1:15:58

down to the level to actually detect a an accurate source of POS Um I'm not

1:16:05

sure how many people are aware but POS is usually measured in the in the parts per trillion um which is very hard and

1:16:13

takes very skillful lab technology to get down to that small size So one part

1:16:20

per trillion is about four grains of sugar in an Olympic size swimming pool

1:16:25

Um and you know that that's very hard to detect at that level So there's we're

1:16:32

getting more more labs around the United States that can actually get down to that level But you know this is a a new

1:16:39

emerging contaminant It takes time and as that is um regulations constantly

1:16:45

coming in and out states the EPA trying to come up with good verbiage to how

1:16:50

they are going to handle POS effluent you know at at wastewater treatment

1:16:56

plants and at landfills So we you know rely on our outside consultants our own

1:17:02

interior knowledge and and leadership at H at headquarters to really understand

1:17:09

what's coming out through the EPA through each of these states Um what treatment technologies could potentially

1:17:16

be out there how our wastewater treatment partners are are disposing of

1:17:21

this effluent or what what they're doing So it's constantly changing Um and we

1:17:27

will react and have to react to whatever regulations come in so that we can stay

1:17:33

in compliance and Jeff if you want to go

1:17:39

ahead Uh sure Now we are on visual and

1:17:44

screening and I confess I forgot who was going to do that Is that you Jeff Shepard

1:17:58

We plan to um address visual screening through the use of of new trees u that

1:18:06

would be planted along the um the west side of Highway

1:18:13

99 and those trees will be working in conjunction with the existing trees that

1:18:19

are already there We uh we have proposed a condition of approval to uh plant

1:18:27

trees and those will limit the visibility of the landfill

1:18:32

On slide 37 we show the uh landfill both

1:18:38

the existing landfill and the expansion area And the three pictures that we

1:18:44

included in the smaller pictures are views that would be from particular

1:18:50

points And you can see those views on the larger picture For example view one

1:18:55

if you're driving northbound on Highway 99 West uh you would at at point number

1:19:02

one you would not be able to see the landfill the expansion uh the existing

1:19:08

landfill or the Lee ponds or or really anything And then the same thing at uh

1:19:14

point number two Um you if you're driving either north or

1:19:20

south on Highway 99 you wouldn't necessarily be able to see it You might

1:19:25

be able to see the expansion area very quickly if you were driving um at the

1:19:31

posted speed limit Again pictures three and four are sort of the same thing Um

1:19:39

so we believe that our visual screening um meets the requirements of county code

1:19:44

and that it does not seriously interfere with the the character of the

1:19:54

area Uh thank you Jeff I'm going to turn it over to Jim Walsh who's on uh screen

1:20:01

to talk about fire his fire risk assessment report

1:20:06

Thank you Jeff And good evening commissioners Appreciate this opportunity Can I be heard

1:20:18

clearly Jim you're on mute

1:20:24

Oh she not you

1:20:40

How about now

1:20:49

Jim could you say Can you hear me now Nope

1:21:06

But now can you hear me

1:21:15

now Can you hear me now

1:21:29

Can you hear me now

1:21:38

Yeah we're not hearing Do Do we want to uh skip to the next section and maybe circle back to the um the fire

1:21:48

Yeah the next session is also online in person So I I propose then unless

1:21:54

there's an objection from the applicant that we take a 10-minute break The applicant is in full concurrence

1:22:02

Very well We'll take a 10-minute break Re reconvene at 7:35

1:22:11

Yeah Well I mean

1:22:17

that's Yeah

1:22:35

Please leave your message for

1:22:58

Can anyone hear me now

1:23:04

James could you please speak to us again How about now It's not projecting So

1:23:11

there is James can you try one more time for us please

1:23:18

Do I need to tell everybody that please be quiet Um James can you just go ahead

1:23:23

and speak We're having an issue on our end It's not your microphone Uh testing one two three four Can you

1:23:29

hear me We've got you Thank you How about How about video Can you see me

1:23:36

there

1:24:40

Someone left

1:26:40

testing Testing How about Can you hear me now

1:27:43

Testing Testing

1:28:59

and the IT service desk here Jim Walsh

1:32:23

And she's confirmed for me that this presentation is under the Stafford court

1:32:31

tab on uh MUN docs It is the very last item And so if you are searching for

1:32:39

this uh uh report it's under uh staff report Very last

1:32:45

item Mr Condit I will turn it back to you

1:32:52

[Laughter] Please Mr Chair tell me to turn on the mic when you call me

1:32:59

Uh uh if everything's up and running Jim I'm going to turn it over to you again This is Jim Walsh
our uh fire risk

1:33:06

assessment engineer I'll start with a sound and video check Can you hear me and see me

1:33:12

Yes we can Yes we can Okay great Uh good evening commissioners My name is Jim

1:33:17

Walsh I'll be presenting on the subject of a fire risk assessment Uh my apologies for having to do
this

1:33:22

virtually which obviously has created some IT problems I was uh I was there at the meeting on
Tuesday night but needed

1:33:28

to head back So I'm remote here this evening and hope I'm able to communicate and certainly I'm
available for your

1:33:34

questions that may ensue our presentation here today Um again Jim Walsh I am a principal and
senior

1:33:40

engineer with SCS Engineers Um my colleague Jeff Leadford out of our Portland office have
presented to you on

1:33:47

the subject of voters before I'll be presenting on the subject of fire risk assessment My
background is I'm a

1:33:53

registered professional engineer in 12 states I'm also a boardcertified environmental engineer in
the solid

1:33:58

waste specially by the American Academy of Environmental Engineers and Scientists I've devoted my entire career

1:34:05

to the subject of landfill engineering Within that the larger areas are design

1:34:10

permitting environmental management and environmental compliance One of my specialties in the past 15 years or so

1:34:16

has been on the subject of landfill fires and also elevated temperature landfills And it was for that reason

1:34:22

that I was referred to this particular assignment at Coffen But Landfill I have not been previously engaged at Coffen

1:34:28

but uh for any assignment Um if we could turn to slide um 39 I'll speak to what

1:34:36

our task was here SCES engineers was tasked with identifying potential fire scenarios and sources the likelihood

1:34:43

that they would occur what control and prevention measures are in place and the potential impact on the surrounding

1:34:49

community and the environment Um I began this this work in in 2023 Actually it

1:34:55

was sub my report then was subject to several updates It's a 10-page report through January of 2025 I believe is on

1:35:03

record Um I also um received a number of questions from your landfill fire

1:35:09

consultant and and prepared a separate deliverable of five to six pages that addressed that as well I'll open with on

1:35:16

slide 39 the the issues that are really important at the front end with regard to the potential for landfill fires to

1:35:22

develop First of all coffen landfill accepts only municipal solid waste known in the vernacular as municipal as MSW

1:35:30

landfills It does not in accordance with the resource conservation and recovery act the federal law regulating MSW

1:35:37

landfills which has been incorporated into Oregon DEEQ regulation We're not allowed to and don't accept hazardous

1:35:43

waste in particular relating to the landfill fire reactivities area Anything that is reactive or ignitable as defined

1:35:50

under the subtitle D definitions and the definition of hazardous waste Oregon DEEQ has approved the waste types that

1:35:57

are accepted the landfill Generally speaking they would be residential commercial and industrial special wastes

1:36:03

The uh industrial special waste are besides being subject to the Oregon DEEQ and federal regulations uh Republic

1:36:10

Services also has a very robust waste approval acceptance program for all of

1:36:16

their uh 200 plus landfills nationwide That applies to the coffin but landfill

1:36:21

as well operational practices that are really important to fire um prevention

1:36:26

um and control is that the waste disposal is limited to what's called a working phase That's the area of the

1:36:31

landfill where the waste is deposited at the beginning of each day and then it's covered over with daily covered material

1:36:38

That is confined to as small an area as is practical owing to the traffic and the disposal of waste and that is

1:36:44

approximately 1/2 acre in size and no larger than that in the everyday practices of coffin but

1:36:50

beauty Turning to um slide number 40 the existing fire controls that are in place

1:36:56

First with regard to the working phase there is a U-shaped soil stockpile at the working phase that's off to the side

1:37:02

on solid ground not associated with waste The as we'll talk about later on

1:37:07

uh there are three areas that where potentially landfill fires can break out Probably the leading potential is that

1:37:13

the landfill working phase because of a smoldering or hot load that might be delivered to the landfill to the extent

1:37:19

that a hot load is identified before the waste has been deposited There is a separate area off to the side of the

1:37:25

daily working face where the wastes are deposited Uh it is surrounded by a

1:37:31

U-shaped soil stockpile The best solution to mitigate or to put out a fire that might be attributable to a hot

1:37:37

load is then to cover it with soil So additional soil stockpiles are also available near the working phase for

1:37:43

anything that any hot load that might actually be undetected and then dumped onto the working phase itself There's an

1:37:50

on-site water truck 400 gallons capacity and water storage um out of ponds and

1:37:55

the water supply that's available to the site for fast delivery if needed to the working face or other locations where

1:38:01

fire might be needed On-site staff is fully qualified Republic services the specific site has a fire mitigation plan

1:38:08

incorporated into its operations plan of record In addition Republic Services has

1:38:14

standard operating procedures that apply to all of their landfills nationwide and also apply to um coffin but landfill

1:38:21

with regard to prevention and control of any landfill fires that might develop And then there are as part of those

1:38:28

protocols training of staff on a routine at least annual basis to make sure that

1:38:33

the uh procedures the standard operating procedures are understood and practiced

1:38:39

Turning to slide number 41 There are three areas of landfill fires that may

1:38:44

develop We'll talk about them in detail here on this slide First is the working phase as we've discussed The second is

1:38:50

grass fires and the third are gas well fires So turning back to the working phase as I described Usually the source

1:38:56

of a fire that develops th this and this is the most common location of a landfill fire if it actually does occur

1:39:02

So it needs the most attention Number one we limit the types of waste as received to make sure we don't have any

1:39:08

ignited ignitable or reactive waste that might be re received Number two as I've said before we keep the size of the

1:39:14

working phase that's the the acreage of the exposed refues uh to the atmosphere as confined as humanly possible Number

1:39:22

three we apply daily cover uh at the to the working phase at the close of each

1:39:27

business day So that's in accordance with US EPA Oregon regulations to make sure that the the waste is covered over

1:39:34

That starves off the oxygen supply that might be into the landfill and reduces the opportunity for a smoldering waste

1:39:42

at the waist fire at the working phase to develop after the daily cover has been applied I talked before about the

1:39:49

U-shaped soil stockpile that's adjacent to the working phase for any hot load that is identified before waste

1:39:55

deposition at the working phase I talked about the additional soil stock piles that are kept nearby If the waste is

1:40:01

deposited at the working face and a fire develops um becomes apparent then those soil stock piles can be applied Again

1:40:07

soil is the best remediation for any fire that is detected at the working phase We utilize on staff uh on-site

1:40:14

staff as the first line of defense obviously and most the fires that are addressed can be completely and

1:40:21

competently handled by on-site staff we notify a DARE fire support for any

1:40:26

additional supplemental support that may be necessary The second area that's been

1:40:32

talked about obviously and has potential for landfill fires would be grass fires These could be either from offsite that

1:40:39

may move on site or that might be developed on-site First of all with those that may develop on-site we keep

1:40:46

on-site vehicles that are on paved and and and dirt roadways not on any grass

1:40:52

areas Catalytic converters and other hot components of vehicles can sometimes ignite a a grass fire That happens in

1:40:58

other situations That can't happen at Coffen but because those vehicles are excluded from running over grass areas

1:41:05

Number two we use sight roads and other non-grass surfaces as buffers Generally speaking around the perimeter of the

1:41:10

landfill uh there are non-grassed areas that make it more difficult for any fire on site to move off site a grass fire or

1:41:17

for off-site grass fires to move on site Number three we train on-site staff to

1:41:23

quickly identify and to triage small fires related to non-working face or grass fires to deploy water and water is

1:41:30

the best solution for grass fires on site from the on-site truck and storage facility as needed And lastly to notify

1:41:38

and get support from Adair fire support as may be needed The third and final potential for

1:41:44

landfill fires to develop on site are from landfill gas extraction wells There is a gas management system on site which

1:41:51

extracts gas from the landfill These are the landfill gases primarily methane and carbon dioxide that are developed in an

1:41:59

anorobic decomposition situation inside the landfill These there are 300

1:42:04

approximately gas verly vertical gas extraction wells but also some horizontal wells They collect via vacuum

1:42:11

of the landfill gas out of the landfill They then direct that gas through horizontal piping uh some of which is

1:42:18

buried some of which is above ground back to a blower flare facility whereas my colleague Jeff Leford Leadford

1:42:25

remarked before there is an enclosed flare There's an energy facility that receives most of the gas but for excess

1:42:31

gas it is disposed in the enclosed flare that's located at the landfill One of

1:42:36

the problems with the development of gas well fires is if you overdraw the well you create a large zone of influence

1:42:42

that may break through the ground surface That then has the potential for oxygen for air to intrude within the

1:42:49

landfill itself and creating a spontaneous combustion situation usually a low smoldering within the landfill in

1:42:55

close proximity to the landfill There's been no record of this but there are control measures that are in place to

1:43:01

make sure that the wells are operated properly properly fine-tuned and monitored in a manner these spontaneous

1:43:08

fires do not develop But to the extent they do develop through routine gas monitoring those fires subsurface would

1:43:14

be identified If the fire develops we then adjust down the gas extraction volume to make sure we're not continuing

1:43:21

to foster oxygen and atmosphere into the ground surface or we may turn the well off entirely We can then seal off the

1:43:28

surface with additional soil to make sure that any oxygen and atmosphere does not continue to intrude into the

1:43:34

subsurface and on-site staff are currently trained and empowered to handle such a situations if they would

1:43:41

develop In conclusion if I could turn to slide 42 Um I have three conclusions as

1:43:47

a result of my assessment risk uh assessment report First as I've said we've identified three areas where

1:43:53

landfill fires could develop The first and foremost as for any landfill is at the working phase There's some history

1:43:59

obviously of those kinds being those fires being addressed timely uh and and

1:44:05

either prevented or controlled properly They could come from grassy areas and there have been a couple of incidents of

1:44:11

on-site grassy areas having a limited fire that was then extinguished with water by on-site staff and also as I've

1:44:18

described there's some potential in subsurface areas for a fire to develop spontaneously around a gas well There is

1:44:24

no history to date of any such fires being developed around uh gas extraction wells That third

1:44:31

category number two my conclusion is where public services has the plans the standard operating procedures the

1:44:37

contingencies and most importantly the training in place to prevent fires and to quickly control them if they develop

1:44:44

And number three is that in my final opinion there is no significant risk to the public or the environment from

1:44:50

landfill fires at Coffen And that concludes my presentation

1:45:00

Uh thank you Jim Uh we're now going to ask uh Stephanie James of Turn Cone

1:45:05

Construction to talk about wildlife habitat on the site And she is online Hi Testing my

1:45:15

audio video Can you hear me We can hear you Great Um my name is Stephanie James

1:45:22

I am a wildlife biologist and I work for Turnstone Environmental The address is

1:45:31

8638 North Lombard Street Portland Oregon And uh Turnstone Environmental

1:45:39

Consultants Um it's a local wildlife company with

1:45:44

two offices in Portland and Phomoth and we were hired as a third-party consultant to perform

1:45:50

wildlife studies at the landfill expansion project I am an o um I have a

1:45:56

bachelor's degree from Oregon State University and a master's from Huxley

1:46:02

College of the Environment at Western Washington I've worked at Turnstone for over 20 years And Turnstone conducts

1:46:09

wildlife habitat assessments and protocol surveys for a variety of private and public land managers

1:46:16

including the BLM the Forest Service uh Bonaville Power Administration US Army

1:46:22

Corps of Engineers We also do work for uh Benton County

1:46:27

and we have been the primary contractor for conducting special status species

1:46:34

sensitive species surveys for the Oregon Department of Forestry since

1:46:40

1997 And uh we conducted surveys uh from

1:46:48

2022 through 2024 And as part of the assessment we reviewed public

1:46:54

comments and uh looked at comments uh regarding wildlife

1:47:01

resources and then worked with ODFNW that's Oregon Department of Fish and

1:47:06

Wildlife and the Oregon Department of Forestry staff biologist to get a monitoring plan for

1:47:13

them for the species of most concern and those were the great blue

1:47:19

heron deer and elk and then also potential nesting of bald eagles So we

1:47:28

collaborated with the biologists at ODFNW and

1:47:33

ODF for this monitoring plan which includes three years of monitoring for the great blue heron at two known sites

1:47:42

on the property two years of monitoring for eagle

1:47:47

behavior and then a one-year deer and elk habitat study and

1:47:55

trail camera monitoring In July 2024 we have a final

1:48:00

report on wildlife studies which is 88 pages long And then also in August there was a

1:48:07

12page addendum rounding out to a nice 100 pages of reporting on our studies Um but

1:48:15

I will briefly rock walk you through the results of these surveys starting with

1:48:21

the great blue herand which is on slide 44 There are two Great Blue Heron

1:48:29

resource sites that are located south of Coffin But Road and one is within the

1:48:37

expansion project area and the other is closer to Highway 99 West

1:48:44

And for these surveys first we walked through the habitat mapped the nest

1:48:52

sites and then picked appropriate observation points where we could see a

1:48:58

majority of the nests and then monitored throughout

1:49:03

their breeding season starting midFebruary going through mid August and monitored once a

1:49:13

month in at both of the sites during good weather

1:49:18

conditions in the first year Uh we'll refer to these as the western rrookery and the eastern rrookery Just the

1:49:25

western rookery that's in the expansion area In the western rookery all three

1:49:32

years we saw no great blue herand using the nest we any of the

1:49:39

stickness and we did see red tail hawks who have taken up residence in some of

1:49:45

the abandoned stickness and that site

1:49:51

after 3 years of consecutive three consecutive years of surveys if there's

1:49:57

no activity then that site is considered abandoned under the forest practices act

1:50:05

for the eastern rookery During the first year there were

1:50:12

uh 13 stick nests that were all occupied for the first three visits And

1:50:18

then in June on June 1st during that site visit we observed no

1:50:27

herand juvenile bald eagles scavenging in all of the stick nests

1:50:34

All subsequent surveys they uh that eastern rookery has been abandoned

1:50:42

However it's not officially abandoned because it was active in the first year of survey and you do need three

1:50:47

consecutive years of survey to get abandoned

1:50:53

Um potential uh reasons why it would have collapsed would be uh the bald

1:50:59

eagle Uh the landfill does bring a lot of bald eagles to the site which is the

1:51:05

second part of our surveys We also

1:51:11

surveyed bald eagle habitat and this would be the next slide also slide

1:51:17

45 Um we looked at behavior at the at the landfill site

1:51:26

We surveyed for six months over two years in 2022 and

1:51:31

2023 observing a almost consistent use of the area by bald

1:51:38

eagles In 2022 there was um as many as 11 juveniles seen at one time We

1:51:46

recorded the greatest number of bald eagle adults seen at one time and the greatest number of juveniles seen at one

1:51:51

time and then also noted their behavior at the site They're typically uh soaring

1:51:57

or scavenging Um in 2023 we saw consistently four juvenile bald eagles

1:52:06

and six adult eagles every visit That was

1:52:11

six visits surveying four hours per month And one golden eagle was absorbed

1:52:18

soaring in the study area on one occasion

1:52:25

Um the third part of our study was doing a habitat assessment and trail cameras

1:52:31

for deer and elk And the cameras were installed in May in

1:52:39

late May 2022 and ran for 12 months straight We also um looked at the the

1:52:48

property there's 804 acres owned by

1:52:55

um the the landfill and we looked at that as the core study area and then we

1:53:00

also looked at habitat within a five mile radius and that five mile radius

1:53:06

includes the e Wilson wildlife area It also includes the Dun forest the Soap

1:53:13

Creek Valley the McDonald forest and the PV arboritum And that covers 67,000 acres

1:53:20

And we looked at the mapped habitat that ODFNW has

1:53:26

mapped habitat All the habitat east of the highway is considered impacted

1:53:34

habitat The the land itself owned by coffin but

1:53:42

is all considered peripheral habitat which in which includes it provides

1:53:50

important but not essential habitat and then the areas in the soap creek valley

1:53:55

the dun forest the McDonald forest those are all um 27% of this broad uh assessment area

1:54:04

and that is major habitat which provides

1:54:09

essential habitat for non-migratory elk and deer Um ODFNW also maps summer

1:54:19

concentration areas and winter concentration areas that are essential habitat for migratory deer

And there

1:54:26

were no summer contra summer concentration areas or winter

1:54:32

concentration areas within that five mile study assessment

1:54:37

area And then the trail camera surveys we

1:54:44

saw about one deer one blacktail deer

1:54:50

um observation per day Um it does seem to be year round habitat

1:54:57

Almost every day there was one or two deer on the cameras And we got three big

1:55:04

uh detections for elk There was a single cow and calf in

1:55:10

November I'm sorry late late August and early December There was a small herd of

1:55:17

16 elk in November for 11 days And then over a two-day period there was a a

1:55:24

large herd of up to 46 elk And that was um in in the develop in the expansion

1:55:30

area and they were there for a 2-day period in January Other large mammal species that

1:55:37

were occasionally seen at the coffin expansion area were bobcats

1:55:44

cougars coyotes raccoons and striped

1:55:49

skunks And so the trail camera study backed up the mapped habitat that it is

1:55:56

peripheral year round habitat for deer and elk occasionally used by elk Does

1:56:02

not seem to be a major travel corridor

1:56:07

and that the the study area provides cover and

1:56:14

forage for for deer and elk that are important but not essential

1:56:22

And that concludes the wildlife study

1:56:29

reporting Uh thank you Stephanie I'm going to turn it back over to Jeff

1:56:34

Shepard to talk about the seismic stability

1:56:40

Thank you again Jeff Shepard Civil and Environmental Consultants Uh for seismic slope stability we

1:56:46

perform engineering analysis to evaluate how the landfill slopes will react to

1:56:51

anticipated horizontal accelerations at the site The United States Environmental

1:56:57

Protection Agency outlines procedures for evaluating a landfill's seismic

1:57:03

slope stability under RECRA subtitle D section 258

1:57:08

The USGS earthquake hazard toolbox provides information related to seismic

1:57:14

forces and how to incorporate them into stability models The earthquake hazard toolbox is

1:57:22

based on past seismic events that have occurred near the site at various magnitudes and epicenter rupture

1:57:29

distances For design purposes earthquakes earthquake magnitudes that

1:57:35

have a probability to occur in approximately 2,475 years are considered For reference

1:57:43

the International Building Code and the United States Army Corps of Engineers also specify a

1:57:51

2475 year return period for the design of buildings and dams respectfully

1:57:57

Using the sight specific properties and the seismic motion parameters developed from public available sources our

1:58:04

analysis provides a factor of safety The factor of safety is a measure of the forces resisting failure to forces

1:58:12

dividing uh driving failure I think we should be on slide

1:58:22

49 Yes 49 In our analysis we target a minimum seismic factor of safety of 1.0

1:58:29

or greater A factor of safety greater than 1.0 indicates that the forces

1:58:35

resisting movements are greater than the forces driving movement and therefore there should be no damage to the

1:58:41

landfill liner system However it is not always realistic to achieve a factor of safety

1:58:48

greater than 1.0 In instances where the seismic factor of safety is less than

1:58:53

1.0 zero This does not mean there will be a catastrophic failure only that some

1:58:59

movement or deformation will occur In this case we perform another

1:59:05

analysis a deformation analysis to estimate how much the liner system components will displace during the

1:59:11

design seismic event Modern polyethylene geomembranes

1:59:17

are able to elongate about 13% before yielding occurs Based on industry

1:59:23

research and publications the liner systems for landfills should remain intact and functional with less than 12

1:59:30

in of permanent deformation Slide 50 I think this is the

1:59:37

last slide For the coffin landfill we will utilize data sets provided by the United

1:59:44

States Geologic Survey National Seismic Hazard Model The model includes

1:59:49

historical data from a number of earthquakes of varying magnitude and

1:59:55

rupture distance from the site These various earthquakes magnitudes and distances are

2:00:02

evaluated to see which results in the largest design value for acceleration at

2:00:07

the project site Shown here is a 3D disaggregation bar

2:00:12

chart showing earthquake magnitudes and distances considered in the data set to

2:00:18

be considered for the proposed coffin but landfill The largest earthquake considered in this data set for the site

2:00:25

was a magnitude 9.28 earthquake The earthquake with the largest contribution

2:00:31

to the design values was the magnitude 9.12 earthquake occurring at a rupture

2:00:36

distance of 51 km from the site The seismic design will meet the

2:00:43

factor of safety target even in the worst case

2:00:50

scenario Thank you Uh thank you Jeff Uh that includes

2:00:57

uh concludes our presentation Uh we're happy to take questions Oh Oh sorry about that Let me

2:01:03

turn it over to the boss Thanks Jeff Uh just as a reminder my name is Brian RP I work for Republic

2:01:10

Services Um hey just first of all I appreciate you sticking with us through that technical uh presentation I know

2:01:16

there was a lot of technical information and look forward to some questions and answers to maybe help um kind of maybe

2:01:21

distill down some of that information so you guys can can um kind of better understand it because I I know for me uh

2:01:27

it was a lot of numbers and and percentages So happy to do that I think um I wanted to touch on three main

2:01:33

points as as we kind of wrap things up Um as Brett kicked this presentation off it this is a culmination or the

2:01:39

application is a culmination of three years of work uh really closely working with uh both Benton County and the

2:01:44

community You know some of the things that we have done and hopefully these things show up in our application was um

2:01:51

the work that was done over nine months with Benton County Talks Trash Uh there was 218 findings and recommendations

2:01:57

that were identified through that process and uh 94% of those uh were found there was consensus found on those

2:02:05

Um you know some of those items include some of the really important things like improving coffin but road versus removing it Uh we talked a little bit

2:02:11

about the changes that we plan to make on ongoing odor and noise monitoring

2:02:16

amongst other things that you'll see with throughout the application Uh in addition uh staff highlighted a pre

2:02:23

application meeting uh and post that pre-application meeting we had three community meetings as well Two uh in

2:02:29

person here in Benton County and one virtual and then uh subsequent meetings with Benton County and consultants to

2:02:35

try to take feedback and best uh I guess explain and position um our application

2:02:41

Those were uh done in December January and February and all of that uh feedback

2:02:47

was applied uh in this application Obviously we talked about some of the needed work that still needs to get done

2:02:53

and we plan to do that I just think our you know we we've done everything under our control uh to kind of take feedback

2:03:00

from Benton County and include it in this application and we plan to do that uh with with the uh upcoming feedback

2:03:06

The second thing is just uh obviously we're the rumor is we're about to hear a lot of public testimony Uh and so maybe

2:03:13

just a couple points on that Uh a lot of it is going to be very applicable to this application Some of it may not be

2:03:19

as directly applicable and I know that'll be a really hard thing for you all to discern but I would just ask that you do your best to try to uh distill

2:03:26

that out and and listen and apply the uh the the public testimony that applies to

2:03:31

the criteria Um in addition I know there is a lot of uh very passionate

2:03:37

articulate folks that are going to talk through uh some information and provide that to you all At the end of the day uh

2:03:43

judging by comments and looking at kind of distinct contributors overall it's about 02% of the 97 or so thousand folks

2:03:50

that represent Benton County And I'd ask that um you know as you render and

2:03:56

deliberate on a decision that you think about the entirety of the county and and not just uh the the 200 or so folks that

2:04:03

have um submitted public testimony so far And then lastly I know a lot of the

2:04:10

major topics of conversation have center around environmental concerns uh of the landfill And there's no doubt about it

2:04:15

we agree And those are the kind of complicated uh and important issues that we you know manage every day regardless

2:04:22

of the outcome of this hearing Um however maybe I just flip the frame a

2:04:27

little bit in terms of perspective and think about it this way If if the commitment here is to be the best stewards of the environment as

2:04:33

possible and uh then maybe doesn't it make sense for Benton County to keep some of this volume here in in Benton

2:04:40

County where you not only have a very concerned and educated citizen group you have a county that's very involved and

2:04:47

somebody who's willing to partner with you at the landfill as opposed to that volume uh being pushed out of Benton

2:04:52

County where that may not happen So uh as I mentioned before we're

2:04:58

confident that we can address staff's concerns around some of the noise and odor as well as uh successfully work

2:05:04

through some of the other feedback that I know we are going to get And uh do due to that I think we'll have a very uh

2:05:10

strong application to show that the the expansion isn't going to add any undue impact to adjacent uh parcels or to the

2:05:17

character of the um of the area And we would urge the commission to approve this application

2:05:24

Thank you Mr RP Thank you Mr Condit and all of your your colleagues Um as with

2:05:29

the staff report I'm going to offer time to each of the planning commissioners to

2:05:34

ask their their questions I um did an order alphabetically for the staff

2:05:40

report So I'm going to reverse things and do reverse alphabetical order and uh

2:05:46

turn the floor over to Commissioner Wilson Thank you Chair Fowler and thank you to

2:05:54

uh the presentation Uh I noticed as I was taking notes and marking things off

2:05:59

you managed to answer number of the questions that I had already prepared after reading your presentation I'm

2:06:05

going to try to go chronologically so that it bounces to the uh the appropriate uh individual uh with uh the

2:06:13

presentation Um and I have to apologize that as I've come to this process um

2:06:21

um with this particular application if this information was previously out there I was not currently aware But

2:06:28

going back to there was the original 2021 proposal and now your current uh

2:06:35

proposal Uh you indicate that with the current proposal the uh you're looking at end of

2:06:41

life for the um the landfill is 202 if that's correct If the um what is the end

2:06:49

of life expectation of the landfill without the expansion Yeah So maybe I'll take that and I'll clarify and then um

2:06:56

and then I can have somebody else uh correct me where I'm wrong But here's here's how I would explain that So 2052

2:07:02

isn't necessarily the last time that we would place waste that was associated with the odor And so I think by the time

2:07:07

we place final waste cap the landfill that waste is decomposed and the ma and

2:07:14

the major contributing gases are coming out is 202 To answer your question around the the life of the landfill this

2:07:21

is also based on current volume and density which can obviously vary So

2:07:26

right now we have uh about 10 to 11 years left of life without the expansion

2:07:32

The expansion is an estimated six years Great Thank you Um and then it the next

2:07:39

question relates to again the difference between the first application and this one is

2:07:45

that you changed the uh the slope the grade slope from well by 90 ft Could you

2:07:51

explain or could could it be explained what the difference is between that that

2:07:57

what that difference does in terms of the slope of the of the landfill in that expansion area So maybe just clarifying

2:08:04

uh what how the slope of the expansion impacts something or why the slope is different from the prior both both Yeah

2:08:12

Okay Uh I will turn this over to Jeff Shepard to talk a little bit about the design of the landfill and why uh the

2:08:19

specifics are on why the design is such and the difference Um I think that in the initial in the 2021 application the

2:08:26

landfill was going over Coffen Road and the the bottom area of the landfill was

2:08:34

much wider which allowed us to go up at uh 3:1 slopes a higher amount When we

2:08:44

reduced the expansion to just on the south side of Coffen Road that footprint

2:08:49

became much smaller So therefore at 3:1 slopes we can only go up so high before

2:08:55

we reach an elevation that that's the top of the landfill So that's the difference between the two elevations is

2:09:02

that sort of horizontal area and and height So that's that's the difference

2:09:10

Okay And then are you using the ridge behind the expansion area as the maximum

2:09:15

sl um height of the it's of the expansion area I would I think it's u

2:09:22

maybe 30 feet higher than the existing ridge Um but I would have to double

2:09:28

check that All right great Thank you [Music]

2:09:45

Um many of the other questions I think were answered with a great deal of specificity and clarity and I thank you

2:09:52

Um one of the questions that relates to the uh the the gas generation that is a

2:09:58

process of the de a decomposition from the landfill Um and you've you've

2:10:04

explained and talked about the uh the gas and the gas flares Uh are there any intentions um regardless of whether

2:10:12

there's an expansion or not Is Republic planning on doing any type of co-generation

2:10:19

uh or uh subsequent use of the uh of the gas uh from the landfill other than just

2:10:26

flare burnoff Yeah Um so I can answer that Right now we do and actually most of the gas

2:10:32

probably uh twothirds of it is currently being used by PNGC which is a current um

2:10:38

utility uh company on the on the on the landfill Uh in addition right now we're

2:10:44

working through that They they would and we would like to partner with them to change that from uh kind of generating

2:10:50

uh electricity to a something that could take more capacity of landfill gas

2:10:55

actually scrub that gas and put it back into the pipeline So I mean there's still a lot of things to work through

2:11:00

and it's certainly at the infancy stages of those conversations but that is something that we're currently working through with PGC

2:11:07

So it's my understanding is that you're working with someone that is using a portion of the gas that's already

2:11:15

generated from the decomposition but it they can't use all of it that's

2:11:20

currently being generated Yeah Right now they're not currently utilizing all of it That's correct Okay Thank you And

2:11:26

part of part of the improvement of that plant would be then to create uh more capacity at it right So they could use

2:11:33

more of it Great Thank you And oh um and I know this is a bit

2:11:39

out of order Um in the discussion of the water uh

2:11:45

there you indicated in the report that you described the landfill as not being a producer but a receiver of leade

2:11:53

Could you clarify In other words if I were just

2:11:59

from a layman's perspective I'm seeing that the landfill with percolate water

2:12:05

coming through or water that is uh decompos decomposing from the landfill itself that that's actually being

2:12:12

generated by the landfill So I I can't I'm trying to figure out the language there Yeah I I believe that's a typo Um

2:12:20

it should be coffin but landfill is not a producer of POS Um it's receiver Okay

2:12:27

So you're that was meant to be a a reference to a particular chemical

2:12:32

byproduct and not and not the leech itself Yes Yeah We we generate our

2:12:37

leate The the POS that's within it comes from the waste stream that

2:12:42

decomposes So it that's how you create POS It's not from the the degradation of

2:12:48

waste was already in the waste that we receive Okay So it's and that's what you mean by you're not a producer of that

2:12:55

particular byproduct correct Yes All right Thank

2:13:06

you Chair Fowler I think that concludes the questions I have so far Thank you

2:13:12

And again continuing in reverse alphabetical order presuming that Commissioner STRS has not uh signed in

2:13:21

online Has not we'll move then to Commissioner

2:13:28

Lee Thank you So I'm afraid I have a lot of questions and I'm going to fumble around

2:13:34

but I'm doing the best I can So I would like to pursue the question of the uh timeline for this expansion

2:13:44

and the life of the facility So you say that the um existing life is 10 or 11

2:13:51

years Cell six is the quarry right Have you moved into cell six yet

2:14:01

Yes at the end of 2024 and I believe it was January of 2025 we submitted um our

2:14:10

CQA report for cell 6A which is the the eastern most part of that Corey cell our

2:14:18

Corey cell area Um and we are beginning to build out that Corey area Very good

2:14:25

Thank you So then this cell this new area south of Coffenbute would not be

2:14:32

required for 10 or 11 years Is that what you're saying Yeah it's our intent to build out

2:14:40

the quarry area just from operational and you know environmental compliance

2:14:47

reasons that we would want to build out that whole northernmost part close that

2:14:54

and while closing it move into the southern area So we'll stop operation

2:14:59

then move south Thank you So on page

2:15:06

13 I may be very confused about all this but uh in

2:15:11

the discussion of

2:15:17

noise if I understood anywhere near correctly one of the staff comments or

2:15:22

concerns was the location that sound was being um measured or modeled And I'm

2:15:31

wondering if that has already been addressed in the material you're providing or if that's something you

2:15:37

still need to or still working on I mean already in this packet I haven't seen

2:15:43

what you provided on the 29th I just haven't looked at it yet

2:15:49

Commissioner Lee thank you for the question Uh that's not coming to mind for me Any specific concerns about where

2:15:57

the analysis was conducted Um I think maybe what um Commissioner Lee's

2:16:02

referring to is that location 4 was the location that maybe was called out in

2:16:07

the staff report Um and I I think to answer your question we have submitted

2:16:13

some more information but that's part of what we're still working on So we haven't um gotten to full conclusion on

2:16:20

you know whether we can I think work through maybe some of the terms in the analysis and and also what other

2:16:25

mitigation steps can we take to help uh lessen the impact Thank you It's just to

2:16:32

further clarify noise analysis was conducted at all receiving noise sensitive receptors The four locations

2:16:39

that you see in the noise study and that we've been talking about tonight and you saw in the figure during the noise presentation were the the monitoring

2:16:46

locations where we assessed increase to existing conditions Sound levels were predicted at all noise sensitive

2:16:53

adjacent sites Okay just in case that's helpful

2:16:58

So I have a question about page 21 um odor

2:17:03

modeling You talk about uh you assess multiple emission sources including

2:17:09

fugitive flare and tipper working face emissions So I understand help me

2:17:16

understand what fugitive means in this in this um case Yeah So basically the

2:17:22

way to think about it is landfill gas is generated total landfill gas is generated in the landfill 75% of it

2:17:30

roughly is collected and sent to the sent to the engines that are um operated

2:17:36

you know by PGC and the flare and the other 25% is emitted fugitively up from

2:17:42

the you know from the landfill surface Uh fugitive is kind of just a term for

2:17:49

the landfill gas that isn't collected It's coming out of the landfill service regardless of how much um cover you put

2:17:56

on it Okay So what I was concerned about were uh evidence that there are places

2:18:03

where the cover is just not that the temporary cover not the permanent final

2:18:09

cover but it's just not there it's been deteriorated or degraded to the point where the landfill has maybe vegetation

2:18:17

growing from it or there's photographs in the uh public testimony where the

2:18:23

tarp that covers the landfill and the soil that's supposed to cover that are simply absent So I'm wondering if your

2:18:29

model takes that into consideration Okay So um first of all as far as finding

2:18:36

holes like that you're talking about areas that are not properly controlling it We have quarterly surface emission

2:18:42

monitoring that's required at the landfill where they're walking the surface of the landfill and and checking for high methane levels and then you're

2:18:50

required to fix those areas within certain time frames So that's how you cover just any kind of like holes that

2:18:56

could potentially happen like that And the tar just a tarp being removed is not what we're talking about like the tarp

2:19:02

kind is usually more used for keeping leech or water out of the landfill is

2:19:07

the actual um cover underneath that is a lot more like thicker soil to my

2:19:12

understanding Um Okay So your model doesn't take that

2:19:19

into account Yeah in general with surface emission monitoring you know considering in there to you know you're

2:19:25

you're considering that the the entire waste surface is roughly emitting equally in every uh you know in every

2:19:34

area of the landfill Okay So this here's a question Page 26

2:19:43

you talk about [Music] um oh I wish I could remember what you

2:19:51

said but you experimented in your model with the traffic model where you modeled the amount of

2:19:58

traffic that that's being generated and you actually modeled for a 50% increase Um and and it's still and

2:20:06

your traffic model still was really ample But this led me to think about

2:20:13

um the concerns about if the

2:20:20

expansion is approved according to the franchise agreement there the cap on the

2:20:28

tonnage limit is lifted and then

2:20:34

so is there a way or can you address that issue where that would that would lead to an unknown amount of increased

2:20:41

traffic and have you have you modeled that have you addressed that in in your application Yeah that's a that's a great

2:20:49

question and I'm I'm actually glad you brought it up because I saw it in some of the public comments as well and so I

2:20:54

would like to take a take a quick pause to address it So when you're looking at

2:21:00

traffic and you're looking at the lifespan of this expansion cell you know this this has about six years of of

2:21:06

landfill life If if nothing changes and population grows what we're seeing in

2:21:11

the in the in the modeling from Benton County's own projections and and and Lyn Lynn County's projections as well is is

2:21:17

growth somewhere in the 1% per year range So you could you could see the traffic generally increasing about 1%

2:21:25

per year over the next let's say let's say 10 years So so a 10% increase in

2:21:30

traffic When I took a 50% increase in traffic it was intended to look at not

2:21:37

just the population change and the sufficiency of these intersections to handle that traffic any interaction between the

2:21:43

north and south side of the road from the transfer trucks being brought over or or whatnot as well as regional operations

2:21:51

seasonal fluctuations If there's a wildfire if there's additional waste that needs to be brought in for some

2:21:56

temporary reason this system is not operating on the precipice of its capacity There's ample capacity here And

2:22:03

so that's why I took that much more conservative analysis But I I I think what's important to note too with the

2:22:09

tonnage limit is if you change the tonnage limit you're not having the same

2:22:14

level of residential traffic And you have to remember that if a pickup truck

2:22:20

comes into the landfill to dump that might be 400 lb or 600 lb of of solid

2:22:26

waste If if a transfer truck comes in that might be 25 or 30 tons So So trips

2:22:31

and tons are not lineal And part of my traffic study was looking at some other studies of of other landfills that

2:22:38

increase their tonnage limits as well And what they found was it it was not a lineal increase in trips In fact it was

2:22:45

a very low increase in trips because these are large trucks with a very high amount of tonnage that are coming from

2:22:51

more distant areas but residential traffic isn't going to drive 3 hours to coffin but landfill So you're not you're

2:22:58

not having this high number of small trips And so that's that's really what I I'd want to say about the the tonnage

2:23:04

limit is it's not a lineal change Okay So I kind of I kind of get that

2:23:09

there's two kinds of trips the personal land personal homeowner

2:23:16

trips and the and the bigger trucks But if a tonnage cap is lifted

2:23:22

um what about the scenario the business plan that Republic service could expand

2:23:28

its regional It's already reported to serve 30% of Oregon So what if it

2:23:35

expanded further than that What if it just decided there's no cap we have

2:23:40

space so why don't we offer our services more broadly in which case there would be more of those big trucks And so I'm

2:23:47

just concerned about I'm trying to think through that and wondering if your models are are working uh through that

2:23:57

Yeah Hey let me uh jump in maybe commercially So because maybe I can talk more on on the business side Uh Joe's

2:24:04

obviously the traffic expert but I think from our perspective uh and the waist shed area that's around

2:24:10

coffin but landfill at some point um you get far enough away it's just not economically feasible to bring waste

2:24:17

here even if we wanted it and I think right now that coffin but is accepting

2:24:22

what is reasonably expected to come outside of organic growth So even

2:24:28

without the uh tonnage cap we wouldn't see big incremental volume growth uh

2:24:34

barring some sort of you know wildfire scenario or other things like that that may be one time in nature but not

2:24:40

ongoing waste acceptance Okay thank you So my next question is on

2:24:46

page 28 regarding um operational

2:24:52

considerations of about groundwater I think so Your map shows the development

2:24:58

area and the areas pointing that the water flow w is essentially north and

2:25:06

east and your statement says uh separated from adjoining properties by

2:25:11

topography height that sort of doesn't include Wilson uh eio Wilson wildlife

2:25:16

areas It's an it's listed or shown on the maps in the staff report as an adjoining property There is no

2:25:24

ridge Um there is no there is no uh topography height

2:25:32

Um limiting uh groundwater

2:25:37

movement in that in that case I'm wondering if um you'd like to comment on

2:25:45

that I'm I'm not sure I quite understand Commissioner Lee Okay It just says

2:25:52

[Music] um topography topographical features

2:25:58

right Groundwater flows in multiple directions including northerly

2:26:05

uh and away from adjoining properties It does not flow away from Wilson which

2:26:12

is Wilson E Wilson Wildlife Area which is an adjoining property on the east side of 99 West

Correct That's right Yes

2:26:22

Um our we would have to look at that and and get back to you on an on an answer

2:26:27

for that Thank you

2:26:38

So so that was my comment there

2:26:44

Hey Jeff Shepard maybe as a follow-up question to that would we expect the landfill expansion though to change

2:26:51

water flow on the east side of 99 I would not think so No

2:27:04

So the next question I have is regarding page 30 [Music]

2:27:14

Um see if I can make make sense of my own notes here Okay my my questions

2:27:20

regarding um life of the liner I wish I could remember everything

2:27:29

Let's see the bottom It says the bottom comp composite liner to contain leate

2:27:35

generated during west waste decomposition And then there's a select

2:27:41

section secondary collection system It says leech collection and recovery

2:27:47

system that transports liquid for treatment at a nearby wastewater

2:27:53

treatment plant So this led me to think about

2:28:01

two things The the longevity of life of that liner and the secondary liner

2:28:08

versus the the amount of time in which leech will be um formed created

2:28:15

collected In other words what's the lifespan span of the liners versus

2:28:20

what's what's the amount of time that lie is expected to be generated at the site

2:28:27

Commissioner Lee um there has been um thousands and thousands of hours of

2:28:35

testing conducted on HDPE Geommembrane using lee from landfills And the most of

2:28:44

the conclusions indicate that the HDPE geomembrane will last significantly

2:28:50

longer than the production of lee during the

2:28:55

landfill As the landfill is operated it is producing lee But once the landfill

2:29:01

is closed and a cap is placed on which has a geomembrane in it that leech

2:29:08

will slowly decrease as there's not any more uh rainwater coming in So as the as

2:29:14

the land as the as it goes through the closure and postclosure period lee is

2:29:20

decreasing Therefore there is not nearly as much contact between the HDP

2:29:25

geomembrane and leate So you don't have durations You don't have times timelines

2:29:31

for those I I don't have timelines off the top of my head No So

2:29:37

uh again on page 30 the third bullet under primary landfill design it says

2:29:44

interim and final cover systems to li limit precipitation and storm water from

2:29:50

coming into contact with waste So this led me to think about the use of the

2:29:56

um incinerator ash that is apparently used as an interim cover And

2:30:05

there's discussion or evidence or concern that that incinerator ash

2:30:10

contains uh heavy metals or bio uh hazards So can

2:30:17

you um describe that

2:30:23

No it's not used as interim or final cover It's used as alternate daily cover

2:30:30

So at the end of the day it comes in it did come in We're not using it any longer because the
burner in Marian

2:30:37

County is done but it was approved by DEEQ as an alternate daily cover instead of dirt or

2:30:44

tarps And so you know it's like it's put on and then the next day we we go right

2:30:50

back but it's not used as interim or final cover I used the wrong word there

2:30:55

but um so does it is it covered if it's

2:31:00

used as interim cover on a daily basis where does it a week later where

2:31:07

is it Is it still on top or is it under a tarp or where is it It would be 10

2:31:12

feet down Okay

2:31:17

Okay Page uh let's see doesn't have a page number Must be

2:31:22

31 Um it says on the last bullet you talk about testing groundwater You

2:31:29

tested for 60 volatile organic compounds Did you test for heavy metals

2:31:36

or PAS test

2:31:42

We test for heavy metals Um I don't believe we test for PAS

2:31:48

No What Yeah ODDQ does not at this point have any regulations for groundwater

2:31:54

monitoring and PAS as as one of those contaminants

2:31:59

Are the results of those tests how do you do you have to do um how do you get

2:32:04

information about what's what the results of those tests are Yeah So we hire um a third party company to go to

2:32:12

each of our monitoring wells um semianually or twice a year Um they then

2:32:18

take those samples to a a certified lab um and we get our our consultant gets

2:32:26

the information back and and creates an annual um environmental monitoring

2:32:31

report which is then submitted to the state The state Okay Yep And that that's

2:32:36

public record and and to the county Okay good Thank you

2:32:42

So I've got another one that doesn't have a page on it Must be

2:32:49

33 So naturally occurring arsenic Um so

2:32:54

what I'm think I'm reading here is that arsenic is

2:33:01

uh naturally occurring it occurs at varying rates but it also looks like

2:33:09

um you're using the presence or absence of arsenic or changes in the baseline

2:33:16

readings as an indicator of lee So why do you use arsenic as the kind of canary

2:33:23

in the coal mine when it's naturally occurring Are there other aren't there other things you could monitor for that

2:33:29

would not have this other varying naturally occurring presence or am I completely

2:33:36

misinterpreting what this says No I think that the the discussion about

2:33:42

arsenic is sort of goes back to the Benton County talks trash uh procedures

2:33:48

and the in the committees that were formed there and the talk about arsenic and how the landfill was

2:33:56

um contributing to the arsenic in the groundwater That's I think where this discussion came from So essentially the

2:34:03

presence or absence or the increase or decrease in leech is not being used as

2:34:09

an indicator Presence or absence of arsenic

2:34:15

is not being used as an indicator of a leate link

2:34:21

No Okay That's kind of what it kind of reads like there

2:34:28

Okay Okay Sorry I'm taking so long

2:34:34

guys [Music]

2:34:40

Um so in terms of lie and how it's dealt

2:34:46

with can you describe I mean it's lie is a soup right

2:34:52

a mixture of of um bio materials and metals and chemicals like PAS when it

2:35:00

gets treated How much of it is actually treated versus or how much of it or I

2:35:07

mean how many different kinds of these components are really treated versus how

2:35:12

many how much is essentially just diluted

2:35:18

Yeah that that's a good question Um so you would really have to you know

2:35:24

look at our disposal partners They have discharge permits Um and I can't really

2:35:29

speak to City or Salem or Corvalis's individual discharge permits for

2:35:35

constituent and and levels And a lot of that has to do with you know you have your concentration at a milligram per

2:35:42

liter or a nanogram per liter And then you also have your flow And that kind of shows you're loading on a pound per day

2:35:50

Um because if you know that you have so much weight of that material per liter

2:35:55

and you're putting so many liters out you can kind of get you know a milligrams and and transfer that into

2:36:01

pounds So I can't really talk on what their their discharge permit is on a on

2:36:08

a loading basis Um but with our discharge permit to them um we have a

2:36:15

set number of parameters I think there's about eight or 10 of them and we are always well within um you know that that

2:36:23

maximum standard We're we're always well below that Yes the reason So I'm

2:36:28

pounding on this topic because you know the EQ is supposed to be our partner in this and they're not here to answer

2:36:35

questions and so it leaves us feeling like we have like we're we need more

2:36:42

information Okay Page

2:36:47

37 Um so your f first bullet there says

2:36:53

screening limits visibility for most public sight lines And I want to ask the

2:36:58

question I don't know the answer to this What is the screening requirement or the intent Is it screening

2:37:05

from public sight lines or adjacent properties I mean I think if you stood

2:37:10

at say for instance Wilson Wildlife Refuge you'd see you'd

2:37:18

see the existing coffin but so is the screening

2:37:24

um is your goal for screening limiting from public sight lines just the road Is

2:37:31

that is that what your goal is And and that's what this is all about Well I

2:37:36

think the public the screening would um help reduce the visual sites from

2:37:44

probably uh the EE Wilson wildlife area as well as as the trees mature and and

2:37:51

become higher Okay

2:37:58

So um page 39 it talks about um the things you

2:38:06

accept at coffin but landfill and it says you accept only municipal solid

2:38:13

waste So that means you don't accept waste from in industry or from

2:38:19

agriculture Is that what that means No

2:38:27

we accept mun go ahead Jim if you want to or I

2:38:32

I'll start Brent and you can add on um we're classified as a municipal solid waste landfill and so as I mentioned

2:38:39

it's a combination of certainly residential and commercial waste and also industrial waste to the extent

2:38:45

those industrials are non-hazardous and pass the very robust waste acceptance

2:38:50

program that Republic has So they don't want to accept anything that will be problematic in terms of the operation or

2:38:56

the environmental security of the landfill So there are industrial waste that are received but they're very

2:39:01

carefully screened and many are rejected Okay So we have evidence in the public

2:39:07

testimony that maybe I don't know where it is coming from but TVs and and computers

2:39:14

and stuff like that is and and other stuff that wouldn't be con

2:39:22

that would be considered hazardous are are going through And then the statement um from the public

2:39:30

testimony was that a person pursued this with the person at the gate saying you know that

2:39:36

guy ahead of me had stuff in it and the response was well we can't do anything

2:39:42

about that So is that what you expect the result to be Is no No So I mean look

2:39:49

I I hate to say it but people are going to be people right They can hide something if they want to hide it Um but

2:39:54

our operators are trained to you know monitor as they're as they're compacting

2:40:00

If they see tires if they see electronics if they see those kinds of things there's they do get out and pull

2:40:05

them out We have electronic recycling at the landfill We've got it at all of our hauling divisions And uh we have people

2:40:12

at the at the scale house that are monitoring loads as they come in But you know as well as I do people can hide

2:40:18

stuff And I don't know why they would do it because we take that stuff for free at all of our recycling depots So I

2:40:24

don't know why they would do it but um we definitely monitor it and we take it seriously We work with Oregon ecycle and

2:40:31

so all of our electronics from all of our recycle depots get recycled

2:40:36

Okay Thank you So I read I'm getting kind of tired I

2:40:42

can't remember where I read it I read something uh that used the term explosive meme methane So I'm looking at

2:40:48

page 40 and uh thinking about fire Um where was I read something about

2:40:57

use that use the term explosive methane In other words probably a lot of methane

2:41:03

And I'm wondering um well just looking at fire danger and

2:41:12

the presence of that methane I guess I need a little primer on how flammable methane is And if it were a hot

2:41:20

summer day and there was a lot of methane and there was a lightning strike what would be the impact

2:41:26

Yeah that's a great question I'll go first and then Brent and Brett you can add to that Uh so methane is a

2:41:32

combustible gas first and foremost Basically methane which is 50% of the landfill gas that is generated The rest

2:41:38

of it is carbon dioxide I think we know all know that that's the the gas we exhale um after oxygen has been consumed

2:41:44

in our bodies Methane is natural gas basically So when you receive natural gas in your home it's nearly 100%

2:41:51

methane Methane is a combustible gas under any circumstances It is explosive

2:41:56

only under certain circumstances It has to be between 5 and 15% concentration in

2:42:02

air A source of ignition needs to be provided and sufficient oxygen must be provided so that it is explosive So um

2:42:09

there are um you know our experience with um the combustibility of landfill

2:42:15

gas and the explosive nature is it's really nonproatic as far as landfill fires So we don't have methane induced

2:42:21

explosions certainly or fires that are in the landfills So when we have the kinds of fires that I spoke of before

2:42:28

they're totally devoid of any connection to methane whatsoever They're simply the combustion of perhaps waste at the

2:42:34

working phase because a hot load has been brought in It ignites other waste that might be suggested to it It's it's

2:42:40

oxidizing in the atmosphere with the presence of oxygen It has nothing to do with methane So methane generally is is

2:42:47

an issue for landfills but it's nonproatic in our experience um for for for explosion or fire at landfills Okay

2:42:55

Thanks Page 42 Evidently there were three fires at

2:43:02

Coffenbut in 2024 I wondered if the

2:43:11

um monitoring measures for fire at Coffen but were the ones that detected

2:43:17

those fires or were they detected by people outside of Coffen but

2:43:24

yeah let me go first and then Brett go ahead Brett or Brent No you can go ahead I it I I don't it

2:43:31

doesn't matter to me Okay I'll go ahead So so to my knowledge

2:43:36

there were three fires and I I think you know the answer The um in in these cases

2:43:42

so in in two of the cases um it was a grass fire near the open flares and

2:43:48

those were reported by uh somebody passing by and we were on site uh just

2:43:53

shortly after a deer village uh arrived as well as well Uh both those fires were

2:43:59

we believe started from uh we farmed the field right next to that and so when the

2:44:04

grass you know there's like remnant grass blew up into the open flare but the open flares don't exist anymore so

2:44:10

we feel like that's been remedied The the other the other fire was at the working face We were aware of the fire

2:44:18

We used our normal uh practice to put it out It happened at the end of the day and the operators thought that they had

2:44:25

it distinguished and smothered but it was right at the edge of the working face and it created another hot spot and

2:44:32

it did uh burn up some hydraulic lines on a tipper and and that was right after

2:44:38

we left and a dare uh responded and then we were there I mean literally our operations manager had just left He

2:44:44

turned around and came back We we you know we put it out and it was it was fine So yes there were three fires Thank

2:44:55

you So I'm on page 46 Um I don't know the requirement but if

2:45:03

uh Roosevelt elk migrate through that area what what is the requirement

2:45:10

um for mitigating that There's evidence that Roosevelt elk

2:45:16

do migrate through that area

2:45:27

Am I on Hi Uh the requirement for uh mil

2:45:35

um for it being a it it was not found to be a major zone of migrating There's

2:45:42

also a lot of fencing around the actual landfill site where the leechet is And

2:45:50

we did not find it to be a major migratory pathway Um they're they're the

2:45:55

resident elk that are um mostly in the soap valley and in the forested

2:46:02

areas and are are not migrating to the east through across the highway and that

2:46:11

they're mostly uh just large herds that are that are using that

2:46:17

major major habitat area and that the landfill itself is

2:46:22

um peripheral veral habitat is what our study concluded right But the people who live there all

2:46:28

and are there all the time have noted that there are Roosevelt elk that do move and eb and flow through that area

2:46:36

on a regular basis So I'm wondering how you how you you know how do you how do

2:46:41

you balance the fact that you didn't see it because you were there and specific dates and and uh you did your job and

2:46:48

that was good but the people who lived there you know they live there and see it all the time so they reported

2:46:53

something else Um I'm wondering what your what your thoughts on that are

2:46:59

Um yet we conclude that it is u it is it's peripheral habitat and it was not

2:47:05

found to be a major corridor at least right through those forested areas where

2:47:10

we monitored for um trail cameras for a year and uh and looked at those areas

2:47:21

Okay One thing you didn't mention was the archaeological report which um noted

2:47:27

that there were sites Native American sites one of which was I believe uh

2:47:33

qualified for the National Register And it talked about

2:47:38

um recommending monitoring and it did not of course map those sites That's not I understand

2:47:45

that's not done So can you just describe verbally where

2:47:51

those sites were in ter in relationship to the de this development and explain

2:47:57

what's what does it mean monitoring them what what's that process what is it result in

2:48:04

as I understand with the archaeological study the locations of those are um not

2:48:12

available to the public yes I I realized that so they are one of them is is

2:48:19

is will be in the area where the new scales will be and it will be uh buried

2:48:26

in accordance with the agreement with the Grand Rand Tribe of Oregon

2:48:33

The monitoring will consist of having a licensed archaeologist on site during

2:48:40

construction and they will be monitoring the top 24 to 36 in of soil removal to

2:48:48

see if there are any other potential artifacts located in the expansion area

2:48:55

And if there are they will do what

2:49:00

archaeologists do they will record them and if there is something significant then they will report it to

2:49:06

the to uh the state agency Shipo and we will have to deal with that if it

2:49:12

happens Is that material left on site then or is it preserved or what happens

2:49:18

I don't I I I would have to ask the archaeologists about that and get back to you Thank you I'm done

2:49:28

Thank you uh Commissioner Lee And just a couple of comments Uh Commissioner

2:49:33

Fulford will be next for our IT folks Commissioner Cash is on deck and so if

2:49:38

we can get her prepared with her microphone on I'll also note that it's 8:50 Um very likely we're going to go

2:49:46

past 9:00 Our applicant has a number of expert resources uh I assume from out of

2:49:51

town and so I want to be sure that uh we we don't uh create greater imposition on

2:49:57

the applicant And so we'll continue with our questioning for as long as we

2:50:03

need to so we don't need to hold over the uh the resources into our our next

2:50:08

uh our next meeting So for the public this is very likely to go beyond 9:00 Um

2:50:14

I I apologize for that but I want to be sure that we uh are able to um provide

2:50:20

all of the questions uh to the applicant while they have the resources conveniently here in town Is that

2:50:25

acceptable Absolutely Mr Chair Thank you So Commissioner Fulford the floor is yours

2:50:33

Thank you Chair Fowler U do have some questions and want to make a statement Uh Republic Services thank you for uh um

2:50:40

partnering with us and working with us over these years Um obviously Benton County Talks Trash uh very intensive

2:50:48

this application process obviously very intensive So I appreciate you all coming and working with us

2:50:54

Um one of the things and and Mr Condet um I appreciated you early on talking

2:51:00

about DEEQ and kind of where it fits in in the process and I know I spoke a lot

2:51:05

about groundwater last night I'll probably do the same tonight but I I do understand where it fits in My concern

2:51:12

is sometimes uh DEEQ um um maybe not be doesn't

2:51:19

necessarily hit on all cylinders all the time right And sometimes it's up to us to make sure that we put in uh

2:51:25

boundaries or requirements uh that make sure um we get what we need out of it as

2:51:34

a as a community Right So the the main thing I was talking about before was the leech aid going to the wastewater

2:51:40

facilities in Salem and Corvallis Uh Adair Village does have a bill uh that's

2:51:46

out there 3939 that uh is supposed to be an advanced uh wastewater treatment

2:51:51

plant Um I would like to and maybe this is a condition of approval that um

2:51:58

Republic Services works with the city of Adair and works through um how that

2:52:04

partnership or that would work because obviously um you know this more strategic is you

2:52:09

know we got PAS today maybe it's something else tomorrow but if you sit down and make sure the requirements are

2:52:15

captured and tracked uh appropriately that when uh that facility does come

2:52:21

online that we're getting not 80% you know mostly diluted into the WAMIT but

2:52:28

uh uh 99% or whatever the um state-of-the-art is and if we don't talk

2:52:35

obviously we might miss some requirements or some uh quick easy lowhanging fruit that we could get when

2:52:41

we uh you know and I I would think also you guys would prefer

2:52:48

uh shipping across the street uh compared to Salem or or Corvo for that matter right Probably cheaper and

2:52:53

quicker and less accidents and less risk all the way around Um so probably enough

2:52:59

on that but I think conditional approval would probably be smart I know there's quite a few

2:53:04

questions that that uh that got covered I'll try to be quick I know it's late Um

2:53:10

one qu question 100red-year flood what does that look like or a thousand-y year flood How does uh the system work and

2:53:19

protect our groundwater from an activity such or event such as that

2:53:26

The the landfill is not located in the 100redyear flood plane or flood zone

2:53:34

So no concern ever that we'd get a ton of rain and and we'd overflow the uh

2:53:40

kind of like what was it Uh Fukushima right They they're pretty good too right

2:53:45

Like I said we're not located in the in the 100red-year flood plane or flood zone So if that occurred the landfill

2:53:52

would be would not be impacted Um all right Um I do have some questions

2:53:59

Mr Vestman Um really uh on the traffic flow I thought that was really good uh

2:54:05

that the residential doesn't change I am still a little confused on the commercial flow Um I've been there quite

2:54:11

a few times uh uh you know dumping things personally myself Um so we have

2:54:17

the the scale house that goes in When the commercial trucks come in in the new proposed

2:54:23

uh model um they go through the the scale house do they loop back around and

2:54:29

then come back down Where's that turnaround for them I'm a little confused on where that's at

2:54:36

Yes I believe it's I believe it's right around the current dumping site So they had they have a big wide radius to make

2:54:42

that maneuver And Jeff let me know if I've got that Will uh go around the

2:54:49

public uh where the public drops off on the Z-Walls and then sort of like like

2:54:54

they're heading towards the land the top of the existing and then they'll come down a ramp and then that brings them

2:55:00

right back to Coffin to the intersection of Coffin But and the entrance And from

2:55:05

there they will then turn right onto Coffen but Road and within a

2:55:13

few hundred feet dive into a left turn lane and then turn left into the

2:55:18

expansion area where they will go in and dispose of their waste And then there's a going to be a new scale added in that

2:55:25

location where they will weigh out Okay At Coffen but turn right again and go to

2:55:32

99 West and then go wherever they they they go All right that makes

2:55:39

sense I'm looking through my questions Um a lot of these been covered Um one

2:55:45

one of the things on the odor side odor side uh daily log uh tracking management

2:55:51

I think con Mr Condit you you mentioned that so you could be responsive and not have to wait for the government to tell

2:55:57

you that you got a problem right Uh on the noise side is there some other or similar plan on that front

2:56:05

The uh oh the proposed condition of approval requires us to do an updated noise study

2:56:13

every three years and submit it to the county and if it if it determines that the noise is exceeding the DEEQ

2:56:20

requirements we're required to mitigate and how sensitive are you guys

2:56:26

if you're getting a lot of calls from a particular area would you then go hey I

2:56:31

know it's within the three years but should we make some adjustments

2:56:38

Yeah So obviously we'd be responsive to um you know neighboring residents and

2:56:45

customers uh around the site and so if just like any uh scenario changing if if

2:56:50

something was emerging that we hadn't been experiencing before we would address it Right

Thank you Um one of the

2:56:57

questions on the landfill end date right is 2043 Um is that optimistic or conservative Is

2:57:05

there a range We've seem to have missed and I and I get it right Lots of

2:57:11

variables lots of changes lots of different things Right now we're shooting for 2043 Do you feel confident about that or

2:57:18

is that an optimistic number Do you think it might be closer to like maybe 30 or I'm sorry 2037

2:57:28

Uh I think as a landfill issues currently constructed Yeah I I think that is a good estimate I

2:57:35

don't know that it's um either conservative or overly aggressive I think it's kind of a very fair assessment as we can calculate both uh

2:57:43

the volume that is coming in now and at the density that it's coming in at Any any concerns it'll actually speed up

2:57:51

more than 30 or 20 37 Uh I mean I unless there was a some sort

2:57:58

of event that caused um you know some unknown volume that we weren't aware you know couldn't predict right now that

2:58:04

could happen Uh I think the organic growth has been factored into some of the um volume estimates

2:58:13

All right cool Thank you Um I do have a wildlife question on the eagles Any concern about the eagles They seem to be

2:58:20

uh kind of loving the place

2:58:28

Oh Miss James Um hi Uh the You can hear me I suppose Yes The

2:58:38

eagle use at at at the landfill uh it was very consistent There was a um a lot

2:58:44

of scavenging going on and we did not see any nesting behavior on any of the visits for those

2:58:52

4-hour observation periods And we did witness some roosting up um on top of

2:59:02

Coffen but Hill in that tree line but uh

2:59:07

no no nesting behaviors which would be the biggest concern

2:59:12

Um and then also scavenging on uh the heron nests was was pretty

2:59:20

obvious on that Um so no concerns on eagles Uh no concerns

2:59:27

on eagles No nesting behavior We did have the one golden eagle that was

2:59:33

apparently traveling through That's great All right Well thank you and

2:59:39

appreciate the the responses Foul Uh thank you very much Uh to Commissioner

2:59:45

Cash online

2:59:51

Can you hear me Uh we can And perhaps you can turn on your camera if you if you don't already have it on Oh I'll see

2:59:58

what I could do I I may not I may not have enough Wi-Fi to support that Let's see what happens

3:00:12

Yeah Is that working It is Go Go ahead Okay So I may have to turn that off if

3:00:19

my Wi-Fi starts to drop I live out here in the hills so you know it's not

3:00:24

exactly uh technology central So so far I don't have any questions that other

3:00:30

people haven't already asked So I will just seat the floor to some more of your

3:00:35

excellent questions Thank you for the report I was able to get a copy and look that over before the meeting and I

3:00:42

appreciate the thorough presentation So thank you Thank you Commissioner Cash

Commissioner

3:00:48

Bisco

3:00:56

Thank you Chair Fowler I was told that last time around my comments were not heard very well so I'm going to try and

3:01:02

speak up here You can let me know if you can't hear me this time Uh I've been taking notes all the way through this Uh

3:01:09

I do have a series of questions I'll do my best to try to keep them in order chronologically Um but I've

3:01:16

also written down a few as we have had other commissioners ask questions Um I

3:01:21

do want to just share with this group just briefly that I was a member of the Benton um Benton County Talks Trash work

3:01:29

group So I have the history that goes back to that from the start of that work group and part of the subcommittee that

3:01:36

uh looked at the conditional use permits um for the full history of the landfill as well as uh some of the prehistory and

3:01:44

the compliance of that So some of my questions root from that Uh so bear with me as we work through this Um I'd like

3:01:51

to turn to page three of the coffin boot landfill application that was presented to us U for those of you that do not

3:01:58

have access to that It sounds like you can locate that but I'm referring to this page three Um to the applicant and

3:02:05

your team when I look at this map I see a quarry that's delineated I see the

3:02:11

existing landfill and the proposed expansion parcel My question is is when

3:02:16

I just look at at square footage might be the way to say this or just impact

3:02:22

the footprint if you will of this aerial view It looks like cell six which I

3:02:28

understand to be the Corey cell and the proposed expansion are similar in size when combined to the current existing

3:02:35

landfill I have a couple questions related to that visual So my first

3:02:40

question is is the query the extent of the query of cell six going to be excuse

3:02:47

me is cell six going to be the only cell within the query is that the expectation

3:02:55

Um yes cell 6 is the only cell within the query However just for more

3:03:04

background on that we will be building it in subsequent sections So we build a

3:03:10

portion and fill it up Build another portion fill it up And that's really just to kind of you know we we can't

3:03:18

fill this whole area with trash and you'll get degradation of the material that you know we want to keep in good

3:03:24

condition and you'll also produce more leate just because you don't have that that waste mass to come through So we

3:03:32

will be building cell six in multiple steps but the outside extents or are

3:03:40

what is permitted and only permitted as cell six

3:03:47

Okay that's helpful Thank you And then proportionally what kind of volume are

3:03:52

we looking at in then what cell six will be even though it's being built in multiple phases Like we have a cell one

3:03:59

cell one A Do you expect to have like cell 6 cell 6 A etc

3:04:04

Yeah Yeah we will have cell 6 A cell 6B cell 6 C Um I I'm not quite sure what it

3:04:13

goes up to but um I believe this is and don't quote me on this but I want to say

3:04:18

approximately 30 acres So

3:04:24

and the anticipation of a couple questions here kind of layered together also The current height of the existing

3:04:30

landfill the maximum height is sitting at what currently

3:04:41

I'm not sure what it is Above mean sea level but I I could produce that Okay

3:04:47

I'd like to have Yeah if we could have that information And is the expectation to build the quarry cells to that same

3:04:55

height um they they would all kind of come into

3:05:01

one big pyramid So um like the left hand side will not be nearly as tall because

3:05:07

you're you're building up your side slope and the apex um would likely be

3:05:13

somewhere around the where it says like cell 3A that would likely be the

3:05:20

approximate location of the highest point of the landfill

3:05:26

Uh okay great Thank you Um next question Kind of again in the same vein looking at this map

Um am I is

3:05:34

it I'll just skip that one I think that we can find that in records Okay So go back to the proposed expansion that

3:05:40

we're talking about It's that lower section on the map Do the difference We We got close to it but I don't know that

3:05:46

it got answered in tonight's responses The height of the exposed excuse me

3:05:52

proposed expansion is anticipated to be what Relative to the existing landfill

3:06:02

If I remember correctly it will be roughly I think about 100 ft lower the

3:06:10

top of the expansion area would be versus the existing area

3:06:15

Okay And just is it safe to say that we're somewhere in the range of about 700 feet That's kind of a number I

3:06:22

remember but I know some things may have changed on that existing Are we within give or take in

3:06:28

that area I I cannot remember what the topographic map said I see it every day almost now I

3:06:35

can't remember it I apologize for that We can bring that answer back for you That would be great Thank you Um we'll

3:06:43

move on from that Let's

3:06:53

see I wanted to ask some questions about the leech question has been a very

3:06:59

popular topic for our public testimony Uh but also I wanted to go back to the

3:07:05

monitoring process So it sounds like we can you give me just again it's probably in there but just how many wells are we

3:07:12

actually monitoring the total number of wells on leade and I understand that they are

3:07:18

scattered amongst and I know that there are maps out there but can you just give me that number So uh um just for

3:07:26

clarification on on Lee we have um right now we have five sumps that are within

3:07:32

the lined area and they all get pumped into the line pond Um I I think you

3:07:39

might be thinking groundwater monitoring wells which we have 52 of Um and those

3:07:46

are within soil not within the waste mass Okay And I I probably am talking

3:07:53

groundwater monitoring wells but do they in fact doesn't leech impact the

3:07:58

groundwater potentially Like cell one and cell 1A are not lined So clearly there's a potential impact there

3:08:06

Yeah So historically we we moved a lot of the old like World War II

3:08:14

uh trench fill area and moved that to a a lined portion We do have some portions

3:08:22

of cell one A and one that have a clay liner um and not synthetic Um and we

3:08:31

have not seen any real levels of lee showing it It's it's very old waste and

3:08:39

it it we're not seeing any impacts to groundwater We're not under any corrective actions with DEQ

3:08:46

Okay And is DEEQ actually looking at groundwater impacts I know that sometimes DEQ has different departments

3:08:52

Yeah Yeah they are looking at it Okay Very good Um the leate from cell one and

3:08:58

1A um I believe I was reading that it's about 2 million gallons annually Is that

3:09:05

correct So not groundwater impacts We're now we're actually talking about leech That's Yeah So
le li le li le li le li

3:09:11

le li le li le li le li le li leeate as a whole throughout you know what what's built out in in that
I guess

3:09:16

the the existing landfill portion on on three it's 40 million gallons per year

3:09:23

approximately But to cell one and cell A the production of lee or is there a number

3:09:30

associated with those two cells Um I could potentially look into that We We

3:09:37

don't typically like put it on per se I mean we do internally but usually we

3:09:44

just kind of show the sum of the number Okay And I I recognize that 40 to 42 million number
Um I'm interested in that

3:09:51

information on cell one and cell A And the reason I'm interested in that is if

3:09:56

I remember in the record our those cells were closed in the 1970s We are now 50

3:10:01

years later If what I was reading reflects that we have leech eight then we're looking at a 50-year

3:10:07

potential leate impact that still exists and that is relevant to

3:10:13

um well it's relevant Um I'll also ask this question So I understand that liners are designed to last for a long

3:10:19

time and I've heard you know intermittent in some of these testimonies I really appreciate what you have shared I did happen to go on the

3:10:26

tour when you did the tour and you showed us what those liners looked like and and that process
It's quite

3:10:31

extensive recognizing that you are engaged in state-of-the-art pursuits for how you

3:10:36

manage waste disposal Um Lee liners do in fact fail Correct They can fail for a

3:10:42

number of various reasons Age heat um you know the compos components of what's

3:10:48

in those particular cells may breach a liner through impact Is that correct

3:10:55

There's no assurance that it's a 100% guarantee Correct Yeah I mean it mishaps

3:11:01

can happen and and it is generally best practice or not generally it is best

3:11:07

practice if there is a known uh compromise to that liner Um we go in and

3:11:14

repair it whether that's plugging it with bentonite which is like a fancy

3:11:20

clay or actually if we can get to it and it's safe doing a patch on the weld or

3:11:27

the GCL Okay thank you I would like to add that that's why we do uh two liners

3:11:34

It's only required that we do one and we actually have a double liner system So

3:11:39

in essence the bottom liner is never um touched by leech or anything else as

3:11:45

long as there's nothing penetrating the top liner That's helpful Um to clarify again no

3:11:51

degradation just by age Does that happen It it does happen It is uh HDPE which is

3:12:01

a plastic and plastics long or last for quite a long time Thank

3:12:06

you Let's see

3:12:14

Um a comment was made and this is chronological but it's a lot of pages back so uh and it's a lot of testimony

3:12:20

back Um comments were made about the Benton County talks trash p or uh

3:12:26

process and the sustainable materials management planning that Benton County is taking Um my understanding and I'd

3:12:33

like feedback if I am incorrect in that but my understanding is that process was

3:12:39

number one it's aspirational It isn't going to happen this year It won't happen 10 years from now It's a

3:12:44

fundamental shift in how we consume product how we manufacture product uh how we you know use them in our homes

3:12:51

and then how we dispose of them So highly aspirational certainly um very innovative in some of its proposals and

3:12:57

ideas But the reality of the scenario of SMMP actually altering the handful of

3:13:04

years that we have left of coffin but landfill is pretty insignificant Is that correct It's not a solution to coffin

3:13:10

landfill and our our end of life expectations Yes

3:13:16

I think that's probably fair to say Okay Thank you

3:13:24

We'll go to uh some methane questions that I have I happen to live in Phomoth

3:13:29

um famous for its mill pond crossing methane emissions in a residential community which we built housing without

3:13:36

managing the methane emissions Through that process I'll say infamous not famous through that process Um I also

3:13:43

sat on the city council during that period of time and we had a lot of engagement with that community and we

3:13:49

also had a lot of engagement with um fire district our local fire district Uh

3:13:54

the risks of methane um please if you can confirm for me what I understood to

3:14:00

be is that methane is a heavier gas than oxygen Is that correct Yes Okay Lower

3:14:06

explosive limits at 5% of volume Correct and upper explosive limits at 17% of

3:14:11

volume And I think um I'm sorry what was your name again on screen Jim Jim Walsh

3:14:17

Jim Walsh Yes Jim Walsh I think stated that as well Um that being said when we

3:14:24

combine that information and the methane exceedences of the recent um EPA I will

3:14:31

say evaluations I don't know that investigation is the right word Is there in fact a risk when we start

3:14:38

combining and pooling methane into spaces where we're not necessarily meeting the management

3:14:45

um that is expected I should say by Benton County by the community at large and certainly EPA had an opinion about

3:14:51

that I understand he had difference of opinion but we still have facts that there were 60 plus exceedences at one

3:14:57

point and I think 40 at the second point So is that a risk that should be looked

3:15:04

at talked about addressed What's the mitigation plan Is that a risk for I'll say terrorism strong word but maybe not

3:15:11

in today's world We've seen that in the electrical grid in this region Um if you have any just general forum

3:15:19

comments on that Yeah Yeah So you Well go ahead Right Oh

3:15:25

I I was just going to say um yeah when when the EPA did come and visit they

3:15:31

conducted a surface emissions monitoring investigation and they did find a number

3:15:36

of exceedences Um we do that on a quarterly basis and

3:15:42

um in similar when the EPA came and visited as what we do quarterly we will

3:15:49

from time to time find exceedences with that once an exceedence

3:15:55

is found we have 10 days to put cover back on it or or find why

3:16:03

you know this area is having a methane exceedence and and generally it's

3:16:08

usually cover and and some erosion that has happened So our cover is has depleted So we will patch that area up

3:16:17

and then um we have to show a passing test um within 10 days of that or go

3:16:23

into a corrective action So when the EPA did come out and they they found a number of of hits or or exceeding points

3:16:32

we did go back within that 10 days and fix all of those and and completed that So it's something that as you know we're

3:16:40

exposed the elements these things will happen and that's why we do it on a quarterly basis so that we stay on top

3:16:46

of it Very good So to confirm Oh I'm sorry Well if I could add a little color

3:16:51

on that EPA's concern is with as Jeff Leadford referred to it before fugitive

3:16:56

emissions So to the extent that methane and perhaps trace gas is accompanied with it EPA's concern is um air air

3:17:04

pollution air quality issues into the general air and methane is considered a potent greenhouse gas So that's their

3:17:10

concern um not to be conflated with the explosion risk So explosion risks as we

3:17:16

said are between five and 15% in the right combination and everything And that's really not an issue and not EPA's

3:17:22

issue with regard to their their alleged interest in methane It's more air quality and greenhouse gas concerns Very

3:17:30

good Thank you Uh I I was simply using the fact that EPA found that those exceedences existed and bringing that

3:17:35

back to that explosive risk To clarify if we add oxygen say we get to that upper explosive limit it's no longer a

3:17:42

problem after 17% as I understand If we have a rush of oxygen into that space it becomes explosive again Correct It has

3:17:49

the opportunity for that It would but it wouldn't be in in the open air as is the

3:17:54

case that EPA is interested in release into the open air It's only explosive when it's a confined space and provided

3:18:00

between 5 and 15% methane and provided a source of ignition And a confined space might be considered

3:18:07

under those tarps So the billowing of the tarps

3:18:12

Uh correct But it would have to have the right amount of oxygen and a source of ignition again which and that's the

3:18:18

reason I haven't identified that as a fire risk Okay Thank you I appreciate that Um I are there other so this did

3:18:26

not come up Um although I did hear about carbon dioxide Do we have other gas emissions as well I know in in the

3:18:33

methane situation in Famouth we did have other gases hydrogen sulfide perhaps um

3:18:38

but some other gas risks Are there other gasses that we have not talked about in this landfill

3:18:47

You want me I'll take a shot at that Yes there are other gases Generally landfill gases Let's say 50% methane and 50%

3:18:54

carbon dioxide as we referenced before Are there other other gases Yes At the part per million level hydrogen sulfide

3:19:01

literally dozens if not hundreds of other very trace low-level compounds It is the presence of those other compounds

3:19:07

that EPA is concerned about about air quality issues And the issue is with methane uh with regard to the greenhouse

3:19:14

gas issue So there are other gases that may be air quality impacts or um or odor

3:19:19

impacts The H₂S is primarily the um the the odor concern These other trace gases

3:19:25

are other volatile organic compounds at trace levels are more of an air quality concern

3:19:33

Okay And then I think two additional questions on this Uh is that quarterly report Well so the EPA also found

3:19:39

inconsistencies between what they were finding and what they believed was being reported by coffin I'm not here to

3:19:44

debate whether they were accurate or you were accurate Um however are those reports available for this commission to

3:19:51

have access as part of the record Those quarterly trackings on your methane

3:19:58

Yeah the the quarterly trackings we can we can definitely share

3:20:03

So that's a request then for this record Thank you Yep

3:20:16

Um several of my questions have been answered by my colleagues so I'm just making sure that we cover these Um the

3:20:23

daily cover material that you are using currently I know we have alternate daily cover options Generally the majority of

3:20:30

our daily cover what is that source of material Um soil and tarps

3:20:37

And that soil sourced from within the landfill site or

3:20:43

footprint lands that you owned or coming from somewhere else Yeah Uh it's it's

3:20:48

multiple sites So like if we have um jobs that are coming in that are dirt

3:20:53

jobs like an excavation company will stockpile that Uh some of the dirt that we're using currently came from when

3:21:00

they dug out one of the cells at the landfill So that dirt was stockpiled and

3:21:06

we're using that So it's so it's either stockpiled dirt that was excavated from cell development or it's incoming from

3:21:12

customers Thank you Um Mr Leadford let's see Where

3:21:18

are you I typed more than I Okay very good I have some questions for you We were talking about odor I believe in

3:21:25

this case Um and your analysis of that odor I did look at the exhibits I'm

3:21:31

sorry for the audience and anybody listening I don't know the numbers but the reports that received you referenced

3:21:37

that from 2022 to 2024 we had those 84 complaints In looking at those the

3:21:42

majority of those were through DEEQ Somewhere in the conversation either by you or somebody else someone referenced

3:21:48

that Coffen also receives reports and there are a smattering of them there that I I suspect are probably that Do

3:21:54

you have additional reports of complaints on odors that we have not seen in this record Um

3:22:02

are you tracking them Do you monitor them Do you have a record of them Uh hi I'm Paul Ker I'm the environmental

3:22:08

manager there Yeah we basically get um two sources of odor complaints One from

3:22:14

DEEQ and one from through our coffin portal and those are the only two

3:22:20

locations we get odor reports from or complaints And that coffin portal that

3:22:25

you're referencing is that what's in that document as well or do you have an additional record of complaints that we

3:22:33

should have access to in considering this No the only complaints that we have are everything is submitted from DEEQ

3:22:40

and it's also part of what I submit to DESAC as part of their request to public

3:22:48

So

3:22:57

DAC and we are going to be let's see I don't know where Pedro went to the annual reporting or is that somewhere else within DAC's work Yes and they're

3:23:04

posted to the DAC site Is that each meeting minutes or is there a summary

3:23:11

Um all the agendas all the meetings all the reports are posted on the site now

3:23:17

but not necessarily part of the record Correct They are not in the record

3:23:24

Um I'll also come back to Mr Leadford You talked about the landfill being not upwind Uh that you could only determine

3:23:30

1% of the complaints are likely to have been from the landfill A lot of this data did not uh well 58% are possibly

3:23:38

from the landfill and you didn't have a full data set which I can see in those reports on the odor complaints The other

3:23:44

29% are not likely to have come from the landfill I'm just curious because those reports are are pretty significant in

3:23:51

some of the experiences that people were having Um the strength of the odor kind of

3:23:58

comes through in what they said the words that they used to describe those odors What might in hundreds of acres of landfill

3:24:06

what might some of the options been for such a reaction that wouldn't have been from the landfills Do you see what I'm

3:24:12

asking Like what other sources might there be Um this this odor analysis didn't assess

3:24:18

you know the sources of alternative sources of odor I'm sure there's plenty of other sources of odor in in the

3:24:24

region Um but this this odor analysis was specifically focused on on the

3:24:31

landfill So yeah I didn't look at other ones Okay Anyone else here as part of

3:24:36

this team wish to comment on that Okay

3:24:54

Thank you to Commissioner Lee for addressing fugitive emissions I think I got those answers with your

3:25:02

questions Uh there was also a comment about the dilution of air detectable by half% of the folk the people right

3:25:08

Dilutions of an odor in the air divided by odor's threshold What is an odor threshold I was not clear on what that

3:25:14

meant in this piece Yeah So so basically you know if you think

3:25:19

about and every nose is different right So you have a different threshold where

3:25:24

everybody can detect something So if you if you put that onto a graph it'd be something like a bell curve of of when

3:25:32

people could smell it of course in concentration Right in the center of that would be roughly about half the

3:25:38

people can detect it That's where you draw the line where it's like the average person is able to smell it and

3:25:44

that's the threshold then you're referring that's the threshold that I use correct that's helpful

3:25:51

I have a question about well let's so road improvements is the next one I'm talking about in this application you're

3:25:57

actually proposing to develop if we will to to county standards the coffin road

3:26:03

for a number of reasons um I'm curious if we have an estimate on what the cost So there was comments made

3:26:10

about you know you're providing those costs uh the benefit coming you know realistically to Benton County Do you

3:26:16

have an average e an average on what that cost of improvement will will be

3:26:21

for that road improvement Um we haven't uh determined an

3:26:28

approximate cost but I would place it in today's dollars is

3:26:35

somewhere between maybe 800,000 and 900,000 to a

3:26:40

million dollars worth of work Okay And the the length of that coffin road

3:26:49

it's only over the the portion that we show in the application uh to create the

3:26:55

the left turn lane and the transition from that left turn lane out So it's only I believe

3:27:02

850 ft long And just to clarify it's an existing road So really you're building on top of

3:27:08

an existing road and surface We would probably have to remove the existing

3:27:14

road and surface and rebuilt it back up from there so that we have a proper transition from a new road to an

3:27:20

existing road Plus it's going to be significantly wider Yes Thank you Um I

3:27:27

do have a question This came up in Benton County Talks Trash It was during the period of some of the train

3:27:32

derailments were happening across the country Um one of the local news stations picked up the train derailment

3:27:37

in Toledo where they estimated approximately 2,000 gallons of diesel

3:27:42

were spilled Some of that on soil some of that into water The question was

3:27:48

asked it was it was stated by one of your team members that that so and I believe it was also in the article that

3:27:55

those contaminated soils were removed from there and trucked to the Coffin Landfill

3:28:00

Now the question that I have on that that was in I believe well let me see where the data that is The question I have for

3:28:08

that in looking at chapter 77 excuse

3:28:13

me that is a hazardous waste material The response when asked of the Benton

3:28:20

County team that was part of BCTT um the response I remember is that there

3:28:25

are circumstances of which you are required to take hazardous materials Okay If somebody can clarify

3:28:31

that for me first whether or not that happened and whether or not you are subject to an authority that would

3:28:37

require you to take hazardous materials No we're not subject to take hazardous material Um we get uh contaminated soil

3:28:45

often I mean if anybody remembers I don't know when it was 2019 there was a diesel truck that

3:28:51

actually turned over about a half a mile from Coffin Landfill and contaminated

3:28:57

the soil We took all that soil as well So it has to be profiled and tested Um

3:29:02

but we take contaminated soil often and the the soil that you're talking about from the Toledo area was the same stuff

3:29:08

I don't know if it was reported incorrectly as hazardous waste which often is reported incorrectly um but it

3:29:17

wasn't hazardous waste We took it in as special waste and it was tested and profiled accurately So the difference

3:29:23

between special waste and hazardous waste and so diesel spills and contaminated soil is

3:29:30

not considered hazardous waste Is that correct Not to my knowledge It it depends on you

3:29:37

know the the concentration So you know I if you if you have a lot of soil and a

3:29:46

little bit of diesel when we profile it you know you if if it's like a 50/50 mix

3:29:52

or you know it starts becoming more diesel than soil then you know it it

3:29:58

goes into you know the EPA's um profile of of a hazardous waste It's

3:30:05

since it's mainly soils that we're picking up it's not really going into

3:30:10

ignitability corrosivity reactivity ignitability Um which is how the EPA

3:30:17

would you know mainly look at a hazardous waste versus special waste

3:30:24

And can you comment on special waste What might special waste be

3:30:29

Special waste is is e easiest way to kind of define is

3:30:35

anything that's that's really not your your household waste So it's something

3:30:40

that you know may require additional handling um or or special handling um

3:30:47

whether that's profiling you know what what's in this soil um or you know it

3:30:54

might be like um sludge from a wastewater treatment plant we have to look at the the liquid

3:31:02

moist or like the moisture content within that waste to make sure it's a truly solid waste not a liquid waste So

3:31:09

that's kind of it it just it takes a little bit more to to determine or it

3:31:15

takes special handling to determine what it is Okay And to clarify

3:31:22

we do or do not at the landfill does or does not take municipal

3:31:28

sludge waste We do from the city of Corvallis

3:31:34

Dallas Albany um probably several of the surrounding uh

3:31:40

POTWs And POTWS is

3:31:46

publicly operated treatment works wastewater treatment plants Yep We

3:31:53

call them WTPS So want to double check on what the POTW was Um sorry it's it's

3:31:59

been a term that we've been using a lot lately so I just used it is if it's possible to get a confirmation on the

3:32:06

municipal sludge that you are receiving if that's is that the full list or are there potentially others No there's

3:32:13

potentially others Um like for example uh the city of Independence is in a in

3:32:19

the process of cleaning out some of their settling ponds and so um there's a contractor that's bidding on that and

3:32:25

we'll get that uh stuff later this year Um so it's again regionally uh

3:32:31

predicated and my question and reason for answering that is I believed what I read also

3:32:38

confirmed that you did that and not that that's historically been a challenge but with the emergence of PAS and the risk

3:32:43

to agricultural lands livestock what's coming out of that space and how that's

3:32:48

influencing our environment it's a future consideration of risk is

3:32:54

certainly a current conversation that's being talked about with the public So thank you for that clarity Um I will see

3:33:00

where to go I step back just for a moment to the diesel spill conversation You said that you do

3:33:06

[Music] um I'm sorry you process it somehow but I don't see the word in my notes here So

3:33:12

I'm assuming that you have sort of when you're testing soils like that that come in you have some sort of record on the

3:33:19

level of contaminant that it's okay how you handle it Is there a record on that Toledo diesel spill that you would have

3:33:25

that we could put in the record Uh I'd have to look but I'm sure there

3:33:30

is Um it'd be a it'd be a test profile right Yeah it would be a test profile Um

3:33:36

we'd have to I It's in our records It just might take a while to Yeah if we

3:33:41

could have that for this record as well Um I'm getting there

3:33:51

Uh let's talk about the closure and postclosure Just some clarifying points We've heard some bits and pieces

3:33:58

of that I understand that there is a worst case scenario closure plan There's

3:34:03

also the closure postclosure plan I think it is Um combined it talks about

3:34:09

performance bonding and assuring that that that is done correctly mitigates the risk to the extent that we can

3:34:16

Since one of you somewhere in here said that landfills will continue to produce leachate past closure Um you mentioned that

3:34:24

it is landfill's responsibility to treat to treat that right to mitigate that Where does your

3:34:31

responsibility end I've seen 30-year marks in some of these places Is that correct So your liability ends at some

3:34:37

point Benton County picks up that liability Is that correct No Um and and that's a that's a good

3:34:44

question So um you know I I believe it was 1996 when subtitle D was first

3:34:50

promulgated um and introduced the 30-year time window Is that Rickra

3:34:56

you're speaking to Yeah Yeah Um so we're kind of if you think about it

3:35:03

in 1996 when these these were first enacted um and we have these subtitle D

3:35:08

landfills now we're kind of getting to the point where um you know there might

3:35:14

be some sites that are getting to that postclosure period Um

3:35:21

so to be honest off the top of my head I don't know any landfill that has been

3:35:28

released from postclosure care Um I also believe in those in in those documents

3:35:35

or or in the regulations you kind of have to show that your your landfill has

3:35:42

basically gone inert or or has stabilized So um 30 years is a is a good

3:35:48

year marker Um and that's how we set up our our financial assurance Um but until

3:35:55

we are released from postclosure and can show that yes coffin but has been

3:36:01

stabilized we would still be responsible for the the maintenance and upkeep and

3:36:07

everything like that and we're also the land owner of Okay

3:36:12

I see more response Yeah I'm I'm currently working on several sites that

3:36:19

have that have exceeded their 30-year postclosure period and are still

3:36:25

producing leech aid and and landfill gas and we are still monitoring them and the

3:36:31

client the owner is still paying those bills and it hasn't been released from

3:36:37

from the postclosure care period by the relative state agency So yeah it it they

3:36:43

just the owner has to keep monitoring it until it stops producing gas andor leech

3:36:51

And in this case just some clarifying the owner being valley landfills or Republic Services The owners being

3:36:57

different landfill companies that I work with So in this Coffin View landfill though who would that owner be if this

3:37:03

was the scenario we were talking about Um I would assume it would be it's it's

3:37:10

Valley Landfills owns the property right So Valley Landfills would be responsible

3:37:15

Yes And does Valley Landfills have the capacity to mitigate the kind of length

3:37:22

that we're talking about So cells 1 A and 1 and 1 A are still producing lie

3:37:27

Methane in Mil Pond crossing in Falomoth is 30 40 years ago still producing methane Does valley landfills have that

3:37:34

financial wherewithal That is who the financial assurance is under And in the

3:37:40

case of the financial assurance is no longer available or they decide to terminate or there's a

3:37:48

bankruptcy then what Yeah that that's a good question And I

3:37:55

will say you know under our umbrella we do have 128 closed landfills currently

3:38:00

And we've we've never walked away from our from a single landfill and we being

3:38:06

Republic Services and and I think Jeff Conic can kind of put more words to that

3:38:14

Yes Um so Republic Services overall the Republic Service Incorporated is a

3:38:20

holding company and all of the Republic Services um uh sub companies are under that

3:38:27

company uh and it is uh that's a very common business structure for

3:38:32

complicated businesses That's the way most business are set up and it is set up that way to limit liability

3:38:40

But the responsible party is Valley Landfills and uh it's the one that holds the assurances

3:38:47

and must continue the insuranceances and has done so far and and those assurances

3:38:53

have to be uh updated each year based upon the estimated cost of closure and

3:38:58

postclosure and that's a DEEQ requirement Uh and there's also um

3:39:04

there's also um you know overall li uh uh pollution or environmental liability

3:39:10

insurance that the uh that the umbrella company maintains that each one of its sites is insured under So there's

3:39:17

there's uh there's quite a bit of I mean it's probably about as good of in

3:39:23

assurance as you can get in this world when you have a nationwide company with multiple landfill sites uh and it has

3:39:31

the financial capacity excuse me um it has that financial capacity and

3:39:37

the the other issue there is simply a business issue uh if uh if a Republic

3:39:45

walked away from any of its landfill sites you'd hear about that at every

3:39:50

hearing like this like we have been So there's a strong business reason to

3:39:57

maintain those sites And this is a this is a well-run site uh it's been wellrun

3:40:02

for its entire history and can uh Ali Landfills is is still working on many

3:40:08

sites that have very significant problems So I think that it you know

3:40:14

there's no guarantee that's perfect 100% in the world but in terms of how it's set up and how it's structured and the

3:40:20

and the company that is managing it it's a it's about as as strong an assurance

3:40:26

as you can get Thank you Well I appreciate that answer as well Um just to go back just ever

3:40:33

briefly it's probably just one person The authority that determines whether a a landfill has been stabilized who would

3:40:40

that be in this case Uh Oregon DEEQ

3:40:47

Um I want to go back to PAS just briefly because you told the story very very well I believe it was you Mr lurch about

3:40:54

the parts per trillion and the parts per trillion that EPA has established as a risk to humanity basically humans

3:41:01

livestock you know the environment I want to say four parts per trillion it's

3:41:06

a very very very small point with a lot of zeros number um the way you explained

3:41:13

that the parts per trillion was like sand grains within a swimming pool I think is how you said it and you that

3:41:18

that conveys the urgency of this issue very well it is It is and remains one of

3:41:24

the top topics of discussion What is what is coffin landfill looking at how

3:41:30

we're going to mitigate PAS I understand you don't generate it but you happen to be the holders of

3:41:35

that material and it also generally is not being treated by our water treatment

3:41:41

plants which means it's going to the Wamtt River Down river we have I don't

3:41:46

know So at one point we looked at those numbers about a third of the population potentially but some of the water sourcing has changed for municipalities

3:41:53

It's a very big question for a lot of folks So plans within the organization

3:41:58

Republic Services on that higher level or plans for coffin but any comments you can make about PAS Yeah I I would say um

3:42:07

you know it we really don't have any um federal or state regulations to date Um

3:42:15

and and EPA has done a good job of of doing a lot of research in this you know

3:42:20

in this sphere Um I think one of the the hard parts and one thing that we're

3:42:26

looking at is you know really understanding concentration levels at a at a at a state or federal level Um so

3:42:34

we are tracking that and and working with our disposal partners on um you

3:42:39

know what that looks like in the future what different treatment technologies there there may be um and and what can

3:42:46

get down to a certain level So I think one of the hardest parts is nobody's set

3:42:53

the the goalpost yet Um so you know there there are some treatment technologies that you know can take out

3:43:00

to a certain level and then ones that are a little bit better and it's really hard to game plan as as a POW or as a a

3:43:08

landfill or anybody who's you know trying to treat this waste of like hey we're going down this way but then you

3:43:15

know you spend all your all your time and in capital here but then your regulations when they finally come out

3:43:21

are a little bit more strident So it's very hard but we this is something that we are actively looking into trying to

3:43:28

find a solution and and trying to build good partnerships of you know finding

3:43:34

finding the best way to dispose of this so that we're not you know out of compliance environmentally or our

3:43:41

wastewater treatment partners Very good Commissioner Bisco also maybe

3:43:47

kind of speaking to one of your other comments or questions I think um obviously this issue and and uh topic

3:43:54

goes well beyond coffin but be well beyond republic services It's uh it's a industrywide emerging um issue and and

3:44:02

republic is uh you know kind of focused on it at a corporate level and looking

3:44:08

for ways to you know leverage information um nationally to help solve problems in the future

Thank you I

3:44:15

appreciate that Uh just a couple clarifying questions and I think I'm I'm about wrapped up So medical waste was a

3:44:21

concern be the Covent incinerator right There were questions about the type of

3:44:27

product that was coming into the landfill here Are there any sources of medical waste at this time coming into

3:44:32

the landfill or historically in the past

3:44:39

Believe I believe the only other source is from Corvallis Hospital that's autoclaved So it does go through an

3:44:45

autoclave before we receive it but that's the only one that I'm aware of And is that autoclaving

3:44:51

process approved process Yeah Yeah Okay Within within waste management Yes Okay

3:44:59

And I just have one question Please don't take it incorrectly but I have looked at the franchise agreement and I

3:45:05

do have the same concerns about the raising of the cap as does many of our public the tonnage cap um because we saw

3:45:13

an exceedence of our agreement and our tonnage um limits for a period of years

3:45:21

They preceded the wildfires So it was not just wildfire related materials

3:45:27

um which clarification would those be considered hazardous I'll just interject that like those wildfires came with all

3:45:34

kinds of materials How did Sorry Yeah that that waste likely was profiled um

3:45:43

Okay.rrior before it got here Yeah Okay Um so with that in mind why would the

3:45:50

franchise agreement if it's not your intention to increase

3:45:57

your intake or what you receive in waste Benton County certainly is not your

3:46:02

highest customer already I don't think we're going to have an explosion of benton a bad word I don't think we're

3:46:08

going to have an ex an extensive increase of population and waste

3:46:14

production Why would you put in the franchise agreement that you are going to be lift upon signature So it's there

3:46:21

If this is approved that tonnage cap is listed lifted We've seen that push the

3:46:28

limits before It's a big concern And the bottom line is is that will hit Ben County the hardest We are not the

3:46:33

largest producer Our local landfill will be filled sooner and we will then be

3:46:38

resorting to other options for how we handle waste and in no uncertain terms

3:46:44

will the sustainable materials management plan be ready to go at the point that this might happen So can you

3:46:50

explain to me why that was placed in the franchise agreement There's a lot of questions about that in the public Yeah

3:46:55

I I was not part of that negotiation so it' be hard for me to say specifically uh what the sentiment was around at the

3:47:02

time that that was negotiated Uh I can say that um you know

3:47:08

although that's certainly how the franchise agreement is structured as I understand it and I think that uh uh

3:47:14

county council confirmed that um we haven't addressed it in this part of the C application just because it's outside

3:47:21

of that process Well it's outside of that process to the extent that it is a different agreement

3:47:28

However it does go to undue burden on our infrastructure So that's why I mentioned it but thank you for I appreciate your comments Yeah I I would

3:47:35

like to add as well I I don't know if it's just a clarity but to our knowledge

3:47:40

we have never exceeded our tonnage cap The volume that we take in um if if we

3:47:47

have special waste it does not count towards the tonnage cap So during wildfire um that event uh that that

3:47:56

tonnage did not count towards the cap That's how we have

3:48:01

um I'd say read and interpreted the contract in all the years I've been with the company

3:48:08

Okay I appreciate that distinction as well Um I may have misinterpreted the numbers I was looking at I don't I don't

3:48:14

think so Um to be clear the wildfire and the special waste certainly contributed to adding

3:48:21

shortening our end of life projections Correct Okay Um Cher Oh sorry Well and

3:48:28

to my knowledge that's why special waste isn't included because there could be like a catastrophic event or something

3:48:34

that happens close by and there has to be a solution for that Understood Okay Thank you I want to thank all of you

3:48:41

very much I know I've had a lot of questions Um you have answered them thoroughly Your testimony presentations

3:48:48

were very well done This has been a very thorough application I am finished Um I

3:48:53

appreciate really all your extra effort Chair Feller Thank you Vice Chair Haymon

3:49:02

Um just a couple Sorry Thank you Just a few clarifications Um when we were

3:49:09

discussing the height of the expansion area I think I understood that it's really related to the size of the base

3:49:15

and you and you have a is it a run 2 to 1 Is that is that your sort of your

3:49:21

optimal 2:1 or Yeah Three three feet horizontal one foot vertical Two run two

3:49:28

run wise rise Uh 31 31 Okay Okay And so

3:49:33

your whole your whole thing is based on that as your maximum slope right Yes

3:49:38

Thanks That's all I uh I think what was confusing about the stuff in the the wildlife section it was a lot of data

3:49:46

but there there was I didn't see I didn't see a summary It was like it didn't say oh and therefore and so and

3:49:53

so it sort of left me going well what do we find out about that is is the conclusion that that it won't impact

3:50:00

wildlife or it will or it will what what is the conclusion in that area because I didn't see it

3:50:07

Um the the conclusion for whether or not there is there are active

3:50:16

rookeries Um one the one site within the expansion area is officially abandoned

3:50:23

the other site is active at this point Yeah I Yeah I apologize I've read all of

3:50:31

that that just I think the question and why it's included in the report is and

3:50:37

therefore the landfill expansion is or is doesn't impact that or does or what

3:50:44

that's what I want to hear the landfill expansion

3:50:51

would not uh it would not remove an active site at

3:50:57

this at this point and I don't believe any increased traffic or noise um

3:51:03

would would change anything at the active site at the eastern

3:51:09

rrookery and it was not found to be a major migratory pathway for deer and

3:51:15

elk and that it would impact important but not essential

3:51:23

habitat And then for eagles the big the big question there was whether or not

3:51:29

they're found to be nesting in that area and they are not And so it would not

3:51:34

impact any nesting areas I would expect the the open operations they would still be present

3:51:42

the eagle use would likely not change or increase

3:51:48

um but it would not be impacting um an an active nesting site

3:51:56

I I just wanted to note uh that the uh that the eastern rrookery that's still

3:52:02

potentially active is in a protected area on the landfill site and there's no

3:52:07

plan to remove that It's directly adjacent to uh a mitigation wetland that

3:52:13

was constructed that's protected by an easement So uh it's not going to be uh

3:52:19

itself uh impacted by the expansion and the

3:52:24

required 300 foot uh protection area around such a site is already provided

3:52:31

by that uh wetland easement Thank you very much That that clarifies Our last

3:52:36

question I again it's just a clarification Um while this is an application for an expansion of a
3:52:43

landfill it you it seems to me you represent that it's not an expansion of

3:52:48

operation you're simply shifting operation to a different location Is that is that a clear understanding Yes

3:52:56

Thank you Thank you all very much My colleagues

3:53:02

have been uh very comprehensive in in their uh questions and so I've been

3:53:08

ticking my questions off and I I really just have uh one uh question and it has

3:53:14

to do with with odor and of course odor was a very significant um input from the

3:53:21

public in terms of a uh an irritant and uh we've heard that the off gasing is

3:53:29

50% methane and rough roughly 50% carbon dioxide But but both of those two as I

3:53:35

understand it are odorless And so the the uh the odor

3:53:41

complaints are coming neither from methane nor carbon dioxide They must be

3:53:47

coming from something else Uh so were you looking at specific compounds and is

3:53:55

that uh bell curve you described is that by specific compound or is that a very

3:54:01

general um people can smell something irritating

3:54:06

Yeah So um I we took you know you know we have a bunch of this gas that's being

3:54:12

generated in the landfill going through the collection system to the flare So you already have it controlled So you can take a sample of that and take it to

3:54:20

a lab and get it like fully analyzed which obviously it's mostly methane and CO2 but there are like small

3:54:26

constituents like H2S and dimethyl sulfide um that are you know even

3:54:33

extremely small uh concentrations can be detectable right so taking that whole

3:54:40

amount that was the lab tested of everything that was in that gas and then comparing that to It's all the throat

3:54:47

odor thresholds of all of those chemicals We could we were able to fine-tune the you know the highest risk

3:54:53

ones the ones that had the highest concentration compared to its threshold um to model and and and do that analysis

3:55:00

on So um but H₂S and dimethyl sulfide are the two that are the most common in

3:55:07

fugitive gas the gas that comes out off the top And then you know the other big hitter was NO_x was nitric oxide from

3:55:16

from diesel engines So is there a hypothesis as to why this

3:55:22

would be such a ubiquitous uh input from the surrounding neighbors up to seven

3:55:29

even further miles away Uh well I mean what could explain it Um

3:55:36

well seven miles away when you're talking about like I mean everything is diluting this this air is diluting as

3:55:44

it's going into the air right Um seven miles away there is that there's never I mean things are extremely diluted by

3:55:51

that point I've never seen anything close to Well well that's that's kind of my my question because if we did a map

3:55:57

of where all these complaints are are coming from it's it's not just

3:56:02

immediately proximate to the the landfill They're distributed far and

3:56:07

wide uh and and so I'm just trying to come up with what what is the

3:56:13

explanation where if it's an irritant to those properties further distance than

3:56:19

it should be uh what what could explain it Oh Um yes It's like I mean yeah it's

3:56:25

hard to say you know different sources Um do you want to say something

3:56:30

simple Yeah Yes Commissioner Fowler Um when I get

3:56:36

the odor complaints from DEEQ um sometime a day up to 10 days later

3:56:41

some of the statements are "Yeah landfill stinks and it shows what time." Doesn't show the direction doesn't say

3:56:47

the location or anything So when I review the data from our odor patrol

3:56:52

that day the the odor complaint might come in at 11:00 in the morning but we do odor patrol say at 8:30 We don't

3:57:00

detect anything but we get a call So it's very hard to determine if I just

3:57:05

say the landfill stinks I live 7 miles away north souththeast or west I mean if

3:57:10

I could know that direction I can compare that to the wind data at that time to see if it how how valid it is

3:57:18

Not saying it's not valid but I can correlate it and see if that that that true that's true The odors that we get

3:57:25

through the coffin view website the few that I have gotten I've gone out personally and done the walk on the

3:57:32

public right away to detect and I don't detect anything So I can make that note in the report that I send out you know

3:57:41

that the log we keep So it's very hard to determine when someone doesn't say

3:57:46

"We don't want an address we just log a location so I can correlate and that

3:57:51

it's really hard to determine with no information We we clearly have a a data collection

3:57:58

uh issue Um but but we also have a complaint issue uh and so I'm I'm

3:58:04

struggling with with how how we go go forward in in terms of

3:58:10

a suggestion on on how we can improve the data collection how we can identify

3:58:16

uh other sources and and so forth So I think that's something that that uh that I've got to ponder a little bit bit more

3:58:23

take take a look at the condition that we've proposed on that because part of the reason we proposed that is so that

3:58:29

we could have a comprehensive set of data where it's our testing and where if

3:58:34

we can determine there that something is uh going offsite that we can do something about it And you if you look

3:58:41

at my uh uh cover letter one of the things staff asked us about was are

3:58:47

there any specific uh kinds of operations on the landfill that could

3:58:52

temporarily increase noise And there are some When we're constructing wells when we're uh putting in a a a gas collection

3:59:01

system when we do daily cover those can temporarily increase odor And there are

3:59:08

also certain weather conditions that uh where odor disperses farther and that's

3:59:13

all discussed in there So you know when you look at the model that's the overall model based upon the standard

3:59:19

circumstance there are these special circumstances and so that's what we're trying to get at with our condition so

3:59:26

that we can detect so we have a good idea when we are actually producing order and we can do something about it

3:59:34

Thank you for that And uh I also want to thank you much more generally for the

3:59:39

the PowerPoint presentation and bringing in all of your your experts as as someone who spent a career receiving

3:59:46

PowerPoint updates This is a very comfortable way of getting uh an update

3:59:51

and and I also appreciate your active engagement with all of our our questions

3:59:57

I know it's very late and so uh at this point um we are in recess until Tuesday

4:00:06

May 6th at 6:00 pm and we will begin immediately with uh public commentary um

4:00:14

right at the start of Tuesday's hearing Thank you all We're in recess

0:11

thank you all

0:22

there are we good on the mic thank you all uh so we are going to progress as

0:28

quickly and efficiently as possible for those of you who have attended uh last

0:34

week you realize that uh I am required to read a lot into the record uh so I

0:40

apologize but uh here we go again this meeting oh before I do that I

0:48

need to take a roll call so uh planning commissioners please respond with

0:55

present or hear when I call your name commissioner Bisco present commissioner

1:01

Cash online and uh if you could confirm that she has given a thumbs up or

1:07

message that she is present i'm here oh thank you Commissioner Cash commissioner

1:13

Fulford here uh Vice Chair Haymon present commissioner Lee present

1:20

commissioner STS Commissioner Wilson he plans to join us uh within

1:27

about an hour and so if I could be notified when he joins by uh the remote

1:33

facility I would appreciate it but for now we have seven of the eight seated

1:39

commissioners present uh and that is a valid quorum this meeting is called to order

1:46

this is the time and place of the public hearing in the matter of

1:51

LU-24-027 the subject of this public hearing is an application for a conditional use permit to expand an

1:58

existing landfill the applicant is Republic Services and the property owner

2:03

is Valley Landfills oregon law requires that I make several announcements for this hearing this is a quasi judicial

2:11

hearing and it will be conducted pursuant to Benton County Development Code sections

2:17

51.705 through 51.725 in a quasi judicial proceeding

2:24

such as this it is the commission's duty to apply the law not revise it the

2:29

commission must determine whether the applicant has met all of the applicable criteria in the Benson County

2:35

Development Code the commission will consider the record as presented and will also consider any new evidence or

2:41

testimony that is submitted into the record please do not communicate verbally or in writing with any

2:47

commissioners outside of this hearing process a staff report has been prepared for the application and the staff report

2:54

was available 7 days prior to the first hearing on April 29th 2025

3:00

the staff report identifies the approval criteria that applies to the applicant's

3:05

proposed development and analyzes those criteria testimony and evidence should be directed towards the applicable

3:12

approval criteria if you believe other criteria apply in addition to those addressed in the staff report identify

3:19

and discuss those criteria and explain how and why you believe they apply to the application under consideration a

3:27

person may submit any written materials while the record is open on the application any written materials

3:34

received by the county staff during the time period in which the record is open will be placed in the record written

3:41

materials submitted during the public hearing must be presented to the county staff in order to become part of the

3:46

record no screen presentations are allowed if a person intends

3:52

oversized poster boards reports or pictures used in their oral testimony to

3:57

be placed in the record copies must be distributed to county staff while the record is open if not given to staff

4:05

they cannot be included in the record now a question to the planning commissioners does any member of the

4:12

planning commission wish to declare an ex parte contact in this matter

4:19

uh Chair Feller I wish to disclose an exparte contact

4:25

very well so Commissioner Bisco if you could place on the record the substance

4:30

of any written or oral exparte communications and uh after this disclo

4:36

disclosure any person has the right to rebut the substance of that communication so please Thank you Chair

4:43

Fowler um after the hearing on Tuesday May 4th I had a conversation with the

4:52

applicant uh two of the representatives of the applicant which would be Mr shepard and Mr lurch conversation was

4:58

limited to EPA's considerations of EAS

5:03

uh did not address any of the criteria or any content of this application and I

5:09

do not believe that is any basis or any reason why I would be unable to make a

5:14

decision unbiasedly on the evidence based on the record thank you does anyone present

5:21

wish to rebut the substance of that

5:26

communication seeing none we will move on i'll now go through the hearing

5:32

procedure for tonight the hearing procedure is as follows the staff report has been presented the applicant has

5:39

presented its case in support of the application and so now we will hear testimony from other persons in support

5:45

of the application who signed up prior to 6:00 p.m tonight limited to 3 minutes

5:52

then we will hear testimony from persons opposed to the applications who have signed up prior to 6 p.m tonight again

5:58

limited to 3 minutes finally the applicant may present rebuttal which is

6:03

limited to addressing any issues raised during testimony since the applicant's first presentation the commissioners may

6:10

ask questions of any persons providing testimony however the purpose of the public testimony is to provide

6:16

information for the commissioners to consider the public is not permitted to ask questions of the staff the applicant

6:23

or the commissioners any person wishing to present additional evidence and testimony or to keep the record open to

6:30

respond to new evidence must make that request before the public testimony portion of the hearing is closed

6:37

following applicant's rebuttal I will ask whether any person who has testified requests an opportunity present

6:44

additional evidence or testimony upon such a request the commission will either continue the public hearing for a

6:51

period of no less than seven days or will leave the record open for no less than seven days for additional written

6:57

evidence if there is no request to submit additional testimony or evidence

7:02

the public hearing will be closed the record will be closed and the commission will proceed to deliberate and make a

7:08

decision if you are a participant in this hearing the commission expects you to abide by the following rules please

7:16

be respectful of all participants speak only in the order of the proceedings or when recognized by the chair in

7:23

testifying please do not repeat previous testimony made at this hearing just note

7:28

that you are in agreement with such prior testimony be advised the chair may halt testimony if it has become

7:34

irrelevant abusive or clearly intended to harass or intimidate the participants in this hearing any written or other

7:42

exhibits you want included in the record need to be handed to the commission's

7:47

recorder for marking and to be entered into the record all testimony and evidence must be directed toward the

7:53

applicable criteria in the Benton County Development Code or other criteria which the person believes applies to the

8:00

decision failure to raise an issue in this hearing accompanied by statements or evidence sufficient to afford the

8:07

commission an opportunity to respond precludes appeal to Luba the land used

8:12

board of appeals on that issue the failure to raise constitutional or other issues relating to the proposed

8:18

conditions of approval with sufficient specificity to allow the commission to respond precludes any action for damages

8:26

in circuit court to have standing to appeal the decision of the planning commission you must present oral or

8:33

written testimony to the planning commission prior to the closing of the record except for the applicant verbal

8:39

testimony is limited to 3 minutes total per person please respect the time limits so others have the opportunity to

8:46

testify no screen presentations are allowed the public hearing is now open

8:54

so we're going to have public testimony this evening and uh as we've already observed this is a larger group than we

9:01

typically have for our planning commission so please bear with me uh we also have uh in excess of 60 people

9:08

signed up to offer testimony and so we'll need to be both efficient and respectful as we we go through this and

9:16

I'm going to start by apologizing for a couple of things uh my list does not

9:21

have titles on it and so if you are a JD a PhD an MD I apologize i don't have

9:28

your your title and I'm notoriously bad at pronouncing names uh so in addition

9:34

to your name you have been given a number uh and to the extent possible we

9:40

are going to accept testimony in the order of the number so that kind of gives you a sense where you're going to

9:47

be on the the roster with one exception and that is by code we have to separate

9:54

the proponents from the opponents and so the uh we're going to start with the

10:01

proponents and so those numbers will be taken out of order of the uh entire list

10:07

uh I'll call the speaker by name and number to the podium here in the front

10:13

uh anyone uh providing in-person testimony it is this podium in the main

10:18

room and so if you're upstairs or out in the uh the atria uh if you could get

10:24

yourself prepared uh as your number approaches because you'll be coming in here uh I'll also announce the on deck

10:32

person uh on deck is kind of just inside the doors to to the back uh and that way

10:38

we can hopefully keep things moving as as quickly as possible uh when you start

10:43

please uh give us your name and address uh our timekeeper is Miss Boulder on the

10:50

the side here uh she'll remind you of the uh the three minute uh time limit if

10:57

you are seating your time to somebody else uh please let us know immediately

11:03

so Ms boulder can kind of do the accounting of where the time is going and who's who's giving and who's who's

11:10

receiving uh we will try to take a break uh tonight we all want to stay uh alert

11:17

uh and about 8:30 8:45 this evening we're scheduled to go to 9:00 uh I'm

11:24

going to pause and we'll do a time check and at that point we'll see how many more we have uh available how much time

11:32

we want to go to and we'll accept some uh procedural recommendations at that

11:37

time if you are a presenter you may get a question from one of us uh

11:42

commissioners and to the commissioners to keep this as efficiently as possible

11:48

ordinarily I would poll each one of you to see if you wanted to uh to have a question let's dispense with that

11:55

formality and once the speaker is concluded just jump right in if you've

12:00

got a a question uh there won't be a lot large number of questions probably so if

12:06

you don't get a question don't be insulted um but uh we'll we'll try to just jump right in if you you have a

12:12

question for the uh the the speaker and so we are about to begin and the first

12:18

uh speaker will be Mr clifford number five and we'll have Mr penning number 27

12:26

on deck and so uh Mr clifford if you are ready please come up and you will uh

12:34

look over to Miss Boulder to uh to see your your

12:40

time right all right um members and participants of

12:46

the Benny Mittton County land use process for the Coffen but landfill expansion thank you for allowing me to

12:52

speak today my name is Jason Clifford and I have resided in Corvallis for the last 14 years and currently reside in

12:57

South Corvallis i am an Oregon licensed professional electrical engineer most of my 20 plus year career has been spent

13:03

designing electrical systems for water and wastewater treatment facilities while I'm not directly knowledgeable of

13:09

the engineering related to the landfill design I do consider myself very capable of evaluating arguments related to

13:15

public infrastructure i speak to you today as a proponent of expanding the landfill under this conditional use

13:21

permit i understand that there's no perfect solution when it comes to trash when it comes to long-term material

13:26

management in this community considering the pros and cons of each option deliberating reaching a conclusion and

13:32

implementing that decision will take considerable time and something that should not be rushed cutting six additional years will be very beneficial

13:39

and making a long long-term decision will have the least negative impact people and the environment of this

13:45

county region and state in addressing the opposition to the expansion most of the loudest places in the community have

13:51

come from the group OPM facts and the group's initial complaints seem to stem around surrounding counties dumping

13:57

their trash in another county's landfill they stated that each county should be responsible for their own trash however

14:03

recently when they asked about proposed solutions to this problem they are enthusiastic about the idea of transfer

14:08

stations that move trash to larger landfills in far away locations in essence taking trash from one county and

14:14

dumping in another county farther away this is a contradiction you cannot state that each county should dispose of their

14:19

own trash and then advocate for shipping that trash far away from another county in reality coffin fact supports counties

14:25

dumping their trash in other counties landfills just not Benton counties somebody else's backyard yes our

14:31

backyard no in relation to greenhouse gas emissions methane emissions will occur wherever trash eventually resides

14:37

our planet does not care if the landfill is in Benton County PK County Marian County or Timbuktu however Benton County

14:44

does have the opportunity to mitigate methane emissions at the source by making easier to dispose of organic

14:49

waste using more efficient flares and educating the public on disposal efforts that will keep organic waste out of the

14:54

landfill coffbute is also centrally located between many large population centers including menville Salem and

15:01

Corvalis keeping travel distances short and emissions lower from the trucks than they otherwise would be if tons of trash

15:07

were transferred to somewhere an increase distance away moving tons of trash farther away will increase

15:13

emissions not decrease emissions i felt the gentleman with public services put

15:18

it best when he said that if you want to do the best thing for the environment you should want to own the problem and take responsibility for implementing the

15:25

bestrun landfill and mo most robust sustainable material management plan possible every option needs to be fully

15:31

evaluated and will have its own pros and cons please allow yourself the time necessary to fully complete the journey

15:37

you've been on i have been very impressed with Ben County Talks Trash this sustainable material management

15:43

plan and the rigorous and thoughtful approach this county has taken you're doing the hard work of

15:49

leading and issuing doing the right thing for all residents and coffee and this vital public infrastructure i'll

15:54

take your questions if you have any mr clifford quick question uh wastewater you said you have some background in

16:01

that uh compare yeah so uh can you compare and contrast the Salem um

16:06

Corvalis wastewater and a potential new advanced wastewater and what the difference would be um my my experiences

16:13

on electrical while I understand a lot of the topics um I I I wouldn't understand maybe the uh the water how

16:19

how to treat the water component if you want to run a pump I can help you run that pump so I don't I can't answer that

16:26

question for you mr clifford I also have a question so you um refer to transfer stations as

16:34

um something that's being proposed by some of the members of the opponent's group i wonder if transfer stations have

16:42

if you could maybe just illuminate the difference between a transfer station and a landfill my understanding is that a transfer station would reduce the

16:49

amount of trash that would be going to a landfill uh is that correct from your understanding i uh my my understanding

16:56

is I don't know how you eliminate the trash it goes to somewhere else it's that's that's my understanding you know

17:03

if I I understand that Portland sends a lot of their trash to Eastern Oregon um

17:08

and you know that's got its pros it's not you know it's it's that's more rural

17:14

um but that's also got you're you're moving trash a much longer distance you know weight times distance is energy and

17:22

that's emissions and that's everything else so there's there's no magic solution to this very good and you also

17:29

made a comment about the planet not caring if the landfill let's see something about the planet not caring

17:34

basically about the location of a landfill um is it your understanding that certain geological features

17:39

structures and regions are more conducive to a landfill as how we mitigate the risk of landfill or would

17:45

you care to comment on that i I mean I haven't thought that much about I mean that's not really my background um but I

17:52

know organic matter breaks down generally wherever it's at i mean maybe it breaks down a little slower somewhere

17:58

else than it does here um but again you've got to move it much farther away thank you very much Mr clifford

18:05

thank you Mr clifford and congratulations on three minutes perfect uh Mr penning number 27 is next with uh

18:14

our trial online uh testifier Mr dah

18:19

number 25 on deck

18:28

start my timer my name is Fred Penning uh I live at 2910 Northwest Parthur

18:35

Avenue here in Corbalis moved here in the year 2000 and been a property owner

18:40

ever since and I'm in support of the expansion uh like Ben Franklin said nothing's

18:48

certain except death and taxes and I think coffin's end is going to be added to that list eventually but when and at

18:55

what cost uh very little lasts forever and

19:01

uh it's your decision um it's going to be a tough one but when the time comes I

19:07

think at least a couple things are going to happen my understanding anyway earlier talker disposal costs are

19:13

going to rise if we have to take it someplace else trucks cost money how far

19:19

where not really sure and then the other thing is county is going to lose a bunch

19:25

of income uh I look at this thing as an asset the landfill generates a lot of

19:32

money for the county every year where we going to get that money when it does end

19:37

and it's going to end but I think we might think about

19:43

uh pushing it forward a little bit you know this thing's been called a dump a landfill sanitary disposal

19:50

facility belonged to the army then it was waste connections later Allied Waste when I came here but it was also a

19:58

Benton County asset still is and will be for the future how long is going to be

20:05

part of your decision heard numerous objections long list environmental

20:11

traffic odor noise heard all of those probably more but all that stuff can be

20:16

managed and it has it is being managed all over the country by companies like

20:22

Republic their competitors counties cities that have their own landfills and

20:27

they all fall under uh subtitle D so you have to do it the right way there's no reason why it can't be done and I think

20:36

Benton County ought to insist that Republic Service manage our asset our county's asset

20:45

properly so we can enjoy a little bit more time and pre preclude those additional costs uh and then if I could

20:53

speak to subject uh NIMI I guess not in my backyard we're

21:00

in everybody's backyard i mean we all use stuff that comes from someplace

21:06

whether it's manufactured uh and they're environmental and and and

21:13

objections to those places too think about feed lots sawmills you ever been you ever been to

21:19

Campbell Soups factory or gone past it i I say take a detour the list goes on and

21:26

on on all of these assets are jobs that

21:32

provide livelihoods and we live in everybody else's backyard

21:38

too thanks thank you Mr penning appreciate it okay

21:45

now we'll experiment with an online uh uh person to provide comment mr dah

21:51

number 25 i think you need to unmute yourself because we cannot do it from

21:56

from here he's unmuted he's unmuted perfect hello can you hear me he can

22:02

great uh my name is Zachary Dah i'm with Doll Disposal Service out of Toledo Oregon i live in Selet

22:10

Oregon uh please start the time so I'd like to say good evening

22:16

oregon's landfills are renewed renowned for their advanced waste handling methods serving as a critical component

22:22

of our waste management system these facilities are meticulously designed to

22:28

safeguard the environment by securely containing waste and capturing the offsets generated during decompos

22:35

decomposition the collaborative approach ensures that everyone involved contributes to the

22:40

responsible disposal of nonrecyclable items benefiting Oregonians as a whole

22:47

however the United States faces a crucial shortage of outlets for recycling reuse and waste reduction

22:53

consequently landfills play a vital role in securing discarded waste items it's

23:00

disheartening to observe the social mindset that has allowed us to adopt a not my backyard attitude this attitude

23:07

has led to the unfortunate practice of shipping waste over long distances to

23:12

remote rural sites for decon or for disposal this practice merely shifts

23:18

waste from one location in Oregon to another resulting in the same offsets

23:23

lee off gasing groundwater it's the same as a landfill situated in Benton County is this truly

23:31

an acceptable solution the The closure of a landfill raises

23:37

concerns about the potential need for the approval of transfer stations to handle bulked up waste or bulked up

23:44

waste transfer stations continue to pose challenges such as noise odor bird

23:49

issues emissions and somehow fires that occur this will result in new land use

23:54

applications that will draw on the same negative impact that have plagued landfills in the past and during this

24:00

process um if a landfill is closed all that waste will be transported through

24:06

Portland when companies are forced to ship waste to regional landfills on I 84

24:11

multiple trucks will be required to transport this waste three trucks will be needed to haul what one truck

24:18

currently hauls daily and all these trucks will start to travel through Benton County which they do now the

24:24

landfill expansion is going to attract negative attention so why do 135 to 300 opponents potentially have the power to

24:31

influence 500,000 solid waste and recycling rate payers these rateayers

24:37

will significantly pay higher fees to ship their waste over long distances which will result in increased emissions

24:43

that negatively impact our environment remember shifting waste from one community to another doesn't improve the

24:50

environmental consequences it merely exagorates them you're a commission to look over the facts that deal with land

24:56

use and some of the questions have feared completely out of bounds of this commission this is a difficult decision

25:03

but it is crucial to make it a hard choice that affects 500,000 Oregonians i

25:08

urge you to support the landfield's continued oper operation thank you

25:17

Mr d i think I heard you indicate that the number of trucks to replace that

25:24

which are currently coming to Coffen but would be on a 3:1 ratio uh could could

25:30

you explain that please yeah currently we can haul three trips to Coffen but

25:36

landfill in one day with one truck they're about 30 tons per trip of solid

25:42

waste so that's roughly a 10 to 11 hour day 11 hours is maximum of what we can

25:48

drive if we have to ship this waste up I 84 one trip for one 30 ton load of waste

25:55

is going to take us anywhere between 8 to 10 hours so we will need three trucks

26:01

to transport this waste that far thank you

26:08

thank you very much Mr d and uh by my records we will now move to people

26:15

speaking in opposition to the application beginning with Mr crockett

26:22

uh position number one and understand he is online so please unmute yourself and

26:29

perhaps turn on your camera and the floor is

26:36

yours and Ms a bills number two will be on deck

26:44

so do we have sound we do do we have video

26:50

we do okay let's go my name is Joe Crockett i live in Soap Creek Valley 37609 Sap Creek Road i strongly oppose

26:58

the expansion of the coffin but landfill to start out after watching Republic Services 4hour testimony on May 1st I

27:05

have to say I was amazed by how much time money and effort is going into a

27:11

six-year extension how does a for-profit enterprise recoup the millions of

27:17

dollars invested in this expansion as well as money for the 30 plus years of monitoring and mitigation once it closes

27:24

i would guess it's through the removal of the tonnage cap and most likely this is only phase one of their expansion

27:31

plans or there is a hell of a lot of money in garbage onto my original

27:36

testimony republic Services is trying to convince you that since the expansion area is zoned as LS zoning they have a

27:44

right to use it as a landfill in their application they state quote LSZ zone

27:49

was expressly created to accommodate and permit the continued use of the landfill that had existed in this area

27:56

since the 1940s quote this statement is misleading by avoiding the facts the

28:02

facts are that when the LS zone was created in 1983 by the Benton County

28:07

Planning Commission the staff report stated that the planning commission the Benton County Solid Waste Advisory

28:14

Council and the North Benton Citizens Advisory Committee all made an approval for the designation for Coffenb Landfill

28:22

as a landfill site zone on the condition that there be quote no disposal of

28:28

municipal solid waste on the 59.23 23 acre parcel south of Coffenb Road end

28:35

quote note that in the current CUP it is referenced as tax law

28:41

1107 it goes on to state in the original document the proposed zone allows no additional landfill activities unless

28:48

approved by the planning commission at a public hearing therefore the commission

28:54

may limit expansion into any area that is not appropriate for a landfill end

29:01

quote you the planning commission have the power to use your discretion to judge this expansion area as not

29:09

appropriate for a landfill through showmanship and misrepresentations

29:14

Republic Services is spending huge amounts of money and time to get approval of this expansion their

29:20

fallback position is getting approval with conditions approval with conditions is the loophole that allows them to

29:27

remove the current restrictions placed on the land south of Coffen but Road

29:32

history has shown that conditions are enacted in writing only and are rarely

29:38

enforced or monitored please please do not open that

29:43

loophole thank you for your unselfish dedication and understanding to this important

29:50

decision we the residents of Benton County wholeheartedly support you in

29:55

using your discretion for the denial of the cup without conditions please reject

30:01

LU24027 thank you

30:06

Mr crockett i wonder if you could clarify well thank you for your testimony but would you be able to clarify your last statement history has

30:13

shown that conditions are enacted in writing only seems a bold statement and I'm wondering what you're using as a

30:20

reference to that statement i would have to uh do more research to get back to

30:26

you on the specifics of that yes but yes uh there has been a lot of

30:32

of uh information made available about different conditions that have not been

30:39

u followed uh from my understanding

30:45

thank you Mr crockett thank you Mr crockett ms abels you are

30:53

uh up next with Mr cower number four on deck

31:02

hi there as you might imagine I'm not Miss Ables but she has yielded her time

31:08

to Jeffrey Kleinman uh the attorney for the Valley Neighbors uh for environmental quality and safety and

31:15

Jeffrey is online and in addition there's been um so just excuse me one

31:21

moment i want to look at council to see if we can accept seating of time without the individual verbally doing so

31:35

we just sorry yes we can uh but uh we have the county has worked out with Mr

31:40

kleinman that at the beginning of his testimony he will list all of his clients and or people who have seated

31:46

time he's he's prepared to do that i just I just wanted to help the commission with the transition here i

31:52

think we're good okay great and so I'm going to hand out Mr kleman's uh testimony i'll give it to the clerk and

31:58

Very well thank you and is Mr kleman number

32:04

16 yep is that accurate mr jeffrey Kleman i think that's right you have the

32:11

you have the list there okay i I have the list and so um Miss Boulder uh are

32:18

you keeping track of I guess we'll um receive Mr kleman at number 16 and so

32:26

number two no chair I believe he uh Maya

32:31

Ables has seated their time to Mr kleman so he'll be Oh so he can have the the

32:36

number two uh position and is Mr kleman in person or online i just heard him he's online oh
heard him on very very

32:43

good if we could uh turn the camera and microphone

32:52

on can you hear me we can hear you yes okay the video has not yet been enabled

33:05

go ahead and proceed we'll wait for your vid here it comes okay there we go thank

33:11

you uh I'm Jeff Kleinman for Valley Neighbors for Environmental Quality and Safety um at the
outset let me tell you

33:20

who is seating time so you can check it off in addition to Ms ables uh we have

33:26

Kent Fields uh James Rodell kent Fields

33:31

I'm not sure I have Kent Fields I believe is in position

33:36

21 and then James Rodell in possession position

33:42

23 josh Dodson in position 24

33:49

andrew Old or Old O U L D in position

33:54

32 and Jennifer Johnson I'm not sure what position she is in uh but that

34:01

would be a total of 21 minutes including my own time

34:10

and Miss Boulder have you adjusted the clock appropriately i am about to

34:18

and if you could display it I would really appreciate it

34:24

it was displayed for one witness but not for another it not showing on it it doesn't show

34:29

until it will display as soon as we start the timer all right the timer will display

34:37

as soon as it starts so please proceed

34:44

johnson she's on the new

34:54

okay i don't see the clock are we okay to start yes okay i'm told once it

35:00

starts here we go jeff Kleinman at 1207 Southwest 6th Avenue Portland uh 97204 i

35:08

guess for the lawyers for the parties in this case you're getting a couple of old Jeffs um what can I tell you um but

35:17

um as a couple of preliminary matters uh was my understanding that staff might be

35:25

unwilling to distribute written testimony that you're handed tonight to the members which is going to be

35:31

essential uh to follow along not necessarily on mine which has also been electronically filed but some folks have

35:38

numbers they want to review with you so I hope that staff will in fact distribute the hard copies tonight in

35:44

front of you um also uh join in Mr condet's request uh that the record be

35:49

held open for 14 days for additional written submittals so please bear in

35:56

mind as always that the burden of proof is on the applicant in this case um just

36:03

some history here there's been a commitment to fully and permanently cap and close the landfill and restore the

36:10

site to its original condition reflecting the pastoral character of the area ever since the county's adoption of

36:17

its only duly adopted solid waste management plan the 1977 plan uh a copy

36:24

of which we attach to our memo as exhibit A uh this commitment has been

36:30

made repeatedly and has repeatedly not been fulfilled it was contained in the

36:38

1983 adoption of the zone it was revalidated in every land use decision

36:44

affecting this dump uh in 1994 2001 2003 and most recently in the

36:52

2021 application which was denied um as

36:57

uh Mr penning said tonight in his testimony very little lasts forever but

37:04

it appears that um this Phil is really going for it um and I'll point out too

37:12

that since the mid 1990s none of the

37:18

sales anywhere on the landfill site um have been sealed or replanted uh so

37:26

everything you know whatever the applicant says about the quality of how they manage things everything is covered

37:31

with a bunch of mismatched ugly tarps there's been no capping no ceiling no

37:39

landscaping uh and what they have is instead a bad neighbor policy writ large

37:46

and it's a bad neighbor policy which continues to receive Benton County's seal of approval uh one question here

37:54

what is the darn rush with going forward with this application they have wrapped up

38:01

operations on the 59 acre parcel adjoining Highway 99 north of Coffen but

38:08

Road they have begun operation in the

38:14

Knife River quarry site that Republic owns directly to the west also north of

38:20

Coffen but Road and that site has 12 to 14 years of

38:27

capacity so why not do that and leave the folks to the south

38:33

alone for now i would also point out to you that with

38:41

the closure of the 59 acres and the opening of Knife River the capacity

38:49

limits that were formerly established are gone pursuant to the franchise

38:55

agreement between Republic and the county so it's Katie bar the door on the

39:00

amount of trash coming in all right then on the subject of the staff report I

39:06

think staff made a diligent effort uh with excellent graphics and all in spite

39:12

of Petra's terrible cold um uh and seem to clearly understand the issues that

39:18

face the county here uh we agree with the uh determination that the

39:24

application must be denied that the applicant's not met its burden but there are other reasons for that beyond the

39:32

couple that staff found and folks are going to address that tonight bear in

39:37

mind again the applicant has the the burden of proof i'm not a fact witness

39:42

but the fact witnesses are here they're well organized they understand what's

39:48

relevant and what's not and they will present it to you in an organized manner

39:54

with relevant material um and along with that I'll point out that

40:01

staff didn't have the benefit of the written and oral materials that the opponents are submitting so to the

40:08

extent staff did not cover everything that makes perfect sense this is the

40:13

time for the other evidence to come in and it's not just the movement the

40:21

proposed movement of Republic's operation toward the south now um toward

40:28

previously unaffected or less affected properties that will cause the increased

40:33

impacts in question here um the movement to the south will serve to sustain a

40:41

dump that would otherwise close at a certain period of time within a certain

40:46

period of time for six more years a minimum of six

40:52

more years assuming they can find themselves to the limited height they're proposing

40:58

for this area to the south the site that's before you um and

41:04

this addresses the character of the area which I'll talk with a bit more but

41:11

there has been an emphasis on the part of the applicant uh perhaps accepted by

41:16

staff that the character of the area is an existing

41:22

dump so that does not define the character of

41:27

the area aside from all the surrounding uses including farm uses that will be

41:34

discussed with you the what we now have is a dump that
41:41
would close six years earlier without the approval of this and that's part of
41:48
the character of the area we also have the movement and the effect on
41:55
additional previously less affected or unaffected properties um so to the
42:02
extent and and also part of the character of the area is the expansion of the durability
42:09
UGB that is an existing part of the character of the area so um to say that
42:16
an existing dump is part of the character of the area um does not really
42:23
define the necessary elements of the character of the area um staff did not get to conditions of
42:32
approval because they're recommending denial but um I will say that county can
42:40
impose as many conditions as it can dream up if this application is approved
42:46
uh unfortunately the applicant's existing operation has a solid track record of non-compliance
with conditions
42:53
and the county has a solid track record of failing to enforce conditions
42:59
um was a question to a prior witness about what's your proof and that will be
43:05
introduced into the record by fact witnesses um who know what those violations are um
43:13
also got a couple of initial comments concerning the work product of the Benton County Talks
Trash Task Force uh
43:21
which for the most part consisted of citizens working hard on long-term garbage related issues
um first of
43:30
all most of those folks worked really hard and were really diligent in trying
43:36
to address those issues but two things need to be made clear
43:42
first the task force report to the board of commissioners was accepted by the
43:48
board but not deemed received i'm sorry and was deemed received but it was not
43:54
formally adopted as county policy if it had been we would have appealed it to
44:00
Luba so it is not binding upon you and you will determine the meaning of the

44:06

code in this case uh second uh a completely different kettle of fish was

44:13

the legal subcommittee of Benton County tops trash which proposed certain

44:20

interpretations of character of the area serious impacts and that sort of thing

44:28

that task force included four attorneys uh two of which work for Republic and

44:34

one of which is your county council who has been a good friend of the landfill

44:40

um hate to say that but he has been an advocate and then there was a fourth

44:45

attorney who would have been neutral so to the extent legal considerations or

44:52

suggestions came out of that task force kindly disregard them

44:58

um if you're inclined to be persuaded that approval of this application would

45:03

not result in serious interference under your conditional y use criteria please

45:10

picture yourselves as homeowners or farmers at or near the expansion site uh

45:17

we can pretty much guarantee that you would find that the proposed operation

45:22

seriously interferes with your use and enjoyment of your property as well as with the character of the area under no

45:29

circumstances would you move to or wish to live anywhere near the

45:35

site even with the low low prices uh that will result um on proper on

45:43

property sales in that area uh you'll have testimony that the prospect of an

45:48

expansion causes potential buyers to back out of home and farm purchases um

45:54

being unable to sell your property is certainly serious interference um if the interference and

46:02

the impacts were unserious as Republic suggests um why did Republic need to

46:08

haul in so many consultants to persuade you otherwise and why have so many

46:14

people signed up to testify in opposition this applicant has a track

46:19

record and it's a stinky one and a loud one um in the time I've got remaining I

46:27

want to talk a bit about your conditional use approval standards uh first under

46:33

53.215 the general conditional use approval standards

46:38

um first the proposed use does not seriously interfere that's the applicant's burden proving uh with uses

46:46

on adjacent property which has been broadly defined in the staff report with

46:51

the character of the area and with the purpose of the zone in terms of the

46:57

character of the area we would pause it to you that that charact that the scope

47:03

of the area is not necessarily a rectangle but is an area defined under

47:10

the law under land use law as the area within which people are able to

47:16

demonstrate impacts so please pay attention as you will to the testimony you receive because some

47:24

of that will go beyond the defined area uh that's noted in the staff

47:35

report okay so when you have an opportunity to get

47:43

into my memorandum um we discuss the conditional use criteria in some detail uh first what is

47:51

the meaning of seriously interfere uh under the code and we propose a

47:57

definition there uh that goes through the steps using

48:02

Webster's third international dictionary which is the source that's used by luba

48:08

and by the Oregon appellet courts and the definition we suggest is as follows

48:15

uh seriously means to a serious extent serious means significant or likely to have

48:23

influence or effect deserving to be considered not of little size or

48:29

importance so to the extent that the legal task force on BCTT suggested

48:36

something more narrow than that um we disagree and you'll have my proposed

48:42

definition and interpretation to look at um it would be a disservice to both the

48:48

surrounding community and to the development code itself to artificially

48:53

constrain the effect of this approval standard so then you reach interference

48:59

with uses on adjacent property um and there's

49:06

been a mapping as I indicated that I think it's a page 20 of the staff report

49:12

that shows those and those include some farms uh that will be subject to impacts

49:18

on farm practices which falls under another ser another provision of the

49:24

code that's discussed in our memorandum um I think any affected properties

49:30

should be deemed adjacent as well to the extent that the uh evidence supports

49:37

that um the most uh intrusive and disruptive impacts generally uh within

49:44

the adjacent area uh for non-farmers and farmers alike alike are noise and odor

49:50

impacts and windb blown garbage from the operating landfill

49:57

with respect to noise uh you've heard that first of all DEEQ's regulations are

50:05

outdated second DEEQ no longer enforces to the extent it ever did some question

50:12

as to whether DEEQ enforces much of anything ever but that's an editorial

50:17

comment um and therefore the noise impacts that

50:25

have to be considered and and the code does not confine itself to DEEQ

50:30

standards anyway so it's the noise effects on the adjacent and surrounding

50:36

areas with respect to which you will receive testimony staff recommended denial based

50:44

on noise impacts we agree but um aside from the fact that noise regulations are

50:52

unenforcable um I will mention that one of the

50:59

particular uh supposed mitigations proposed by the applicant is that at

51:05

least their own equipment will have so-called proximity beepers that don't

51:10

operate all the time only when their uh radar detects something behind them uh

51:17

those beepers are much louder they're like alarm clocks so they have their own

51:23

dramatic effects and only Republic's own equipment not all the customers coming

51:29

in from various companies and individuals uh will have proximity

51:34

beepers so that's a minimal if any mitigation i would also suggest to you

51:40

that the science of acoustics does not lend itself to straight line calculations of noise

51:46

effects uh depending upon atmospheric conditions wind conditions respective

51:53

elevation uh so the area that will be affected by noise will be quite broad

52:01

and not confined um the other impact that staff's uh

52:07

staff recommended denial based on is odors and you'll have plenty of

52:12

testimony about odor impacts and these impacts affect not only residential uses

52:21

and people people's ability to enjoy the outdoors on their own property but also

52:28

there's testimony written or oral that farmers are affected because the people

52:34

they bring in to work the farm crews don't want to be there it's a function

52:40

of both noise and odor they don't given a choice they don't want to work on a

52:45

site that stinks and has those incredibly annoying noises

52:52

so it's harder to attract labor and that affects the ability of the farm to operate

53:03

um then we have the consideration of inter well visual impacts also count and

53:12

when the mountain of trash arises to the south that's a new visual impact on the

53:18

people to the south including one household that's a direct directly adjacent and they will provide at least

53:26

written testimony as to that uh as to interference with the character of the area uh I've already talked about the

53:34

baseline character of the area being erroneous as previously described to you

53:39

by the applicant and staff there's a lot more to take into account in terms of

53:44

the character of the area and you also need to take into account uh the use and

53:50

enjoyment hopefully by members of the public generally of the EE Wilson

53:55

Wildlife Area to the east and the use and enjoyment of the trail uh which also

54:04

adjoins on another side of the site so by definition moving the fill operation

54:09

south of Coffin View Road will seriously interfere with the character of the area

54:14

to the south as well as uh to the east and west um all of this will come to you

54:21

in the form of first person uh testimony as to the evidence uh starting at page

54:27

13 of my memorandum we discuss the findings and actually quote verbat

54:34

verbatim from the planning commission's findings in denying the 2021 application

54:41

um to the extent that those are directly relevant to this application and only to

54:47

that extent we've set them out here uh in terms of the

54:55

forever nature uh of the applicant's operation uh in a footnote on page I

55:04

believe it's 13 uh of our memo uh we note how if there's a fill operation

55:14

on both sides of coffin but road which would now occur if this is approved uh

55:21

it It would be very easy for the county to revisit the closing of Coffin But

55:26

Road as the applicant wishes um by vacating it when there are favorable

55:34

land owners on both sides and the county can go through a simplification and the

55:39

applicant doesn't have to apply for it uh there would be a very limited process

55:45

for that so um then they could dump over Coffin but

55:52

Road and seal it off um I am going to stop there because I've got 4 seconds

55:57

left and I'd be happy to answer any questions

56:05

thank you for um your information i have not had a chance to review your memorandum yet um
so my question may be

56:11

answered in there but you made a reference that land use law defines what

56:17

a character of an area is can you reference can you provide what that law that land use law is or

56:24

the this was um discussed in the first

56:31

luba decision in stop the dump coalition versus Yamhill County which I don't have

56:39

a site handy for but can pro provide during the open record period and

56:46

um in terms of the significant impact impacts test there um the applicant

56:52

tried to narrowly define arbitrarily define the area

56:59

uh that should be considered for those impacts and Luba said

57:05

that you actually have to look at what the evidence is and to the extent

57:12

necessary then broaden the area so that's it y

57:22

Mr kleman you made two comments uh in your testimony that I'd like if you have some further clarification you referred

57:29

to the Benton County Talks trash uh workg groupoup report that was accepted

57:34

and deemed received by the B board of commissioners here at Benton County but not formerly adopted i'm missing the

57:41

nuance of significance there you've stated it so there is there more context to that yes uh thank you the report was

57:51

handed into the county and handed to the board of commissioners and they said we accept it

57:57

that was the resolution um

58:03

so basically thank you for your work and here it is um if it had been formally adopted that

58:10

would mean that the recommendations the findings the

58:16

interpretations contained in that report including the

58:23

legal aspects would have been formally adopted as policies of the county

58:31

regardless of what the code provides and that is

58:37

not their effect because it the report was only accepted and not adopted as the

58:47

policy of the county or the board of county commissioners

58:52

thank you interpret the interpretations aren't binding thank you i'm sorry

58:58

have you Okay uh my second question is just a brief one you referred to you were talking about um definitions you

59:06

referred to a Luba reference a dictionary if you will legal dictionary and you also referred to a second one

59:11

and I just didn't get enough notes but you did refer to both resources

59:17

yes it's set out in our memorandum uh at some length and what I said

59:25

was that the definitions of certain terms that that

59:32

are relevant here in particular serious or seriously interfere

59:38

um can be interpreted through Webster's third international dictionary um I

59:47

think third I believe it's a third edition is what's formally

59:53

recognized by Luba and by the appellet courts for providing the meaning of

1:00:02

ordinary terms that are not legal terms and that's what these are so you go to

1:00:08

the dictionary and that's the dictionary they use so we walk through that in the

1:00:14

memorandum thank you

1:00:20

thank you Mr kleman and I think I heard you indicate that you would be asking

1:00:26

for a 14 uh day period i've made note of that and of course those um procedural

1:00:32

motions will be considered uh at the uh the close of the public hearing after

1:00:38

the applicant's uh rebuttal but I have made a note of that so moving on now uh

1:00:46

Mr calgary is uh next to provide comments with Ms sue number six on

1:00:58

deck good evening commissioners i'm Bruce Calgar uh my

1:01:04

wife Donna and I have lived at 37194 Helm Drive in Corvalis which is in

1:01:10

Soap Creek Valley that's about 5 miles southwest of the landfill we've been there since

1:01:17

1985 we strongly urge you to deny Republic's application for expansion in

1:01:23

the 1980s there was no odor of land landfill at our house nor was there in
1:01:29
the 1990s that odor began in the 20 thou in the
1:01:36
2000s thursday we heard from a public the difficulty of correlating DEEQ odor
1:01:42
reports with wind direction their conclusion odor reports from Benton
1:01:47
County residents don't reliably identify the odor's source so let me ask a quiet and
1:01:55
respectful show of hands who here is unable to distinguish
1:02:01
landfill odor from say the odor of a dairy
1:02:06
farm unable unable
1:02:14
um who is unable to tell uh distinguish the odor of a landfill from um a paper
1:02:22
mill one last show of hands um who knows the odor from coffin but that has has
1:02:31
increased in both intensity and frequency over the last 20
1:02:40
years thank you the uh written testimony recites
1:02:46
methane exceeded discovered by the EPA republic has yet to initiate a
1:02:52
monitoring program to detect such exceedences unmonitored volumes of
1:02:58
decomposition gases are likely spewing forth right now carrying odor and aerosols of toxins
1:03:07
and PFAS onto our land our orchards and our gardens and that
1:03:15
chemical cocktail is diffusing downward into our wellwater republic has offered zero evidence to
1:03:23
refute this blanketing of our county by these aerosols and given the evolving
1:03:28
science of the health effects of forever chemicals this cannot be dismissed as
1:03:34
trace amounts any expansion of the landfill will increase the odor and the health
1:03:41
risks of these airborne aerosols the more waste the more decomposition gases
1:03:47
and aerosols and that this will further impact the character of our
1:03:54
area branding Republic's request for the expansion airs on the side of their bottom line please
heir on the side of

1:04:02

our health and the ability to enjoy the clean air water and land mentioned in

1:04:09

our comprehensive plan all this warrants a hard note to Republic thank you

1:04:16

Mr ker i do have a question um I've seen in one other written testimony thus far and also you refer to it i wonder if you

1:04:23

can cite your assertion of the aerosols of toxic PAS and other materials coming

1:04:30

from those methane emissions i've not seen any source material that's supporting that yet

1:04:35

um if you or if you have any way to uh

1:04:41

verify that um my background as a mechanical engineer tells me that whenever you have

1:04:48

gases escaping an environment aerosol waterbornne aerosols

1:04:55

are easily picked up and transported um that is just how that's

1:05:00

how nature works i think the burden of proof to show otherwise is with Republic

1:05:07

thank you thank you Mr

1:05:13

calgary ms sue is next and uh Miss

1:05:19

Boulder can you confirm whether Ms wolf number seven was amongst those seating

1:05:24

time to Mr kleinman so he's not so okay I'll I'll uh then Ms wolf number seven is uh is on

1:05:32

deck greg Warbertton has seated his time to me number

1:05:41

56 my name is Dr shelley Sue um my address is 6065 Southwest Grand Oaks

1:05:48

Drive lived here more than 50 years hate to admit um Mr chairman members of the

1:05:54

planning commission and attendees um I am a PhD toxicologist uh I'm a former

1:06:00

EPA employee i'm a former OSU faculty member and I'm a longtime cancer

1:06:06

researcher uh so I believe I'm qualified to speak about the dangers that the landfill poses to our community and to

1:06:13

our environment uh last Thursday I sat through the testimony given by our public services and there were several

1:06:20

omissions and inaccuracies presented that um um gave me pause

1:06:26

um and I thought I might address a few of those and have another comment um I

1:06:32

don't believe that Republic Services has really performed to the standards of our

1:06:38

community with respect to Benton County's long-standing commitment to worker safety for example I was unhappy

1:06:44

to learn last year that union workers at the landfill were forced to go on strike due to lack of attention to workplace

1:06:51

hazards such as chronic respiratory exposures improper safety improper

1:06:56

safety training and other issues last year the company gave annual raises to

1:07:01

all of their non-UN employees but not to the union workers and the company is under investigation by the National

1:07:08

Labor Relations Board republic services has not been transparent of course in

1:07:13

reporting methane emissions from coffen but is currently under investigation as you know by the EPA the EPA encountered

1:07:21

a lack of cooperation in measuring these methane leaks at the site uh last

1:07:26

Thursday they were still presenting incorrect information about methane leaks they testified that explosions for

1:07:33

example are not a concern at this site that is simply not true the EPA has

1:07:39

documented emission plumes that exceed 100,000 parts per million air condition

1:07:45

air concentrations which is right in the wheelhouse of producing profound

1:07:51

explosive events if there's an ignition source available in fact the methane emissions

1:07:57

at CBL are so high that the EPA has now designated the landfill as a super

1:08:03

emitter now uh in my term at the EPA those kinds of words were only used to

1:08:10

describe the very worst of the worst of heavy industrial polluters and I mean the worst uh and it may not be important

1:08:19

but I was a little bit surprised and um one of the persons discussing with Miss

1:08:25

Bisco uh they characterized methane as heavier than air which surprised me

1:08:31

because it is not uh but whatever I move on um we all know that methane stinks uh

1:08:38

but methane is odorless so it does not stink the landfill stinks um that smell

1:08:43

you detect is probably hydrogen sulfide gases which was pointed out what they

1:08:48

didn't seem very concerned about those but it is an unassalable fact that those

1:08:54

gases are uh substantially and alarmingly linked to lung cancer okay um

1:09:00

there was also discussion about the leeate chemicals these chemicals are endocrine disruptors and carcinogens i

1:09:08

didn't hear any mention though as my predecessor discussed about the expelling of these gases in um uh POS

1:09:17

chemicals in the gas this is a true fact pos burps from landfill gases are highly

1:09:25

toxic when they're inhaled and they can be transported quite long distances recent studies by the Florida Department

1:09:32

of Environmental Protection and other agencies have shown that POS aerosols

1:09:38

leaving landfills through gas emissions can be similar to in concentration and even greater than the amount of POS that

1:09:46

you're seeing in the lee everyone's concerned about the leech they should be concerned about the air again I did not

1:09:53

hear this mentioned by Republic Services but it is a fact and I can cite it if you'd like the landfills nearing the end

1:10:00

of its lifetime and granting Republic Services an extension um it just

1:10:06

provides a temporary band-aid on the myriad of environmental problems that we already have out there that have not

1:10:11

been addressed i think it's also important to point out as a citizen that

1:10:17

Benton County has a a long uh the landfill is in direct opposition to the

1:10:24

mission statements and objectives that that guide this government and have guided it for a long time they have a

1:10:30

long history of commitment Benton County does to economic and environmental sustainability
1:10:36

uh Ben County has a climate action plan to reduce carbon emissions from all county operations and to be a net zero

1:10:43

carbon emitter by 2050 it's a little bit laughable to suggest that buying a few

1:10:48

electric buses and replacing some cars with hybrid vehicles is going to put a

1:10:54

dent in the county's greenhouse gas emissions when you have more than a thousand tons of methane gas leaking

1:11:00

annually from the county landfill uh the the Benton County's own website

1:11:06

proclaims that the county government's primary purpose is to protect and improve the health of individuals of our

1:11:13

community to secure healthy and prosperous communities now and for the future i'm quoting this and that they

1:11:20

are committed to a vibrant livable community with access to a high quality of environment for all these are all

1:11:27

good things the the government should be uh devoted to all of those things uh this is what the government is supposed

1:11:33

to do so I encourage Benton County to live up to their mission statements and other programs promising this amendment

1:11:41

to the health and well-being of citizens of this county and the environment granting an expansion is in serious

1:11:48

misalignment with those stated priorities and responsibilities it seems that the prudent thing to do would be to

1:11:55

decline the extension and to focus your efforts on the work instead of carrying a new landfill sign thank you for your

1:12:03

time um Miss Sue I'm sorry Dr sue probably

1:12:10

call me anything you want very good uh could you please clarify again your source for the particulate so the

1:12:17

emissions in methane when you many go to ACS 2024 there are many many articles

1:12:23

written about it you can go to the actually if I could interject uh the

1:12:28

planning commission isn't free to just go out onto the worldwide web and look for things so um if the materials that

1:12:36

you reference are not in the record they they won't be looking at them i will provide it um I'm sorry I didn't write

1:12:42

it in here but I only had six minutes so very good thank you um anything else

1:12:49

thank you for your time thank you Dr sue uh Ms wolf number seven is next with Ms

1:12:55

condan number eight on deck and Chair Fowler this is Commissioner John Wilson

1:13:01

i am now in attendance good evening Commissioner Wilson if we'll have the record reflect you're

1:13:07

joining us hello i am not Miss Wolf deborah seated

1:13:14

me her time and I also had a slot at number 19 my name is Mark Hankles i'm a

1:13:21

Benton County resident former professor at public policy and administration up

1:13:26

at Western Oregon University for 35 years um so that should be in the record

1:13:33

that she seated it okay so I should have six minutes but

1:13:40

I promise you I will not even come close you've heard that before

1:13:46

let's see what I can do okay uh so um first let me say I really appreciate

1:13:53

your diligence in this review um you clearly recognize this decision will

1:13:58

affect Benton County residents for many many decades and you have done a lot of work already and you have much in you

1:14:05

okay um so I help research and write the context and history section of the

1:14:11

Benton County Talks Trash document i originally planned to emphasize how the

1:14:16

BCTT makes clear that residents and experts have recognized for over 50 years that coffin is not suitable as a

1:14:24

permanent landfill site that comes through in the introductory section despite the fact that Republic was

1:14:31

editorially involved in the whole BCTT um even the Shemecka agreement making

1:14:38

coffen but a regional landfill envisioned that it would close by the year 2000 and that only waste from

1:14:45

specific areas of Pulk Benton and Lynn County would go there coffen was never

1:14:50

considered ideal and the idea of unlimited waste being deposited defies

1:14:56

all historical perspectives but these hearings have made me focus on three

1:15:01

other specific points other than the BCTT stuff i originally planned to talk about first members of the planning

1:15:08

commission have suggested as as you have suggested we need to think broadly when

1:15:13

considering the area affected by the dump especially regarding how the proposed use affects the character of

1:15:19

the area i live 7 miles away and on the other side of lodged ridge but still

1:15:26

sometimes I can smell the facility more so now than ever before i also drive up

1:15:31

the Independence Road and Highway 99 very very frequently and appalled and

1:15:37

and kind of ashamed about the litter that you see from the landfill traffic i

1:15:43

have personally seen papers fly out of Republic trucks driving on 99W the character of the area also

1:15:50

requires more attention on April 29th the planning department said that they

1:15:56

did not consider the expansion's visual impact a problem since there's already a landfill there the landfill's visibility

1:16:03

and noise had changed greatly since the cap rose over 1 million tons and as the

1:16:08

mountain grew larger truly harming the experience of visitors to EE Wilson and

1:16:13

anyone driving by or living in the area still the area has many lovely

1:16:19

characteristics and the second mound of trash and the

1:16:24

extension increase of the industrial activities will destroy those characteristics this area provides

1:16:30

highly valuable agricultural recreational and wildlife resources expansion and the lifting of annual

1:16:36

waste limits guarantee that the quality of this area will be harmed more deeply

1:16:42

and there'll be threats going on for decades in the future finally I want to say that Benton County

1:16:48

should not rely on any added conditions of approval to mitigate the problems and

1:16:53

risks conditions of approval are unlikely to be consistently enforced and probably would not address the deeper

1:16:59

problems and the risks anyway consider how the methane leaks found by the EPA

1:17:05

and the state environmental inspectors just recently far exceeded Republic services self-reported leaks no

1:17:12

government bodies consistently monitor and enforce landfill regulations and we should not rely on

1:17:19

public services or its contractors for this reporting the expansion will open large surfaces above and below the waste

1:17:27

for all time leaks in these linings will create health fire hydrological and

1:17:33

climate change risks as noted in my written submission a USGS sub

1:17:38

publication notes that the EPA has concluded that all landfills eventually will leak into the

1:17:45

environment even the existing operation violates the character of the area and the environmental values stayed in our

1:17:52

county codes it's time to set limits thank you for your attention

1:18:00

you lived up to your four and a half thank you thank you very much any questions

1:18:08

thank you for your comments thank you uh Ms condan number Oh Miss uh Miss Ms wolf

1:18:15

number seven do we know damn oh thank you thank you i'm I'm

1:18:21

getting behind myself here miss Condan number eight is online and so Miss

1:18:27

Condom if you'd like to unmute yourself and ideally turn on your camera uh with

1:18:33

Miss Palmer number nine on there um I can't I can I'm sure you can hear me but

1:18:39

I'm not able to Oh there's my video okay never Oh hang on

1:18:46

and we can hear you yes okay hi everyone my name is Crystal Condan i live at 3113

1:18:52

Northeast Wamtt A in Adair Village less than two miles from the coffin but landfill i also recreate almost daily in

1:19:01

Mcdun McDonald Dunn forest and my horse is actually housed out onet lane which

1:19:06

is direct view of the west side of the confen but landfill so I see it on a daily

1:19:12

basis um and so I drive up and down 99 i can agree with the massive amount

1:19:20

of trash that's on the side every day and I do end up having to take my car in

1:19:27

about every six months to get a puncture in my tire repaired at Lewab thankfully

1:19:34

they're very kind about it um so I want to chat a little bit about Lee and my

1:19:39

concerns about it um my background is in chemistry and I'm also a faculty within

1:19:46

engineering at Oregon State University so at the heart of this issue

1:19:53

is a silent but serious threat municipal sludge which was talked about on Thursday and hazardous materials

1:19:59

contaminated with PAS perfloral alkal substances often called forever

1:20:05

chemicals these substances do not break down in the environment and they accumulate in our soil water and even

1:20:10

our bodies uh Dr sue mentioned a little bit about that earlier the landfills

1:20:16

this landfill receives municipal sludge and other materials from across the region that contain PAS compounds that

1:20:23

are nearly impossible to contain once they enter the leech system according to

1:20:28

Republican services own reports peas is already present in the landfills leech and they admit that little can be done

1:20:35

about that to reduce peas and leech at the landfill that's not just a technical challenge it's definitely a public

1:20:41

health risk and here's the most alarming part that leech is trucked to wastewater

1:20:46

treatment plants in Corvallis and Salem as we learned which are not equipped to

1:20:52

remove PAS the treated water still containing these toxic chemicals is then

1:20:57

discharged into the Wamtt River and this is the drinking water source for myself here in Adair village and also

1:21:04

communities up the river including Sherwood and Wilsonville we are essentially poisoning

1:21:11

our neighbors and our environment through this process let's be clear this is not just a Benton County issue we're

1:21:18

impacting communities up and down the entire Wamtt River this is a regional

1:21:24

water safety issue now let's talk about Benton County's land use codes under Benton County Chapter 53 any conditional

1:21:31

use permit must demonstrate that the proposed use will not be detrimental to health safety or general welfare of the

1:21:37

community how can we possibly meet that standard when we are knowingly concentrating PAS laden sludge in a

1:21:43

landfill that contributes to the contamination of a major river furthermore and I see I'm running out of

1:21:50

time um I talked a little bit about the comprehensive plan but my concern is

1:21:55

that we oppose or my view is that we oppose this expansion make sure that

1:22:01

we're protecting our communities thank you

1:22:07

question um if I understand this correctly cockute accepts municipal

1:22:15

sludge and municipal sludge contains PAS that municipal PAS uh leeches into

1:22:25

the lee that leeate goes to the water treatment facility but it's not treated

1:22:33

it's only diluted did I get that right is that the sequence is that what you mean by it's accumulating

1:22:41

yes yes yes okay yes and the larger the landfill the more PAS that'll be present

1:22:47

in that material okay

1:22:52

thank you Miss Condom miss Palmer number nine is next with Miss Norris number 10

1:23:00

on deck good evening commissioners my name is

1:23:06

Debbie Palmer and I live at 37340 Moss Rock Drive in

1:23:11

Corvalis i want to read you the conclusion of a petition that V-neck has had on our coffin but facts website

1:23:18

since 2023 which to date over 1300 people have signed we wrote this after

1:23:24

Republic's last expansion attempt failed and they withdrew their appeal but vowed

1:23:29

to apply again soon i'm going to skip the beginning in the middle because it's information you've already heard the

1:23:36

petition title is we need a plan not a bigger landfill people say trash has to

1:23:42

go somewhere if we don't let them expand the dump what alternatives are there the answer is we don't know because Benton

1:23:49

County has no waste management plan other counties have plans that guide them through their options it's absurd

1:23:56

to expand this landfill before completing a thorough plan including alternatives for decreasing and

1:24:02

redistributing the waist stream republic Services is in a big hurry to get this expansion approved

1:24:09

because of contractual obligations to dozens of parties outside Benton County

1:24:15

this is Republic Services own problem not Benton counties we should not be

1:24:21

threatened and rushed into making an irreversible decision to solve the poor planning and overcommitment issues of a

1:24:27

huge national corporation let's take the time this important issue demands in its 2021

1:24:35

annual report Republic estimated that the existing landfill still had capacity for at least 18 more years that gives us

1:24:42

plenty of time for a thorough study of what's best for our county over the long run it's our future not Republic's

1:24:50

that's important here so here we are now with Republic applying to expand again you have been

1:24:57

provided more than ample compelling written testimony citing undue burden and serious interference which you can

1:25:04

use to with a clear conscience support a full-on denial of this application just

1:25:10

like you did the last time please do not approve with conditions either conditions will make

1:25:17

no difference as discovered during the BCTT fact finding process never before

1:25:23

in the history of the coffin but landfill have conditions of approval ever been

1:25:28

enforced it's magical thinking to believe that Republic services will make any effort beyond lip service to comply

1:25:35

with conditions which will not be monitored or enforced the largest laughter in the upstairs

1:25:42

room watching the hearing last Tuesday came when the phrase self-monitoring was

1:25:47

said we all know that self-monitoring equals no monitoring to repeat please do

1:25:54

not make an irreversible decision to solve the poor planning and overcommitment issues of this huge

1:26:00

national corporation and commissioners I want to thank you for all of your time and effort in dealing with this massive land

1:26:07

use issue i mean it's a monumental undertaking please deny unconditionally

1:26:13

thank you questions thank you Miss Palmer miss Norris is uh

1:26:21

is next with Miss Hall on deck

1:26:27

can you hear me okay okay my name is Carrie Norris i live at 38966 Arena Road in Corvallis Oregon uh

1:26:35

commissioners first I want to thank you for the opportunity to share my concerns about this issue and my opposition to

1:26:40

this proposal i along with my two daughters live in Soap Creek Valley at the foot of Smith Peak approximately two miles due

1:26:47

west to the coffin landfile landfill an operation whose growth I can see and

1:26:53

smell from my back deck and I'll have a much clearer view of the new uh proposed

1:26:59

expansion the scent is particularly potent on a still foggy days when the air hangs low and heavy um and it

1:27:08

absolutely is very noticeable i am a full-time employee of a local company and work full-time from

1:27:15

home as well as the owner and sole operator of a small CSA which is comm community supported agriculture from my

1:27:21

small farm I feed my own and several other families with fresh fruits vegetables honey and eggs in these

1:27:26

capacities I am at home most of the time and outside daily and thus am highly aware of the day-to-day impact of the

1:27:33

landfill has on our valley the way in which it has changed and increased and the unique additional damage approval

1:27:39

would have upon us all in addition to valid concerns about health implications from the methane and other gases carried

1:27:46

in the myasma from the landfill that hangs over our valley on some days our tinder dry summers combined with

1:27:51

flammable nature of methane that has been found in exceedingly high levels and little to any fire prevention

1:27:57

strategy beyond using our volunteer fire department we have many concerns we face

1:28:02

increasing waste at the roadsides unknown toxic hazards carried in the dust odors from the landfill that we

1:28:08

call dump days are increasingly prevalent and keep folks in day indoors and make no mistake we are smelling the

1:28:15

dump the land surrounding the landfill is home to a diverse array of wildlife

1:28:20

in the last year alone I have personally seen elk fox bobcat eagles and herand on

1:28:26

or immediately adjacent to this site and crossing the road to the adjacent landfill the surrounding community draws

1:28:33

their drinking water from wells that are at significant and ill-considered risks by expansion this cup will allow for

1:28:39

exceptional and devastating growth of landfill with no cap or end in sight if approved the character of the area and

1:28:45

our valley will be negatively and irrevocably changed this proposal represents a new and imposing threat on

1:28:52

our area it is not the interest of the land the environment the community of the immun vicinity and valley nor the

1:28:58

citizens citizenry of the county to be the forever dumping ground for the Pacific Northwest or Oregon i implore

1:29:04

you to listen to your community rather than the paid representatives of this large out ofstate company whose only true concern is to keep making a profit

1:29:11

you questions thank you Miss Norris uh Miss Hall is

1:29:19

next and Miss Dodson uh I have a note has seated time was she

1:29:26

amongst the um Mr kleinman's time okay we we'll get

1:29:32

to her in a moment then uh Miss Hall hi thank you i'm Camille Hall and I've

1:29:38

lived here at 7175 Northwest Mountain View Drive in Corvalis 6 miles south of

1:29:44

the landfill since 1981 my house is tucked into Oh and I oppose

1:29:50

the expansion of the landfill LU24027 my house is tucked into the east

1:29:55

side of Vineyard Mountain and even in this protected site um I experience two

1:30:02

to three dump days a year and these are not little times that you can just pass

1:30:08

off these are days when I spend the day inside or I drive somewhere else

1:30:15

so uh the only other thing I want to say about interfering with the character of the area is a statement that Republic

1:30:21

Services made last Thursday about the basaltt of Tampico Ridge protecting the

1:30:29

people on the south side from Lee leakage well blasting and excavating to

1:30:37

remove half of that hillside will definitely shatter that basalt and it

1:30:43

will no longer protect them the groundwater will be irreidably

1:30:49

affected the second part that I'd like to um discuss is criteria number two

1:30:56

placing an undue burden on public infra infrastructure so in the 2022 annual

1:31:03

report on Coffenbe Landfill Republic Services reports that

1:31:09

128,000 commercial vehicles access the landfill every year that's 350 or more

1:31:17

per day we heard commercial um Republic Services describe their new traffic flow

1:31:24

that will be necessary to utilize the new landfill site semis will go into the

1:31:30

existing scale on the north side and then turn to go up coffin be

1:31:36

road through an 850 ft left turn lane

1:31:42

but then they will double back and they will come down and deposit trash on the

1:31:47

south side effectively doubling the traffic on that small stretch of coffin

1:31:54

road so I'm particularly concerned about emergencies wildfire landfill fires

1:32:00

earthquake or another disaster the steady influx of trash haulers will be

1:32:05

difficult if not impossible to stop during an emergency impeding evacuation

1:32:12

blocking emergency vehicles and causing trucks to stack up on major evacuation

1:32:17

routes in effect Republic Services proposes to make Coffenb Road unsuitable for public

1:32:25

purposes without the formality of closing the road to public use this is not

1:32:32

acceptable thank you for your time and effort that you've put into this application reviewing it
miss Hall could

1:32:40

you please clarify i've seen reference in a number of the testimonies what is the phrase being
used dump days yes uh

1:32:48

could you expound a little bit on that phrase if possible you could give a little bit sure yes well
dump days are

1:32:55

when the smell is so intense that you really can't go about whatever you'd

1:33:01

plan to do outside and some days if it happens in the summer you're just stuck

1:33:07

the only thing you can do is leave and it is clearly I've lived there for 44 years and I know the
smell of the dump

1:33:14

and it is clearly coming from that direction and in fact when I drive by it

1:33:20

um on 99 West I often smell that also and it's the kind of thing that makes

1:33:25

you go "Oh shoot i meant to put it on research." And you know it's too late then and m Miss Hall do you ever report

1:33:34

those dump days to either DEEQ or directly to Republic Services i used to

1:33:39

but it really doesn't seem to make any difference so I have clicked so thank you thank you thank you Miss

1:33:47

Hall uh Miss Dodson is uh is next with uh Ms ye on

1:33:56

deck is Miss Dodson

1:34:02

here there's a note here that the time has been seated so I'll skip over and

1:34:07

perhaps someone further down the list as information about Miss Dodson so uh Ms

1:34:14

ye number 13 with Mr gear number 15 on

1:34:30

deck thank you for holding this public hearing and hearing all of our testimony my name is Darina Yei and I

1:34:38

live 2858 Monterey Place in Corvalis that's about 10 miles from the

1:34:45

landfill i strongly oppose Republic Services conditional use

1:34:52

permit application LU24027 to expand the coffin but

1:34:57

landfill please deny this application i moved with my family to Carvala 6 years

1:35:03

ago falling in love with the abundance of nature all around us probably like

1:35:08

you I felt so lucky to be living among these generational trees and watching

1:35:14

the rushing flow of the Wamtt River i was in heaven i thought I must have done

1:35:20

something really good in a past life to have lucked out in into living such a

1:35:26

into such a treasured spot on our planet but in just the few years that I've been here there is such a profound difference

1:35:33

in our experience living here it literally stinks on many mornings these

1:35:39

days it doesn't matter the season mostly if it's still but even when the sun is

1:35:45

shining like the other last weekend I was walking out with my dog and I said

1:35:50

"Nope got to go back in." Um as as comfortable as it is smelling

1:35:58

the stench I know that the smell is just a symptom of the real causes that are

1:36:03

harming our health these toxic plumes and poisons polluting our rivers and

1:36:08

soil must be doing some invisible harm to our bodies the stench is a nagging

1:36:14

warning we need to heed even our wineries are affected in that when one

1:36:20

winery was about to close on a sale the buyer that day smelled the landfill

1:36:26

stench she backed out of the sale how many other property sales need to be

1:36:32

adversely affected and other hidden poisonous implications of this landfill

1:36:37

before we do something about it farming our environmental future the future we

1:36:42

share with children with our seniors and our beloved neighbors and friends with our wineries and local farms with our

1:36:49

birds wildlife and dogs it's not worth the few extra dollars Benton County

1:36:56

would gain in approving this the amount of testimonies or people in

1:37:02

attendance at this hearing is just a fraction of the people in this county who oppose the landfill expansion please

1:37:09

planning commissioners be the change you want to see in the healthy future of all of our families deny

1:37:18

LU2427 and thank you again and thank you Miss Miss Ye and um

1:37:24

you you've noted uh the odor from from the landfill and have you reported that

1:37:29

to the DEEQ or to Republic directly no I didn't know until the start of this

1:37:36

public hearing that that was an option so I I I have a question you said you'd

1:37:41

been here six years but that when you first moved here you didn't notice it when did it start getting worse you know

1:37:49

I started noticing or equating the smell because I used to take my dog up to

1:37:55

Monmouth for training and I went past the landfill and I recognized that smell

1:38:00

so then you know at first I was told when I asked neighbors "What is that?" And they said "Well maybe it's the paper

1:38:06

mill maybe it's this." But then I realized exactly what that smell is because I was driving past it every week

1:38:13

and I also witnessed trash blowing into my windshield

1:38:19

thank you Miss Ye mr gear is is next i may not be pronouncing that correctly

1:38:26

right okay and after whatever I'm

1:38:33

mispronouncing Mr gear we'll take a uh 10-minute break okay it's like Meyer

1:38:38

meyer mr guyire thank you yeah some Yeah um I brought in some um handouts but I

1:38:46

guess you won't be able to see them um let me get this adjusted here oh yeah yeah um yeah so um yeah there are two

1:38:54

neighbors that are kindly seating my their time to me that's Dick Woodcock and Vicky

1:39:00

Drewer numbers 65 and 68

1:39:19

yeah that's right that's what I've got okay your time has been adjusted your floor is yours okay super thanks um yeah

1:39:26

my name is Joel Guyire i'm a resident at 38566 Highway 99W Corvallis on the east

1:39:33

side of Tampico Ridge um I really appreciate you've been asking very keen

1:39:39

questions on issues that do affect the character of the area and will pose a public burden in case there's any

1:39:45

mistake I do oppose the expansion um I'm going to focus my um talk on on the

1:39:52

following topics which are all relevant to the criteria number one really a big

1:39:57

gap in the uh proponents um submission is impacts of the construction period

1:40:03

number two um risks to water wells and natural springs um risk for the new

1:40:09

landfill to become an additional source of an arsenic plume additive to whatever might be going on already um and the

1:40:16

risk to the Wamut Basin aquifer beneath E Wilson wildlife area and I would also

1:40:23

want to touch on the ongoing disturbance to the great blue heron colony my background includes a bachelor of

1:40:29

science and master studies in mining engineering plus a PhD in geology specializing in groundwater flow and

1:40:35

contaminant transport through fractured bedrock particularly on radioactive waste i worked internationally on that

1:40:41

topic for 38 years i also happen to like birds i do bird conservation research as

1:40:47

a side gig that includes recent peer-reviewed uh work published in the journal avian conservation and ecology i

1:40:54

served eight years as the Ottabian Christian Christmas bird count regional editor for Oregon and I continue in that

1:41:00

role for Nevada my first topic is impacts of construction the applicant is

1:41:06

proposing to build what amounts to a brand new landfill and they're not just working with the lay of the land i'm

1:41:12

going to introduce a really technical term here what they plan to do is to dig a great big hole in the north end of

1:41:19

Tampica Ridge and a not quite so great big hole for brand new leech ponds for the bigger hole they'll need to move 3

1:41:26

and 12 million yards of rock that's bigger one 40% bigger than the rubble

1:41:32

from the um Seattle Kingdom if you remember when that was demolished it's a lot to move they're going to do a lot of

1:41:38

blasting maybe even daily and for how long one year two years we don't know

1:41:44

and they haven't assessed the impacts you don't have to be a trained mining engineer to know that blasting is

1:41:50

kind of loud their noise study should have included that but it didn't and noise isn't the only issue there's also

1:41:57

seismic disturbance does having your windows rattle at irregular intervals count to seriously interfere i'd think

1:42:04

so especially in an inter earthquake zone where all of us should be aware that the big one is ready to happen

1:42:09

anytime that's a whole lot of disturbance upfront for what could end up just being a few years of life

1:42:16

landfill capacity if the annual tennis cap comes off but there's also a risk to

1:42:21

our water wells and springs on adjacent properties which hasn't been addressed when you dig a big hole in the ground

1:42:27

water tends to flow in that lowers the water table around your hole and that

1:42:32

effect tends to spread how far does it spread it depends on the geology in my written testimony I've given more

1:42:39

details but to put it simply if this big hole cuts into a fractured zone in the balult that serves as an aquifer for

1:42:46

nearby residences our wells could go dry again the applicant hasn't affect

1:42:53

the assessed the effects of construction they haven't investigated groundwater below Tampo Ridge any more than 100

1:43:01

yards south of the new landfill's print footprint they haven't even compiled a

1:43:06

list of neighboring wells and springs they haven't presented any groundwater models to evaluate the risks we and our

1:43:13

neighbors rely on our wells for drinking water livestock vegetable gardens even small farms loss of reliable well would

1:43:20

seriously interfere with the use of our property no doubt about it then there's

1:43:26

arson let's check my time okay again I've provided written testimony on with

1:43:31

many more test technical details this could be a big topic all on its own really it'd be a great topic for a PhD

1:43:37

dissertation if there's any grad students in here um what we know is that

1:43:42

contrary to the applicant's claims the high levels of arsenic and wells on the east side of the landfill are highly

1:43:48

unusual for this part of the valley no one has found such high levels anywhere in the Wamut Valley portions of Poke or

1:43:55

Benton County but somehow the applicant has not just one well they've got a cluster of five wells all with high

1:44:01

arsenic they acknowledged that they had a leak in the early 1990s which was responsible for the high arsenic levels

1:44:07

discovered in 1994 they don't know how long that was going on before that but they did find out at that time they

1:44:13

claim to have baseline data but their historic database in included with the 2023

1:44:20

annual environmental monitoring report doesn't show any arsenic data prior to 1995 from the well that they're now

1:44:27

claiming as baseline and the levels keep bouncing around despite statements about them being stable after I pointed out to

1:44:35

Oregon DEEQ that the existing permits don't have any sight specific allowance for this lately VI seems to have

1:44:42

proposed permit specific concentration limits PSCL's for arsenic i was I had a

1:44:48

plot of page three which would which show you the plot of the arsenic data from their 2024 annual monitoring report

1:44:56

which um compares with the new criteria um you can't see it but the most recent

1:45:01

measurements blow right past their new proposed limit so they thought they had it figured out they said "These are can

1:45:07

be our new rules we have to go by." The next year they're they've gone right past them they actually had to replplot

1:45:13

the scale on the plot because these are so much higher than anything they measured before despite that now they

1:45:18

want you to believe that the recent observations are quote natural and not a sign of more leaks last Thursday their

1:45:25

consultant read a memo that gives a complicated explanation about volcanic soils anoxic conditions and so on in

1:45:33

simpler terms they're saying that the existing dump by sealing off the the water from the air um has changed the

1:45:39

chemistry so that arsenic is now leeching out of the soils time here it's it's an interesting

1:45:47

hypothesis um but without more evidence it's just speculation in my field we

1:45:52

call this geopoetry for the sake of argument let's suppose they're right what would that

1:45:58

mean for your decision it means that the new landfill even if it doesn't leak could have the same effect by leeching

1:46:04

arsenic out of similar rock and soils beneath it the new landfill could generate its own arsenic plume which

1:46:10

would spread east into the valley merging with whatever plumes there are from the existing landfill the effects

1:46:16

would be additive as Commissioner Lee noted last Thursday there are adjacent properties

1:46:22

downhill to the east immediately e Wilson Wildlife Area there's also a third dimension we like to think in

1:46:29

three dimensions and even four sometimes vertical um I had a cross-section that

1:46:34

shows the valley but um what you need to know is that as you move out from the the landfill you're you're basically on

1:46:40

the shore of the old lake from the Missoula floods as you move out you get into sediments and below that is the

1:46:46

Wamtt Basin Fill aquifer that's a big one here's what the Oregon Water Resources Department has to say quote

1:46:53

"Collectively the basin fill sediment unit contains the largest volume of groundwater in storage and has the

1:47:00

highest production capacity of all the hydrogeologic units in the basin." End quote in other words this is the aquifer

1:47:07

used for high-capacity irrigation wells for crops and for municipal water supplies you don't want to mess that up

1:47:15

that would be a real burden on public resources the applicant hasn't evaluated that risk which arises from this new

1:47:21

landfill they don't even have a handle on what's happening with the old one lastly I'd like to speak up because I

1:47:27

like birds for the great blue herand um rumors of their disappearance are greatly

1:47:32

exaggerated despite repeated disturbance by excavation equipment operating in the

1:47:37

proposed development area in all four nesting seasons since 2001 when the

1:47:43

applicant was advised of the need to keep a 4 mile buffer the herand haven't actually abandoned this location they're

1:47:49

nesting right across the highway within 200 yards of where they nested in 2022 i have a photo in there just from

1:47:56

last Sunday you can enjoy it when you get done with this meeting and don't want to go to bed yet they're still

1:48:02

under stress they're becoming agitated when roadside crews trash crews walk past their nests um which happens almost

1:48:10

weekly now because there's so much trash coming from this landfill the sheriff sends out a crew every almost every week i've advised them not to hopefully

1:48:16

they'll stick to it but construction of the new leech ponds on forest conservation parcel lot 1200 would once

1:48:22

again impinge on the buffer zone mandated by the Oregon Department of Forestry that gives you one more reason

1:48:28

to recognize this application thank you for your delicious diligence in your attention i'd be happy to answer any

1:48:34

questions sorry guys mr guy could is everything

1:48:41

you just said in what you handed in for us to look at your your written document

1:48:46

yeah I've got I've got quite a bit more in the written documents that I've submitted i guess the packets are sort

1:48:52

of catching up very good and then you mentioned uh something mandated by the Department of Forestry here at the end

1:48:58

could you again restate that and some context that might help yeah there's a um we we might want to reintroduce the

1:49:05

testimony that was brought up in 2021 regarding the Oregon Department of Forestry rules which mandate a quarter

1:49:12

mile buffer zone during nesting season um during and because that is a forest conservation parcel um I believe the the

1:49:20

Department of Forestry rules apply um but we can we can make sure that's in the record very good thank you

1:49:28

thank you very much Dr guyire and uh we will now take a 10-minute break which

1:49:35

means at 8:00 we'll return with Mr levit number 17 followed by Mr lm key number

1:49:42

18

1:50:10

yeah everybody

1:50:16

okay very well resuming public testimony with Mr levit number 17 and Mr

1:50:26

lumpkkey number 18 on

1:50:37

deck it is it's fine

1:50:45

um Becky Mera speaker 67 and Todd Roland speaker 69 have seated their time for me

1:50:59

what was that second number please 69 for Todd Roland

1:51:11

miss Bowler are we all caught up with the numbers perfect thank you excellent

1:51:16

thank you Chair Fowler and members of the commission for allowing me to speak here today my name is Mason Levit and I

1:51:21

am testifying on behalf of Beyond Toxics a decades old Oregon-based environmental

1:51:26

organization that fights for all Oregonians to have access to clean and safe air water and land our organization

1:51:34

has worked with Soap Creek Valley and Adair Village residents for three years to find solutions to many of the

1:51:39

challenges posed by this facility and I have been there through that journey my background is based in geographic

1:51:45

information systems or most commonly known as GIS and I have been trained to map model and analyze spatial data in

1:51:54

addition to my role at Beyond toxics I am currently a master's student at the UFO in the department of geography doing

1:51:59

this exact work today I want to draw attention to the odor study which the county has determined as grounds for

1:52:05

denial this is due to the fact that the applicant has used an outdated software version and did not adequately take into

1:52:12

account elevational differences i wish to elaborate on why this odor study is neither comprehensive nor objective but

1:52:20

first I want to add some related details to the record one the applicant highlighted the newly installed enclosed

1:52:27

landfill gas flare as an important piece of infrastructure to manage landfill gas

1:52:32

i want to note for the record that DEEQ announced the requirement of enclosing all landfill gas flares in 2022 the

1:52:40

applicant received multiple notices and extensions to comply with this requirement and failed to do so

1:52:46

resulting in an enforcement notice from DEEQ it is installed now but this

1:52:52

process is illustrative of how laborious it is to get the applicant to to comply

1:52:57

with required operating conditions two the applicant has waited until last week's hearing to announce their

1:53:03

intentions to install fence line monitoring for odorous pollutants beyond toxics and residents have been pressing

1:53:09

for this for years now and that technology has been available the entire time i want to note that the applicant's

1:53:16

odor study did not incorporate any real-time air monitoring despite the availability of that technology third I

1:53:24

want to problematize the applicant's claim that they found 99% of odor complaints to be impossible despite

1:53:29

acknowledging they were working with an incomplete data set that does not have the time or location of odor detection

1:53:36

it is worth elaborating on this how can someone how can we know that someone

1:53:41

didn't smell the landfill because the wind was blowing the opposite direction of their location if we do not know

1:53:47

their location or the time of day and consequentially the direction that the

1:53:52

wind was blowing at that time additionally when we find a model

1:53:58

invalidates 99% of human observations we typically conclude that the model is

1:54:03

wrong i teach GIS part-time at the UOVO and I would fail any student who made a

1:54:10

similar claim without adding additional explanation next I want to turn to some

1:54:16

additional assumptions of the applicant's odor study that need more explanation the applicant has chosen to

1:54:21

go with an atmospheric modeling system using weather data from Coffen but Salem Airport and Corvallis airport using this

1:54:27

data they have made an educated guess on how air moves around the nearby area of the landfill as the famous saying goes

1:54:34

by a British statistician all models are wrong but some are useful models have a

1:54:40

fundamental limitations and they cannot and do not reflect all of the complexities of the real world modeling

1:54:46

is a great tool but it is not the entire picture and there are many other tools in the toolbox the applicant has chosen

1:54:53

not to deploy including the affforementioned air monitoring models are a series of

1:54:59

mathematical equations if you change the numerical inputs or the parameters you get different results choosing those

1:55:06

inputs is not an objective decision it is subjective to the applicant's preferences one of the most important

1:55:13

assumptions made by the applicant is that the facility has a 25% fugitive emissions rate mind you they used to

1:55:20

claim it was 10% before revising their numbers a year ago quietly recall

1:55:25

fugitive emissions are landfill gas emissions that are not captured by gas extraction wells and other gas controls

1:55:31

i want to complicate that 25% number and planning commissioners brought up two

1:55:36

important questions last session I would like to answer what about all of the photos of holes in coffin but tarps and

1:55:43

meticulously documented by residents recall the applicant stated that they do

1:55:48

regular surface emissions monitoring now referenced as SEM surface emissions monitoring to repair these holes this

1:55:56

prompted the second question do we have results of the SEM monitoring done by the applicants i have submitted those

1:56:02

both for the public record as of today first let's look at the EPA inspection coffin but has been inspected twice by

1:56:10

the US EPA which uncovered over a hundred violations some of them 200 times the regulatory limit the first

1:56:17

time EPA inspected the landfill in 2022 coffin but had done their own SEM

1:56:22

monitoring 10 days prior where they found and self-documented six leaks

1:56:27

between 500 parts per million and 500 the EPA found 71 leaks between

1:56:34

500 parts per million and over 70,000 parts per million and they only monitored a small portion of the

1:56:41

landfill they also found that the applicant had not been complying with several standard testing procedures as

1:56:46

required by Oregon law this is now part of your record a similar story occurred in 2024 with 41 leaks between 500 and

1:56:56

118,000 parts per million the applicant is currently under investigation for failing to meet cleaner air standards

1:57:03

cleaner act standards secondly I have analyzed surface emissions monitoring reports submitted to Department of

1:57:09

Environmental Quality by all Oregon landfills legally required to do so i

1:57:14

found records that show that Coffen View is choosing not to monitor 56% of their landfill surface area using

1:57:22

a legal loophole I have attached in a report as part of my written comments

1:57:27

this is above average for all privately operated landfills in Oregon which on average emit 50% publicly operated

1:57:35

landfills on the other hand emit about 10% coffin claims that some of their

1:57:40

slopes are too steep or too covered in vegetation meaning that they can't monitor them these slopes are operate

1:57:47

these are slopes operators designed and vegetation they have chosen not to

1:57:52

maintain and the legality of these exemptions are ambiguous at best or illegal at worst we will find out what

1:57:58

the EPA has to say additionally third party satellite flyovers have found massive plumes of landfill gas that can

1:58:05

be observed from space from coffin but they have flown over the landfill operation six times over the last two

1:58:11

years and found massive plumes 100% of the time the working face where garbage

1:58:16

is currently being deposited is a site of significant fugitive emissions coffinb claims they limit their working

1:58:23

phase to a half acre at any time this is elaborated on in the Benson County talks

1:58:28

trash report i have submitted nearly a dozen random satellite images showing

1:58:33

otherwise and that their working face is most often between 1.5 and 2 acres three

1:58:38

to four times their claim they also claim that they cover this working face with daily cover every

1:58:45

day and photographs from residents in the record clearly show that this is not the case

1:58:51

additionally I have used air monitoring equipment to document hydrogen sulfide levels at residential households this is

1:58:58

the classic rotten egggy smell we all smell in our garbage and all residents are very familiar with through

1:59:05

monitoring we have found hydrogen sulfide levels between 250 and 500 parts

1:59:10

per billion this is well over the human detection threshold of 30 parts per billion i have also worked with Lynfield

1:59:18

student university students to conduct a door-to-door survey of all 500 homes in Adair Village of 126 households that

1:59:26

spoke to us we found that 60% of residents reported regularly smelling the landfill and many were specific that

1:59:33

the smell is distinct from the compost facility 20% of residents reported having

1:59:39

modified their daily activities to avoid going outside due to the smell being

1:59:44

unbearable or concerns over being exposed to air pollutants remember all

1:59:49

models are wrong but some are useful the applicant's model is serving a purpose

1:59:55

to cast doubt in hundreds of people's lived experiences the applicant has offered no explanation for the

2:00:01

discrepancy between their odor study results and the experience of residents they have offered no explanation of why

2:00:07

their gas collection system is failing and how they plan to fix it i urge the planning commission to believe the

2:00:13

residents experience and to acknowledge the applicant's reliable record of bad behavior

2:00:21

so Mr mr levit the uh in in the report on last Thursday the environmental

2:00:27

consultant uh for the applicant used a unit of measure one over I think it was

2:00:34

DT i'd have to go back and and look um with your measurements of hydrogen

2:00:39

sulfide that you took uh can you compare your measurements to one overdt i can i

2:00:47

do not know how to do so off the top of my head but I will be sure to follow up on that by email thank you so I'd like

2:00:53

to review you said um you did a survey at a Dair Village and 60%

2:00:59

reported what did 60% report regularly smelling the landfill operations and how

2:01:05

many people is about is that about uh 126 out of 500 homes i don't know what

2:01:12

the average household number is we can imagine that's between two and three people per household and then you said

2:01:19

20% modify their 20% of respondents modify their daily routine yes and how

2:01:26

many people is that approximately 20% of Oh you're testing me on the fly

2:01:32

um no worries uh that's about 25 respondents out of the 126 and that is

2:01:38

about two to three people per household so between 50 and 75 thank you

2:01:45

thank you Mr levit thank you uh Mr lemi is next with uh Ms uhoh the name has

2:01:55

been truncated for me uh Miss Carol Mlen and unfortunately the surname is

2:02:02

truncated fields thank you hi hey thank you very much my name is

2:02:07

Keith Limy i resided in Trillium Lane about a mile west of Coffen since 2003 i

2:02:13

have a doctor in public administration over 40 years of experience in public service i'm against the expansion and I

2:02:19

urge you to consider three additional criteria in your analysis which have been kind of ignored in by the staff one

2:02:26

is the public mandate or actually lack of safety assurance and the accumulative effects of the pattern of life my

2:02:32

research reveals a long-standing belief among the county population since at least 74 that the coffin but landfill

2:02:38

would be temporary with a long-term vision of an advanced waste management system the beginning of the evolution

2:02:44

from county dump to regional landfill started with the Chika region solid waste plan of 74 it was a collaborative

2:02:51

effort between Benton Lynn Marian Yamhill and Poke counties and the DEQ to

2:02:56

solve the burgeoning waste problem it had five goals five stated goals culminating in the end of landfill

2:03:03

operations and the creation of advanced waste disposable management systems the plan consisted of the five counties

2:03:09

waste going to coffen but while the separate components of the advanced waste management systems were developed in all the counties to share the burden

2:03:16

while waste delivery to Benton County proceeded the rest of the plan did not materialize that's how we got here since

2:03:23

its franchise in '85 Coffen But has incrementally evolved to receive ways

2:03:28

from up to 27 counties the fact is I cannot find a record of any public referendum on the plan or any of the

2:03:35

expansions thereafter it seems like the county considered the lack of significant opposition to the expansions

2:03:41

as some kind of unanimous consent to the landfill's expansion and unfortunately

2:03:47

um every lawyer in this room will know that that's nonsense guardianship the Oregon The Oregon

2:03:54

Revised Statute 459 bestow upon the Department of Environmental Quality and the local county government the

2:04:00

responsibility to oversee and uphold the contractual statutory obligations of the franchise and

2:04:07

landfill rs45992 grants them the power to conduct inspections stipulate permit conditions

2:04:13

and impose penalties they are entrusted as our vigilant custodians

2:04:18

regret regrettably as has come to our attention throughout these proceedings by both parties they can't do these

2:04:25

things or they haven't so they either apparently lack

2:04:31

the technical capability or resources to protect us and that's not fair to us so

2:04:37

as we expand how's that going to change if they can't do it now how are they going to do it later and finally there's

2:04:42

been no evaluation conducted on the combined impact of the various categorized minors disturbances

2:04:48

involving air quality traffic noise visual potential hydrological problems and decrease in property value these

2:04:56

factors all appear insignificant in the grand scheme but I can guarantee you someone who lives there they affect us

2:05:02

every day one of those is going to affect us so it's the cumulative effect that's causing the dramatic difference

2:05:09

in our patterns of life patterns of life affects cultures and culture by the way

2:05:14

is documenting a part of the environment so thank you very much

2:05:20

mr lumpkkey if I could ask have you submitted that testimony in writing for the record yes yes no

2:05:29

can I request that or would you be willing to do so thank you i will i submitted a different one for a

2:05:35

different purpose thank you Mr lumpkkey ms mlullen

2:05:42

Fields is next with Mr dodson on deck

2:05:50

i'm not Carol okay so uh I will be uh speaking with seated

2:05:58

time from Carol Mlen Fields uh from Katherine Sterns from Betsy Conover and

2:06:06

also David Pat so it'll be Do you happen to have their numbers we can find their names more quickly with their numbers

2:06:12

just handed them over there are

2:06:24

you and if I may chair what was your name sir my name is Ken Ecklund

2:06:30

thank you and are you on the list in a number somewhere i am just so we can 40

2:06:36

49 sorry 49 perfect okay thank you proceed

2:06:44

okay good evening Chair Fowler and Planning Commissioners i'm Ken Ecklund i live at

2:06:50

37340 Moss Rock Drive in Benton County um thank you Carol Katherine Betsy and

2:06:56

David for gifting me time to speak first I'll read you testimony about fire

2:07:02

hazards on Carol's behalf my name is Carol Mlelen Fields and I

2:07:08

live at 37326 Soap Creek Road about four miles from Coffen Landfill i strongly

2:07:15

oppose Republic Services application to expand the landfill i urge the planning commission to deny this application

2:07:22

bendon County has a number of official initiatives dedicated to assessing the wildfire risks associated with wildland

2:07:30

urban interface areas and identifying strategies to reduce those risks most

2:07:36

notably the Benton County vision for wildlife management and the community wildfire protection plan oregon state

2:07:44

law places a significant focus on wildland urban interface areas that have quote sufficient fuels including

2:07:51

combustible fuels and infrastructure to generate a conflagration unfortunately there is a

2:07:58

garbage truck- sized hole in Benton County's vision for managing wildfires

2:08:04

the the community wildfire protection plan inventories the high voltage power lines in the region but somehow misses

2:08:11

the fact that there's a methane belching landfill in the northern forest area that has a documented pattern of

2:08:18

landfill equipment in working face fires in my written testimony I have an email

2:08:25

transcript that shows that Coffenbute Landfill was intentionally left out of the community wildfire protection plan

2:08:32

because staff didn't understand what the fire risks were benson County cannot

2:08:38

afford to make a decision to expand the landfill without a full understanding of the fire risks associated with landfills

2:08:46

the current landfill is an immense flammable target for airborne embers from nearby fires and a source of

2:08:52

airborne embers that will only get bigger if the expansion is approved the risk and threat of fire

2:08:59

cannot be minimized or dismissed in my written testimony I provide more details about landfill

2:09:06

fires and local fires in the past two years any operations plan for coffen but

2:09:13

landfill put forth by the applicant can't erase the enhanced fire risk in

2:09:18

our region the flammable explosive nature of the landfill's gas plumes and

2:09:24

the toxic consequences of any fire there creates a dangerous scenario for a

2:09:30

devastating irrevocable change to the character of our area a sizable fire at

2:09:36

the landfill would put undue burden on fire and emergency management services and on local and regional residents

2:09:44

forced to flee the flames or the plumes of toxic smoke from a landfill fire i

2:09:50

strongly oppose Republic Services application to expand the landfill i urge the planning commission to deny

2:09:57

this application thank you and so that's the testimony from Carol Mlen Fields

2:10:03

and now I'll go to my testimony commissioners I want to take

2:10:09

you back in time to less than a year ago when the EPA air enforcement officer for

2:10:14

this region arrived with her team at the dump to continue the EPA's investigation

2:10:20

of Coffen Landfill she reports "There is a strong landfill odor the landfill

2:10:27

operators assure me that all systems show normal." So now the inspectors walk

2:10:32

out onto the landfill at random and find leak after leak they are finding a reportable leak once every 3 minutes on

2:10:40

average for an hour and and then they come across a landfill gas well this

2:10:46

completely uncapped it's beyond leaking it's just venting landfill gas straight

2:10:51

into the atmosphere how long has that well been uncapped unknown all systems are normal

2:10:58

how many other wells are there like this unknown all systems are normal how much

2:11:03

gas is coming out the air enforcement officer measures it at 12% methane which

2:11:09

is 240 times the limit i think our main takeaway here is

2:11:14

that the dump operators were correct their gas collection system was operating normally it's normal for a

2:11:22

coffee but landfill to have dozens of leaks and at least one that's super emitting every independent survey of the

2:11:29

dump shows this no reason to expect the expansion will be any

2:11:35

different the volume of these landfill gas emissions drive many serious problems at the dump most notably odor

2:11:44

climate damage toxics pollution and fire i'm going to talk about the first three

2:11:49

of these but remember these are like the heads on the same multi-headed dragon

2:11:55

the dragon being landfill gas odor the o

2:12:00

applicant's odor report uses an industry standard to estimate how much landfill gas is leaking out for people to smell

2:12:08

it doesn't use a figure specific to coffen but landfill so needless to say I

2:12:13

hope this order report is invalid they're not grounding this study on the volume of gas actually leaking out of

2:12:20

the dump they're using some industry average instead for obvious reasons i would say

2:12:27

in response to community complaints the EPA inspected the dump in 2022 and found

2:12:33

over 60 leaks four at explosive levels and then an EPA air enforcement team

2:12:38

returned in 2024 as I told you they found 41 leaks three at explosive levels

2:12:45

plus that uncapped well epa air enforcement then served an EPA Clean Air

2:12:50

Act section 114 process on the dump in early 2025 these aren't things that happen to

2:12:58

your average landfill the applicant's odor model doesn't account for any of this it also doesn't account for the

2:13:04

landfill's expansion increase in the dump's total surface area 35% more which

2:13:11

would lead to a proportional increase in gas emissions from leaks nor the landfills in the expansion's increase in

2:13:17

intake volumes 68% more which would likewise lead to a proportional increase

2:13:24

in landfill gas generation for all these reasons I suggest the applicant has failed their

2:13:30

burden of proof or odor likewise for methane pollution climate damage as you

2:13:36

know methane is a pernicious greenhouse gas and as we've seen coffee but landfill leaks a lot of it and is going

2:13:43

to leak more Climate damage meets your review criteria in many ways but I'll focus on

2:13:49

one by reducing the disaster assistance service available to the area as you

2:13:56

know climate damage is accelerating the number and severity of disasters nationally draining disaster response

2:14:03

resources and the people who are losing out are the people in rural areas

2:14:09

we're seeing this happen already with the LA fires people in major metro areas

2:14:14

get disaster assistance people outside metro areas don't so the climate damage from

2:14:22

landfill gas is increasing the risk of disaster in our area and by also increasing the incidence of disaster

2:14:29

nationally it's also decreasing our likelihood of getting help when we need it this disparity will only accelerate

2:14:36

as climate shifts get more extreme and disaster funds get exhausted let's move on to toxics damage

2:14:44

when I smell the landfill what is it that I'm smelling what's in landfill gas

2:14:50

too many things even to list it turns out some pretty evil stuff so again I'll focus on just one

2:14:57

thing one we all know by now pos studies show that these forever chemicals get airborne and escape the

2:15:04

dump in landfill gas they're not destroyed by burning they're called forever for a reason so they're coming

2:15:11

out of the stack at the power plant at the flare and of course out of leaks or

2:15:16

gas wells that are left uncapped this PAS is steadily accumulating in the surrounding

2:15:23

environment which really drags down the character of our area and torpedoed the

2:15:29

idea that the dump will someday export landfill gas into the natural gas system

2:15:34

i mean no one wants PFOS delivered straight to their home odor methane toxics Republic's

2:15:42

burden of proof fails in all of these and all of them go against the character of the

2:15:47

area speaking of character commissioners I think the word character is being

2:15:53

tortured in this application the application would have you believe there's a visual character which is a

2:15:59

small area around the landfill and the odor character is 90 square miles the

2:16:05

methane character is a memo saying we haven't been fined and so on these are

2:16:11

all snapshots they have no past and no future commissioners that's no one's

2:16:17

idea of character character is one thing not separate things and it's built over

2:16:24

time it's not a snapshot the character of an area is the understanding that people acquire about it about that area

2:16:31

through all their experiences of it and it's more than just its physical forms character is first and foremost a social

2:16:39

value i'm a writer professionally and so I've thought about character a lot by

2:16:45

social value I mean there are things that are in character and things that are not you bike down Soap Creek Road

2:16:52

and you see farms and trees and people's rural houses there are horses in a pasture here's a vineyard someone waves

2:16:59

at you you wave back you can ride like that for 40 miles that's character and

2:17:04

when you continue on and see trash piled along the road you think that doesn't belong here and when you see a mountain of

2:17:11

garbage draped in tattered plastic you say "That doesn't belong here either." And when you're biking through EU Wilson

2:17:18

and you smell that chemically smell you say "That's wrong that's out of character." Or rather you say "I hope

2:17:25

that's out of character we need to do something about those wrong things we need to have less of them or else they

2:17:32

will become the new character of this area." And what Republic is proposing in

2:17:38

this expansion application is not to have less of these wrong things but more

2:17:44

roughly 50% more in fact year by year and for longer commissioners you live here you

2:17:50

know the character of this area which is why the law has chosen you to make the decisions you do about land and given

2:17:57

you the word character to base your decisions on and the word discretion to

2:18:02

support what you decide these are your words don't let them get tortured set

2:18:09

them free a word about conditions of approval

2:18:14

commissioner Bisco has expressed that condition of approval that conditions of approval on the dump have never been

2:18:20

enforced and you all heard from yourself heard for yourselves that there's no

2:18:25

enforcement mechanism in place and none contemplated i can assure you this is

2:18:31

true i'm speaking now from my experience as past chair of the county disposal site advisory

2:18:37

committee the reality is commissioners you have only a clean decision before

2:18:43

you approve or deny nothing in the middle anything in the middle continues

2:18:49

the status quo which poses an undue burden upon the community anything in

2:18:55

the middle is saying that we are the sheriff of this lawless town but with no badge and no

2:19:01

gun your criteria enjoin you from approving an application that imposes an

2:19:07

undue burden so if you feel the application must have conditions you

2:19:13

should properly and promptly vote deny

2:19:18

you know I ballparked how much it's cost the community to resist Republic's attempts to expand the landfill so far

2:19:25

volunteers have put in about \$1.2 million worth of time in case you were wondering how undo

2:19:32

that burden has been so far I'm getting close to the end i have just one more

2:19:38

thing i want to speak up for the land that 59 acres right now it's a few

2:19:44

industrial buildings but mostly it's wild woods on shady slopes there's

2:19:49

nothing wrong with it the herand love it um if you take away the open trash heaps

2:19:55

which bring too many eagles in our species of of concern will be back in

2:20:00

their rookeries grazing chicks it just seems incredible to me that because a company would like to

2:20:06

desoil this bit of land for their profit that such a thing could happen i kind of

2:20:12

thought we were past the days of robber barons and strip mining it just seems incredible to me

2:20:18

that someone can look at this piece of land and say "You know what this community needs for us to dig a 150 ft

2:20:25

deep hole here and fill it with other people's garbage until it's higher than the hills which is what it will be and

2:20:33

how it will be permanently forever and ever amen." Of course we are past the

2:20:39

days of robber barons and strip mining we have two things now that weren't present

2:20:45

then one we have the knowledge of how these things turn out we can remember

2:20:52

there was there is no Peabody coal company anymore once it was huge the

2:20:58

only thing left of it now are the folk songs about how it tortured the timber and ruined the land

2:21:05

the other thing we have now is we have a planning commission we have you people

2:21:11

from here who can look at the evidence and decide what's truly best for our community who can do what's best for the

2:21:18

land who can listen to what the land says about character um thank you for your

2:21:25

attention deny this application um I'm happy to answer any questions

2:21:33

thank you Mr um I believe Mr dodson is

2:21:43

next with Pardon

2:21:48

me oh I'm sorry i didn't check that one

2:21:53

uh Ms uh Yoshiara is next

2:22:01

uh with Mr monroe number 28 on deck

2:22:07

thank you commissioners for your volunteer service and the care you are putting into reviewing the cup my name

2:22:12

is Foshihara i live at 7 37461 Salt Creek Road i oppose

2:22:17

LU24027 due to its impacts on the character of the area i am short um Cher Fowler you asked

2:22:25

how to square Mr leadford's odor analysis with our lived experience of dump days beyond wind direction we have

2:22:32

cloud cover elevation topography temperature humidity all interacting with wind and human-caused air currents

2:22:39

in a former life I was a sensory scientist working with human panels to discriminate order profiles for the

2:22:45

purposes of claim substantiation mr levit already submitted the examples of the um

2:22:52

landfill stench the hydrogen sulfide that we get i would just like to repeat that that was at 250 to 500 parts per

2:23:00

billion which is also 0.25 to 0.5 parts per million the applicant uses an

2:23:05

assumed value of 36 parts per million um for their title 5 permit this is a

2:23:12

burden on our community the EPA and even SCS engineering's webinar staying ahead

2:23:18

of odor management in our in solid waste facilities states that public the public

2:23:24

re recognizes hydrogen sulfide at two to part three two to three parts per

2:23:30

billion mr levit used a more conservative number i experience the vagaries of how landfill stench moves on

2:23:37

my daily jogs at Mid Valley and tucked behind a null at 500 ft we get both the PRC and CBL at the bottom of our quarter

2:23:45

mile driveway at 400 ft the dump odors are more frequent i look outside for

2:23:51

inversions cloud banks which directions they're moving and the color to decide

2:23:56

which way I should go on my run sometimes I get a visual cue other times I do not i have a good nose so I only

2:24:03

report to DEEQ when the odors are nauseating and only at my house one DBQ

2:24:08

report had Republic Services investigation that said nothing was smelled by their staff however a dead

2:24:14

skunk was seen in the road soon after I reported on a blast from the PRC so they

2:24:20

know we know the difference between compost landfill stench and a skunk in

2:24:27

sensory science there is a condition called anosmia or smell blindness that

2:24:32

can be caused by overexposure to a particular molecule one known cause is exposure to hydrogen sulfide which

2:24:39

causes paralysis of the olfactory nerve i've heard acid chemical vomit feces bad

2:24:45

fart rotten cabbage sulfur ammonia nail polish remover amongst other descriptors

2:24:50

while each person may perceive differently our noses are far more accurate than Mr leadford's analysis

2:24:57

odors are also dispersed by human-caused air currents i am submitting still images um but we have video which show

2:25:04

garbage trucks taking their their load creating swirling cloud clouds that drift in multiple shifting directions

2:25:12

near nor neighbors know when a recheck truck is being filled or neighbors smell the smallest molecules including

2:25:18

hydrogen sulfide that stay there for much longer please uh use your discretionary authority to deny this cup

2:25:25

thank you

2:25:32

move to uh Mr monroe number 28 with

2:25:40

uh Ms bradshaw number 30 on

2:25:48

deck don't see Mr monroe so can we move then to Ms bradshaw number 30

2:26:04

hi my name is Julia Bradshaw and I live at 605 Northwest Callaway Drive Kovalis

2:26:10

my home is approximately 2.5 miles from the landfill i oppose this expansion and

2:26:17

I want to acknowledge that uh Dr too Dr condon Dr gia uh Mr delivered from

2:26:25

Beyond Toxics a lot of their testimony I completely agree with i'm going to make a couple of comments about odor and

2:26:32

roadside trash and then I've got a few questions I would like you to take into account first regarding odor as I said I

2:26:39

live 2 and a half miles from the landfill there is an occasional odor not every day but under certain weather

2:26:46

conditions there is an odor i also listen to Mr leberg's

2:26:51

um analysis i'm a lay person it was pathetic um so I'm just going to say

2:26:59

that Mr lever said everything better than I did but he didn't have any any

2:27:05

information other than this sort of random people putting into something onto a website that I don't know about

2:27:11

and I live close by um so who's who are these um are these complaints being what

2:27:19

I really want to say is um there needs to be a systematic um search for complaints or for

2:27:27

information rather like that that Mr levit from Bernot and Toxics did in a dare village and second regarding trash

2:27:34

I'm a cyclist i i I cycle down Coffin Boot um road and I feel that needs to be

2:27:41

said on record that people do use that road um I come down Adair Campedair

2:27:47

Village Campair Road towards the landfill coffin boot road and then return to my home via Tampico um as you

2:27:55

drive as you cycle towards the landfill on the right hand side there is trash in

2:28:00

the gutters and at the side of the roads when you cycle away from the landfill so

2:28:06

when presumably the the trucks are empty as they leave there's less trash it's just it's just that's my observational

2:28:14

data so my Oh and then uh third I couldn't believe this either that

2:28:20

landfill currently rises over 700 ft i don't know of any trees that grow over

2:28:25

700 feet i mean it is a visual impact and uh to s suggest that it can be

2:28:31

mitigated is mindboggling so the questions I have um why isn't the city

2:28:36

of Albany not an agency contacted they're actually closer to the landfill

2:28:42

than um the city of Koval if uh if that rectangle was drawn in a different

2:28:48

direction um then I also would like to see these

2:28:53

daily records of odor um made in a public forum that uh we actually could

2:28:59

see that people are actually monitoring this and that this data was available to the general public and then um Mr Brent

2:29:06

Lurch said um that in the end of 2025 that no more leech was going to be sent

2:29:13

to the Kalis wastewater plant did I hear that correctly um okay thank you and

2:29:20

then to conclude that Mr Brian RP said that um we think about the 79,000 people

2:29:26

um of Benton County instead of just the 200 people who are submitting written testimony that's that's crazy i live

2:29:33

close by i should uh be u my my comments and the comments of the people here should not be watered down thank you

2:29:40

very much thank you Ms Bradshaw

2:29:46

um Ms Castle number 31 with Mr Kipper number 34 on

2:30:00

deck planning Commission members my name is Pam Castle and I live at 993 Northwest Cypress Avenue in Corvallis

2:30:07

which is about 8 miles away from the landfill i have a masters in pharmacology toxicology and am

2:30:12

testifying in opposition to the expansion of the landfill i'll skip the odor testimony i do smell it at my home

2:30:18

um but what I wanted to bring up were paws and um as reflected in discussions

2:30:24

during the hearing until recently Lee presented the um largest concern surrounding PAS escaping landfills

2:30:30

recently the potential for long distance uh distribution of PAS from landfills via landfill gases for its examination

2:30:38

uh 2023 review paper reported that um of the yearly total mass of PIFA entering

2:30:44

landfills 6% escaped via landfill gas while 10% escape via leachate then a 2024 study um of PAS escape

2:30:54

at three landfills in Florida found that 32 to 76% of the total fluorine that

2:30:59

escaped via landfill gas was at least as greater or greater than the 20 uh 24 to

2:31:04

68% that escaped via leachate they concluded uh that it is likely uh that landfill

2:31:10

gas is a major route of PAS entering the environment it is important to note that

2:31:16

even though part of the landfill gas is captured and burned at flares flares do not burn at a high enough temperature to

2:31:23

mineralize POS into an inert salt so flares do not mitigate

2:31:29

PAS it is well documented that POS have a number of effects on human and biotic health among those are altered immune

2:31:35

and thyroid function liver and kidney disease lipid and insulin dysregulation adverse reproductive and developmental

2:31:41

outcomes and cancer the two 2023 review refers to landfills as quote unabating

2:31:48

um PAS repositories and states that landfill gas may account for more environmental

2:31:54

deposition of POS than Lee indicating that managing landfill gas is requisite for preventing long-term atmospheric

2:32:00

transport of PAS a landfill expansion would increase our PAS repository making the human uh health environmental and

2:32:07

economic burdens we pass on to future generations much greater given recent findings about PIFA in landfill gas I

2:32:14

contend that the landfill odor testimony by those of us in Corvallis is an important indicator of the widespread

2:32:20

nature of landfill gas problem and that pes or pas are being spread over a large area when landfill gas is carried by air

2:32:27

currents this means landfill gas odor is not simply a nuisance issue but a public health one to allow the spread of PAS in

2:32:34

um would mean the county is not beaning Benton County's comprehensive plan policy

2:32:40

6.1.2 6.1.4 6.3.1 in addition since studies show

2:32:46

plants and animals accumulate PAS a landfill does seriously interfere interfere with the ability farmers on

2:32:52

adjacent land to use their properties for their designated purposes for these reasons I urge the commission to deny

2:32:59

the out of you excuse miss Castle I got a a quick question you

2:33:07

uh went through those percentages rather quickly so can you sort of summarize the

2:33:14

um PAS going through um the gas side versus the LH side yeah so it's greater

2:33:20

it's at least as as um 2x 3x um I would

2:33:26

say comparable maybe slightly greater it's that was 2024 so it's really new i

2:33:31

do have um in my documents the first page of every reference that I um used

2:33:36

in making my testimony you had some ranges and you're going through them pretty quick trying to make sure I could

2:33:42

get it through in my three minutes but you do have it all in writing um and uh as I said you have the abstracts for

2:33:48

every resource that I used thank you uh Miss Castle I just want to clarify that

2:33:53

question too um I've seen I believe some of your other written testimony i'm not sure that I remember those numbers so

2:33:59

when you say that we have it in your written testimony am I hearing that right um I actually submitted a longer

2:34:07

testimony about this um before I came here and then it is in the documents that I passed along okay and the date of

2:34:13

your recent submitt is today's date then okay thank you

2:34:18

thank you Miss Castle mr kipper and following Mr kipper will pause uh for a

2:34:26

time

2:34:32

check good evening my name is Robert Kipper i live at 2133 Northwest

2:34:37

Beachwood Place in Corvallis Oregon i am currently a member of the Benton County Disposal Side Advisory Committee i am

2:34:44

not representing committee tonight but rather I'm a private citizen speaking on behalf of my family's third generation

2:34:51

80acre wood lot north of Corvallis i want to briefly highlight two emails uh my

2:34:57

family sent in to the planning commission in opposition to

2:35:03

CPU-24-027 application submitted by Republic Services to expand Coffen but

2:35:09

landfill the first email from myself detailed the wildfire threat that a southern expansion of the landfill

2:35:15

crossing the fire break that is coffen but road would create the new landfill

2:35:21

operations the if new landfill operations are created across Coffen but Road there is the very real possibility

2:35:28

of a fire running up the north slope of the ridge into our directly adjoining family property and beyond in a summer

2:35:35

heat dome event wind event embers could easily rain rain down on Adair Village

2:35:41

and McDonald research forest with devastating consequences the second email was sent in by my brother Richard

2:35:48

Kipper just yesterday his first issue with the proposed expansion is that our

2:35:53

tax lot 314862 has its northwest corner at the

2:35:59

570 ft summit of the northern portion of Tampico Ridge the prop the proposed

2:36:05

basalt buttress for the new landfill cell when filled it would rise an

2:36:11

additional 130 ft above the ridge to a grand elevation of 700 ft this would

2:36:17

completely alter the character of our property forever his second even larger

2:36:24

objection to the proposed expansion of the landfill activities onto our ridge is the likely drying out of our

2:36:30

yearround springs and loss of a persistent pond that would forever alter the traditional use and character of our

2:36:38

property our water right our water right to the pond is recorded with the state

2:36:43

water resources department under certificate number

2:36:51

70845HP-2153 republic services analysis of the hydrology of the water that

2:36:56

flows through and out of this basalt ridge is inadequate to have any

2:37:01

assurance this expansion onto Tampico Ridge will not destroy our water sources

2:37:08

it is not unreasonable to think that hard rock blasting and excavation of a very deep hole necessary to prepare the

2:37:16

proposed new cell and the excavation of the leech retention pond on the north

2:37:21

side will inevitably pull water towards these massive holes and away from our northeast side of the ridge drying out

2:37:28

our yearround springs this is an unacceptable change to the use and character of our

2:37:35

adjoining property benton County Code 53.2151 we therefore request the

2:37:42

commissioner's recommended denial of the conditional use permit LU24027 application submitted by

2:37:48

Republic Services to expand the coffin but landfill operations onto Tempico Ridge our family wants to thank the

2:37:56

entire planning commission for your time and service representing the citizens of Benton County the end

2:38:08

mr kipper I I do have a question um on the Tempico Ridge I think you mentioned that um you saw information about the um

2:38:17

the the new landfill or the the proposed uh expansion to go higher than the top

2:38:22

of the ridge yes 130 ft I think is what they uh said uh and and where was that

2:38:29

because the stuff I saw originally was it was below the ridge and so was that

2:38:35

No I believe the testimony was uh was I guess two day back last Tuesday or

2:38:41

Thursday was was above the ridge above the ridge yes right thank you

2:38:48

thank you Mr kipper i appreciate that uh so to my colleagues uh I think you've

2:38:55

all been following along on the checklist as I have by my best estimate which is um not exacting we've completed

2:39:04

approximately 40 uh of the three minute um testimonies

2:39:11

out of uh 72 signed up so a little more than than

2:39:21

half chair it's actually 78 on our new list there there are some that have been

2:39:26

um I was Yeah I was subtracting the five from

2:39:34

the bottom i'm not sure if that's accurate that's why my numbers Yeah may may not

2:39:41

the the point the point remains that there are somewhere between 30 and 40 uh

2:39:47

additional speakers um and we sit at

2:39:52

850 um we have uh essentially three options um that is to go until we are

2:40:02

complete this evening um we can continue the hearing uh to another day likely

2:40:09

Thursday uh uh or code does permit us to

2:40:14

at this point uh at 9:00 uh say that's all we can do chair Fowler

2:40:22

yes Commissioner Wilson commissioner Wilson uh I can turn my camera on if you'd like but um I don't have a copy of

2:40:29

that list and it wasn't emailed to me prior to the meeting it it is um the the list that as of six

2:40:36

o'clock is the signup list will have it updated uh our recorders and public

2:40:42

information office have been keeping it uh much more up to-date and current than the list that I have in front of me um

2:40:49

okay I think those numbers I think those numbers remain um close to to accurate

2:40:57

ask this procedural if you extended into Thursday would there be additional

2:41:02

opportunity for people to sign up no there there are no additional signups

2:41:07

the signups closed at 6 in in addition to the public testimony uh remaining uh

2:41:15

we do always provide for rebuttal time from the applicant and uh we've

2:41:22

previously got an indication that the applicant would like to use that that time i'm not putting Mr condent on the

2:41:27

spot but uh there's probably 15 to 30 minutes of of applicant rebuttal to the

2:41:35

public testimony as well uh so 30 plus uh speakers and 15 to 30 minutes of uh

2:41:44

applicant rebuttal remains sheriff Allard like to propose that we

2:41:49

continue the session on Thursday

2:41:55

and is there uh a a t a uh a second to that

2:42:01

a second okay uh let me before uh any further

2:42:07

deliberation on that motion make it uh a little more precise uh we've t typically

2:42:13

uh met beginning at 6 pm is that your intent in the motion yes chair thank you

2:42:20

so uh we can consider the the motion to be continue this hearing to until 6 pm

2:42:27

on Thursday May 8th i'd like to do an informal poll of the commissioners to

2:42:33

ensure that we have a valid quorum uh for Excuse me chair do you want to also

2:42:40

put an end time on that as well uh I believe my indication and implication

2:42:48

was that we would complete this uh activity on Thursday and it could go past

2:42:56

9:00 uh so let me first look at the planning commissioners that are here in

2:43:03

person uh with a nod if you are available on

2:43:08

Thursday three four five and Commissioner Wilson are you available on

2:43:15

Thursday yes Chair Fowler I'll be available on Thursday in person very

2:43:20

well uh Commissioner Cash has exited uh for the evening but she has indicated to

2:43:26

me previously that she is also available so I am confident that there is a quorum

2:43:32

for for Thursday any further deliberation before I call on the vote

2:43:37

to continue the hearing Thursday commissioner STS um it's more of a clarification in our process
um by my

2:43:45

count there was two individuals who were signed up and were absent tonight would they if they
were available on Thursday

2:43:51

would they have an opportunity to testify let me look to council to if if if we

2:43:58

have gone past in order someone who has signed up and is on our list are they

2:44:04

still entitled to the time it's really up to the planning commission

2:44:10

i would I would allow them if time permits but if you're looking at 10:30

2:44:15

11 o'clock okay go and also I I would uh the people

2:44:21

who were on the list for tonight but were not here tonight I would put them last agreed

2:44:28

okay so um any further deliberations i will call for the vote on the motion

2:44:34

change this hearing until 6 PM on Thursday May 8th all those in favor

2:44:40

signify by I i any

2:44:46

opposed very well it motion has passed and uh we will then meet

2:44:55

again on Thursday May 8 6 pm in this this room thank you all for for coming

2:45:03

we're adjourned

0:06

thank you Thank you Very good Uh let me begin this evening's meeting uh with a

0:13

roll call of the planning commission Please uh give me a verbal verbal

0:19

response when I call your name Commissioner Bisco present Commissioner Cash

0:26

present Thank you Commissioner Fulford present Commissioner Lee present

0:33

Commissioner Strs here Commissioner Wilson here Uh Vice Chair Haymon is not

0:41

able to be with us tonight I will note for the record that seven of the eight

0:47

seated commissioners are participating and therefore a valid quorum Fowler just

0:54

a point of order wanted to note that I did manage to review the first hour and 10 minutes of Tuesday night's public

1:01

testimony uh prior to tonight's attendance Thank you very much You're

1:06

all caught up Guess what I have to

1:12

do I know I know that you are tired of hearing it but rest assured that I am

1:19

more tired of reading it Um but Oregon law does require that uh I read the uh

1:26

the following information into the record and it is important

1:31

information This meeting is called to order This is the time and place for the public hearing in the matter of

1:40

LU-24-027 The subject of this public hearing is an application from Republic Services for a conditional use permit to

1:47

expand an existing landfill Oregon law requires that I make several announcements for this hearing This is a

1:54

quai judicial hearing and will be conducted pursuant to Benton County Development Code sections

2:01

51.705 through 51.725 In a quai judicial proceeding

2:07

such as this it is the commission's duty to apply the law not revise it The

2:12

commission must determine whether the applicant has met all of the applicable criteria in the Benton County

2:17

Development Code The commission will consider the record as presented and will also consider any new evidence or

2:23

testimony that is submitted into the record Please do not communicate verbally or in writing with any

2:29

commissioners outside of this hearing process A staff report has been prepared for the application and the staff report

2:36

was available 7 days before the first hearing on April 29

2:42

2025 The staff report identifies the approval criteria that apply to the

2:47

applicant's proposed development and analyzes those criteria Testimony and

2:52

evidence should be directed towards the applicable approval criteria If you believe other criteria apply in addition

2:59

to those addressed in the staff report identify and discuss those criteria and explain how and why you believe they

3:06

apply to the application under consideration A person may submit any written material while the public record

3:13

is open on the application Any written materials received by the county staff

3:18

during the time period in which the record is open will be placed into the record Written materials submitted

3:25

during the public hearing must be presented to the county staff in order to become part of the record No screen

3:31

presentations are allowed If a person intends oversized poster boards reports

3:36

or pictures used in their oral testimony to be placed in the record copies must be submitted to county staff while the

3:43

record is open If they are not given to staff they will not be included in the record Now to the commissioners Does any

3:51

member of the commission wish to declare an ex parte contact in this

3:57

matter very well I'll now go through the hearing procedure for tonight The hearing procedure is as follows The

4:04

staff report has been presented The applications applicant's case and support of the application has been

4:11

presented Tonight we will continue to hear testimony from persons opposed to the application limited to 3 minutes And

4:19

finally we will hear the applicant's rebuttal which is limited to addressing any issues raised during the testimony

4:26

since the applicant's first presentation The commissioners may ask questions of any persons providing testimony However

4:33

the purpose of public testimony is to provide information for the commissioners to consider The public is

4:39

not permitted to ask questions of the staff the applicant or the commissioners

4:44

If you are a participant in this hearing the commission expects you to abide by the following rules Please be respectful

4:51

of all participants Speak only in the order of proceedings or when recognized by the chair In testifying please do not

4:58

repeat previous testimony made at this hearing Just note that you are in agreement with such prior testimony Be

5:05

advised the chair may halt testimony if it has become irrelevant abusive or clearly intended to harass or intimidate

5:12

the participants in this hearing Any written or other exhibits you want included into the record need to be

5:18

handed to the commission's recorder for marking prior to being presented to the commission for consideration All

5:25

testimony and evidence must be directed toward the applicable criteria in the Benton County Development Code or other

5:31

criteria which the person believes applies to this decision Failure to

5:36

raise an issue in this hearing accompanied by statements or evidence sufficient to afford the commission an

5:42

opportunity to respond precludes appeal to Luba the land used Board of Appeals

5:47

on that issue The failure to raise constitutional or other issues related to the proposed conditions of approval

5:54

with sufficient specificity to allow the commission to respond precludes any action for damages in circuit court To

6:02

have standing to appeal the decision of the planning commission you must present oral or written testimony to the

6:07

planning commission prior to the closing of the record Verbal testimony is limited to three minutes per person

6:15

Please respect the time limits so others have the opportunity to testify No

6:20

screen presentations are allowed So uh we are now ready to follow the same

6:29

procedure as we have on uh Tuesday night Uh and that is we will call the next

6:37

person to testify and I'll also indicate to the uh person who's on deck Uh

6:44

hopefully each of you intending to uh provide comment has been also given a number and so the the number will also

6:52

uh be uh announced a as well We do need your name and address prior to you

7:00

making your comments And with that um I'll also mention that we'll take a

7:07

break again around 7:30 And uh if my calculations are close I think uh we did

7:14

38 We heard 38 Um and I think we have

7:19

roughly 33 uh tonight So uh we will get through uh

7:26

this process uh this evening I believe we left off on Tuesday evening with

7:33

number 34 So first up is Ms Scott number 35 with Mr Gilathley number 36 on

7:47

deck Hello I'm Virginia Scott 37016 Soap Creek Road

7:55

My comments focus on the risk of fire to our local communities homes recreation

8:01

wildlife industry business property and the well-being of our Adair Rural Fire

8:08

and Rescue by the Coffin But Landfill In exhibit 20 fire risk assessment for

8:15

coffen but landfill the applicant has outlined five fires since

8:21

1999 and identified three possible sources of landfill fires that have a

8:27

material chance of ever developing at the landfill Those include working face

8:33

fires grass fires gas well fires They have declared that there have been um no

8:40

fires in the surrounding area and have outlined their plan to address and handle fires as they occur

8:48

In the supporting document um that I provided I show that there is a distinct

8:53

mismatch between the E20 report and the data provided by Adair Rural Fire and

9:00

Rescue which records 28 fires at the landfill between 2013 and 2025 not 1999

9:10

Adair Rural Fire and Rescue has responded to 28 calls at the landfill 17

9:17

to the Republic Services Pacific Region Composting PRC 111 fires near Coffen but as opposed

9:26

to none and 195 to uh motor vehicle accidents near the landfill I question

9:34

whether any of the fires that involved at Dare Royal Rural Fire or the ones

9:40

that were handled internally were reported to the DEEQ as their operations

9:46

plan states I also show additional fire risk that are not accounted for in the

9:52

E20 and show that Republic Services does not have a thorough plan to monitor and

9:58

address fires especially after hours where they rely on the public for monitoring and volunteers for fire

10:05

suppression The applicant drastically underrepresents the severity number type

10:11

of fire to individuals and property in the area and asks you to approve their

10:16

cup Exhibit 20 does serve as a useful example of how the applicant handles

10:24

legitimate fire risk concerns that have been raised by local residents As I

10:29

detail in my attachment to the statement the applicant's arguments are dismissive at best The fact that they have included

10:37

the exhibit as part of the application casts doubt on the entire application

10:42

and gives you further grounds to deny Thank you

10:49

Thank you very much Um sorry Miss Scott Uh yes Could you please again state your

10:55

source that you referred to at the beginning um reporting

11:02

the fires between 2013 and 2025 yeah those came from the logs of the Adair

11:08

Rural Fire and Rescue and it's included in a table in the attachment that I provided And that attachment you

11:14

provided will be part of the testimony record Is that correct sitting right there Yes correct Thank you

11:22

Thank you Miss Scott Appreciate it Mr Gilatley is next with Ms Greg on

11:36

deck I'm Bill Galatley 10ear resident of Corvallis I live at

11:43

2923 Northwest 13th Place That's just north of Walnut

11:55

So good evening I appreciate you as all commissioners doing a wonderful job of

12:00

opening up and listening carefully and asking thoughtful questions in response to both the testimony and the

12:07

presentations I'm a retired mechanical engineer with over 45 years in hijack

12:13

I've been interested in microlastics for a long time but I'm alarmed about the proliferation of PFAS or

12:19

PASS Rever chemicals is a direct reference to the fact that florine and carbon create the strongest bond in

12:27

chemistry Keep that in mind as you hear some more We're all familiar with Teflon

12:32

and Gortex We recognize the benefits of non-stick pans stain resistant carpets

12:39

and water repellent rain gear Since 1938 I want you to know that there's a lot

12:45

more out there There's been some 4,000 commercial compounds that are classed as

12:51

PAS Big drawbacks arise when PAS are used as processed chemicals in

12:57

manufacturing such as integrated circuits In those cases they become part of the process waste stream not part of

13:04

the product PFAS in processed uh chemicals are three

13:12

to four orders of magnitude smaller than what we call

13:17

microlastics and as a result they are increasingly identified in the circulatory systems of humans and no

13:24

surprise in fish Here's an example that should concern you After listening to an

13:30

acquaintance as concerned about eye drops I was able to validate the active ingredient in Mayo ey drops as PFAS

13:39

called perfluohexo octane The CDC agency for toxic

13:46

substances and dis disease registry states PAS contamination has the

13:52

potential to affect growth learning and behavior of infants and older children

13:58

It goes on to say PFA's contamination could lower women's a woman's risk of

14:04

chance of getting uh pregnant and could increase the risk of cancer Thanks to a

14:09

foyer request in 19 in 2023 we now know that

14:16

2022 test data from the city of Corvalis wastewater treatment plant showed lee

14:22

received from the coffin but uh as containing PFAS in and levels that

14:29

far exceed the amounts of water received by Hillsboro and and McMinnville

14:35

These data call for an explanation In testimonies from public

14:41

services I heard nothing persuasive in responsive to a question about corporate planning to deal with the health threats

14:48

posed by PAS I ask you to apply Mr Eklan's excellent comments about

14:54

character For these reasons and more I am adamantly opposed to the expansion of the coffin but

15:01

landfill Any questions mr Golatley I do have a a question Have you submitted

15:06

your written comments in the record yes I have I've added them slightly from if

15:12

you'll find them very close to what what I have submitted Very good And you also refer to a FOYA request about the

15:20

Corvallis um water treatment plant and how it relates to PAS in this topic Is that

15:27

also part of your testimony that you submitted itted it but I have talked to others and have received copies of it

15:32

from them I've looked at the hard data itself as well as the the summaries that they've done Okay And can that be

15:38

submitted can I ask for that i I cannot I should not be asking even though it's

15:44

part of his testimony

15:52

Is that the clarifying statement then if you would like to submit that you're welcome to Is that correct i'll be delighted to Thank you I think uh so I

16:00

think uh just for all of the people testifying tonight if you are referring

16:06

to something in your oral testimony but it's not submitted into the written record the planning commission cannot

16:13

consider it unless it's submitted into the written record

16:18

I believe my information will will be reflected in the reports of others If not I will supply it for you Thank you

16:25

Mr Glattley And uh just by way of in introduction uh on on Zoom that is Ms

16:32

Ryan outside council uh contracted by the by the county which helps us to

16:39

clarify uh many of these types of questions Um so Ms Greg number 37 is

16:46

next with uh Mr Olsen number 38 next

16:53

Good evening I'm not Miss Greg but I am sorry for this evening Um and I will I know to help you

17:01

chair Fowler So my name is Mark Ager I'll talk a little bit about that in my

17:06

presentation but I have uh yielded time from Jillian Greg who is number 37

17:12

Martha Truninger who is number 43 Uh Maggie Underwood as number

17:19

51 Uh Lynn Mallister number 59 Um Becky

17:24

Lrand at 75 and Stacy Dodson number 12

17:35

And just let me confirm with Miss Boulder Do you have the reconciliation

17:40

perfect Thank you So I don't Oh yeah Okay great So 21

17:46

minutes Um I'll begin now Um if I may Chair Fowler and members of the

17:52

commission good evening My name is Mark Jagger and I have lived at 37269 Helm Drive in Corvallis since 1987

18:01

I've lived in Benton County since 1982 I'm a registered civil and environmental engineer and a certified water rights

18:07

examiner in Oregon I have served on m I have served multiple terms on Benton County solid waste advisory council and

18:14

the disposal site advisory committee from the 1990s through 2023 I am a member of the ADA rural fire

18:22

district budget committee In addition I served on two subcommittees for the Benton County Tox Trash Work Group the

18:29

land use and the landfill life subcommittees and I was extensively involved in opposing the 2021 expansion

18:37

Thank you for your service to the residents of Benton County I appreciate the opportunity to speak with you

18:43

tonight about the coffin dump expansion proposal and I have also submitted multiple comments written comments for

18:50

your consideration I am testifying in opposition to this conditional use

18:55

permit application and I am also requesting the public record be left open for 14 days

19:02

Let me start by answering one question that has come up repeatedly in response

19:07

to previous testimony that relates to the county's record of monitoring and enforcing land use conditions of

19:13

approval I served on the Benton County Tox Trash subcommittee that reviewed the entire record of every prior land use

19:21

decision regarding the landfill site At the conclusion of our review of all the

19:26

prior land use proceedings the public members of our subcommittee developed key findings that can be found beginning

19:33

on page 98 of the BCT uh the Benton County Talks Trash Report Key finding

19:40

CUPF-2 states Benton County has not and does not actively monitor compliance

19:46

with many conditions of approval and does not proactively act to enforce compliance I have a copy of that Okay

19:58

Uh so that is in the record now Um so I do want to point out that the watering

20:03

the the wording that is in that uh conditional use or that u that finding

20:09

is a watered down version of what our committee wrote Our much stronger

20:14

statement was edited by the county just prior to publication of the document

20:21

I also want to ask and I maybe I'll I'll wait for the end but uh one member I just want to know whether or not someone

20:28

has submitted a a request that the public testimony from LU21-047 be included in the record for

20:35

this proposal and I'm wondering if that's been done so maybe somebody can address that I'm going to talk about a

20:41

few different things First thing I'm going to talk about this evening is the traffic impact analysis A four-page

20:47

detailed review of the traffic impact analysis was entered into the written record on April 21st

20:53

2025 I it identified several flaws in the TIA um excuse me including the use of

21:00

outdated driveway movement volumes an assumption that the proposed expansion would not result in any increased

21:06

traffic volumes that is no recognition of the analysis or analysis of the tonnage cap removal impact on vehicle

21:15

trips An analysis no analysis of highway 99 coffin but Campadere intersection

21:21

Again that was based on the fact that there was no assumption that the traffic volumes would change

21:26

No analysis of the trip impact of the excavation and movement of 3 and a half million cubic yards of material from the

21:32

expansion site and no analysis of the need for an eastbound left turn lane at the entrance to the scale road

21:41

I would like to echo Camille Hall's testimony when she uh recognized that

21:46

rep while Republic has submitted a proposal that does not explicitly close Coffen but road The effect of the

21:53

proposed Coffen but road traffic plan will functionally close the road to the

21:58

public On average vehicles enter the dump site every 80 seconds With all the

22:05

routing of vehicles on and off Coffen road north to south east to west the

22:11

easterly 3,000 ft of Coffen but road will essentially be unusable by the public In addition

Coffenbute Road is a

22:19

designated freight route in the county's transportation system plan and the proposed traffic plan will clearly

22:25

interfere with movement of timber and farm trucks In the absence of a revised

22:30

traffic impact analysis that accurately describes the proposed development's impact on the transportation system this

22:37

application must be denied There is no analysis of the proposed development's short and long-term financial burden on

22:43

the repair and maintenance of the public transportation system The major county roads impacted by the development's

22:49

operation include among others Coffen but Road Campair Road Independence Highway and Spring Hill Road They will

22:57

all be subjected to increased traffic volumes and accelerated wear and tear Because most trips to the dump are made

23:04

by heavily loaded tractor trailers and garbage trucks the damage to the road system is many times greater than that

23:10

of passenger vehicles Who's going to pay for those repairs the county doesn't have any money These impacts must be

23:18

evaluated and included in the analysis to determine whether or not there is an undue burden imposed on the county's

23:24

residents to repair and maintain the transportation system I'm going to move on to landfill leach 8
23:31

For over 40 years I've worked on as as a municipal engineer focusing primarily on

23:37

drinking water supply wastewater treatment and storm water management The

23:42

pro the proposed method of disposing landfill lee from the expansion parcel

23:47

imposes an undue burden on public facilities and violates BCC 53215 sub 2

23:55

Landfill leached is a highly toxic foul smelling black and or brown liquid containing high concentrations of

24:02

organic and inorganic compounds including metal ions such as chromium lead and mercury as well as high

24:10

concentrations of POS The to this toxic liquid forms when

24:15

rainwater and deco decomposing waste mix percolate through the waste and dissolve

24:22

the materials inside the waste creating a cocktail of hazardous chemicals Liquid

24:27

waste often ends up in trash and garbage also generates liquids as it breaks down

24:33

It's common to find pesticides pharmaceuticals personal care products

24:39

solvents batteries and other electronics in the trash We have submitted evidence into the record documenting that many

24:46

inappropriate and illegal materials are being thrown into dumpsters and making it into the dump I have personally

24:52

witnessed things like these being thrown away at the public dumping facility at the landfill I

don't know if you got my

24:58

handout Did they distribute my handout to you because I have some graphics that I gave if I gave a copy for everyone So

25:04

anyhow if you were looking at it it would be figure one on the handout that I prepared for you

The Coffin But

25:11

landfill has a huge uncovered daily working face that receives large amounts

25:17

of rainwater most of the year Coffen receives 50 in of rain per year And the

25:23

plastic cover that exists at on most of the coffin but landfill has been documented to have many tears and holes

25:31

that allow rainwater into the buried trash while methane and landfill gases

25:36

leak out Refer to figure two Um sorry you don't have that I I tried to get it

25:42

to you Uh coffin generates approximately 40 million gallons of leachate a year About half of that leachate is hauled in

25:48

tanker trucks to Corvallis wastewater treatment plant and half is hauled to the city of Salem On a normal day 20 to

25:55

24 tanker loads are hauled to these facilities Each time these tankers are loaded on site leachate odors are sent into

26:03

the air to mix with the other odors generated at the landfill a neighbor living just south of the landfill uh

26:10

says that at the curbing at the current loading station she can smell it when they're loading leachate In contrast the

26:18

Columbia Ridge landfill in Gileam County receives nearly three times as

26:23

much in annual volume of trash and they impound and recycle all of their leachate

26:29

on site Gileam County gets 13 in of rain per year The amount of rainfall

26:34

affects both leachate and methane production Unlike coffin but landfills in eastern

26:39

Oregon generate far less leachate and typically have 200 feet or more of

26:44

clay between the bottom of the landfill and the groundwater level To effectively

26:50

remove pollutants leachate requires advanced treatment before discharge Untreated

26:55

leachate is often sent to municipal wastewater treatment plants However this method is neither safe nor effective

27:02

because very little actual treatment occurs at a conventional municipal treatment plant The solution to

27:09

pollution should not be dilution But that is essentially what's happening now

27:14

The discharge of leachate into wastewater treatment plants in Oregon is not regulated by DEEQ Quoting from DEEQ's

27:22

guidance manuals for landfills this is a quote Discharges to publicly owned treatment works are not directly

27:28

regulated by the department Neither Corvallis nor Salem wastewater treatment plants have any

27:34

special or advanced unit processes operated to deal with landfill leachate

27:40

accepted at those facilities essentially passes through untreated Leachate also contains very high

27:47

levels of POS POS are widely used long-lasting chemicals components which break down very slowly over time Studies

27:54

have shown the exposure to POS in the environment may be linked to harmful health effects for humans and animals

28:01

While the existing landfill will continue to generate leachate for decades to come a 35% increase in surface area

28:08

from the new landfill location will add substantially to the volume of leachate The applicant stated their intent to stop

28:16

hauling leachate to Corvallis by the end of 2025 but they have not publicly identified where they plan to take that

28:23

portion of the leachate Let's talk about POS into the Wamut River Because of the increasing

28:29

concerns of POS compounds the city of Corvallis began monitoring incoming waste water along with leachate from the landfill

28:37

When the landfill delivers leachate to Corvallis it's stored in tanks on site and then slowly it's mixed in with the

28:44

sewage from the rest of the city The analysis confirmed and this is what Mr

28:50

Galatley was just talking about that landfill leachate concentrations of POS compounds is orders of magnitude greater

28:58

than the city sewage background levels When mixed with influent waste water it

29:03

is quote unquote treated and then discharged into the Lant River Concentrations of several PAS

29:09

constituents being discharged into the river after treatment are higher than

29:14

the background levels coming into the treatment plant Refer to figure three which has a graph for you that shows

29:21

what's happening with that Recent studies have also shown that aation processes at conventional

29:27

wastewater treatment plants release uh result in releases of airborne pas

29:33

You've heard previous testimony from Pam Castle uh that details this discussion

29:38

Another quote from the DEEQ guidance manual on landfills and leech states "The department recommends treatment

29:45

methods that reduce leech comp uh contaminants not methods that envi that

29:51

uh transfer the environmental problem to another medium." Well what's happening now is

29:57

exactly what DEEQ recommends against While there may be some reduction of

30:02

conventional pollutants like ammonia other pollutants like heavy metals pharmaceuticals and POS are being

30:08

discharged either into the river up in the air or end up in the sludge that is

30:14

spread on local and uh public and private property The Wamtt River is a public

30:21

facility and a public service This leech disposal method constitutes an undue

30:27

burden in violation of BCC 532 215 sub 2

30:32

by exposing wildlife recreational enthusiasts water users both drinking

30:38

water and agricultural to the increased contaminant levels and impacting the use of the Wamtt River There are several

30:45

communities downstream of these discharges that rely on the Wamtt River as their drinking water source including

30:51

Adair Village soon to be the city of Independence Sherwood Wilsonville and the Twalton Valley Water District

30:59

Portions of the existing landfill cell that the existing landfill cells 1 and

31:04

1A were closed in the 1990s and 30 years later those cells are still generating 2

31:10

million gallons of leech per year The engineer for the applicant gave the impression that overall leech eight

31:16

volumes would decrease over time once the existing landfill is capped and

31:21

closed However the BCTT report established that no landfill cell at

31:28

Coffen but has been closed since the mid 1990s Republic hasn't given a timetable

31:34

for closure and capping of the existing landfill What if they continue to leave it in its

31:40

interim cover stage and seek future expansions or if this is approved

31:46

proceed to implement their 2021 plan to close coffin but road and fill the

31:51

valley with trash The long-term environmental impacts the serious

31:56

interference associated with hosting a massive landfill and its planned expansion need to be objectively

32:02

evaluated Please refer to written testimony submitted April 28th by Ken and Sarah Edwardson for a detailed

32:08

discussion of the long-term liabilities We need to protect the interests of current and future

32:15

residents of the county along with the gas the landfill gas emission reduction

32:21

effective leech treatment is um and reduction is one of the key aspects of

32:26

this evaluation Neither the Benton County staff nor the consultants nor their consultants have

32:33

asked any serious questions or received any meaningful information regarding these issues

What's my time check six

32:41

that say six minutes Okay So the NRA recommendation to deny So in the 2000 in

32:48

2023 the county dissolved the solid waste advisory council although it is still required by BCC

32:55

23.020 Apparently someone realized that they might have a procedural problem regarding review of this conditional use

33:02

permit The code BCC73.305 still requires review by the

33:07

Environmental Health Division and SWAC They are simply ignoring the health division review requirement and passed

33:14

off the SWAC review to the county's Environment and Natural Resources Advisory Committee

Until now ENRACH has

33:21

been focused on trails and natural areas not landfills The ENRACK recommendation

33:27

to deny this application is in your packet under agency comments It has a very detailed analysis of concerns and

33:33

impacts associated with this proposal Staff did not have time to include any

33:38

of the ENRAC specific comments in their report I recommend that you carefully

33:43

read the transmittal memo dated April 16th 2025 and particularly the

33:49

individual member comments at the end of the packet Jason Schindler the ENRACH

33:54

chair has a detailed discussion of the county staff role in directing ENRACK's

34:00

review of this application So in

34:06

summary you guys I don't know how you do it You have 3,000 pages of documents and

34:11

all those things So I appreciate you listening to me and try to bring some of these things forward But from my perspective this decision boils down to

34:18

whether you believe the Republic personnel and the consultants they've hired to develop reports and comments to

34:23

submit the to support the application or do you believe the expert public testimony and lived experiences of the

34:30

residents of Benton County There are no second chances here no doovers If this

34:36

expansion is approved Republic Services will be free to expand and exploit as much land as they own more than 700

34:43

acres to create a larger and larger dump The county has allowed this to happen

34:49

already with the landfill moving into the Corey without the required conditional use permit Again 70C 77.305

34:57

In fact I believe this proposal before you is simply phase one of the plans they submitted in 2021 to close coffin

35:05

but road and fill the area between coffin but Tampo Ridge with trash Their

35:11

proposed traffic plan and intense use of that highway will effectively close the

35:16

road to the public Do you really believe that Republic is spending all this time and money to get

35:23

approval for the use of property south of Coffenb Road for a me a mere six more

35:28

years of landfill capacity of course not Remember that coffin but began as a hole

35:35

in the ground to burn trash during World War II to support the Adair military

35:40

installation It is an accidental dump When coffin but was first being considered as a regional dump in 1973

35:47

the chair of the Northbenton Citizens Advisory Committee wrote to the planning commission chair on November 5th

35:56

1973 Let it be clearly understood that we are unalterably opposed to a

36:02

long-term continuation of the use of coffin but for its current service area

36:08

We are even more vigorously opposed to its expansion to serve a threecount area

36:14

Well Coffenbute now serves more than 25 counties in two states He also wrote

36:20

"There is a substantial body of facts relating to the unsuitability of this site and the surrounding area which have

36:26

seemed so evident to us as to make any consideration of coffin site utterly

36:32

ridiculous and totally intolerable It is the consensus of the North Benton area

36:38

committee that the location of a regional disposal facility would be extremely short-sighted and very

36:45

dangerous These are all quotes Coffenbute is far better suited to be a public park than a public dump Arthur

36:52

Toliffson was a PhD professor at OSU The North Benton Citizens U Advisory

36:59

Committee was correct Here we are 52 years later same story with dramatically worse conditions The county has

37:06

cultivated a monopoly for Republic Services while systematically

37:12

disenfranchising residents who dare to question the wisdom and safety of becoming one of the largest trash dumps

37:19

in Western Oregon I urge you to stop this and all future expansion efforts It

37:25

is time for a paradigm shift in waste management in Oregon Expansion approval

37:31

means business as usual with more residents being exposed to air and water hazards serious irreparable harm and

37:37

undue burdens and a Corvallis and Benton County reputation as trash town

37:43

Oregon Finally as we sit here in the building named in recognition of the Calapouya tribe I want to close with the

37:52

quoting from the land acknowledgement in the forward to the Benton County Talks Trash report

37:58

and I quote "It is important that we recognize and honor the ongoing stewardship and spiritual relationship

38:05

between the land and people indigenous to this place we now call Benton County

38:12

We thank them for continuing to share their knowledge and perspectives on how

38:17

we care for impact and protect the land we live on I urge you to live up to that

38:25

acknowledgement and deny this application Thank you Chair Fowler Uh Mr Jagger I just had a

38:32

point of clarification We have numerous electronic files uh that have hauled the

38:38

written public testimony Did you did you or individuals that you are with that

38:43

that material are they submitted under different cover um or were they submitted all at once

38:51

so Chair Fowler and um Commissioner Wilson Commissioner Wilson Yes Sorry my eyes aren't the greatest Okay Um so um

38:59

there there are different pieces of material This particular document that I

39:04

just handed out has not been submitted electronically yet Okay But the traffic analysis study is in there I have uh

39:12

some information about um EPA methane studies I've submitted information about

39:18

Lee So there are multiple pieces at least from me and certainly many other people have submitted things If you have

39:24

a specific question about some of the No I just I just wanted clarification that as as we have eight files that contain

39:31

all the I know I record at this point and and it's a lot to cover and and you were referring to a lot of different

39:38

material and so I just wanted to make sure that it was that it's in there It's at least at least absent
ex except the

39:44

materials you just submitted So yeah so everything is in there that I referenced when I referenced
um Miss Castle's

39:51

presentation and she was she presented verbally on Tuesday Um and she has also

39:56

submitted information Edwardson's letter is in there uh not part of my packet but

40:02

their own separate submitt Great Thank you very much You're welcome

40:08

Mr Joerger I just have a question Uh thank you for that testimony Um I have a

40:14

question about you referenced vehicles entering every 80 seconds Uh and

40:20

also the proposed impact to I think it was farm and large truck traffic

40:26

agriculture I'm not sure Could you please clarify where you're getting your every 80 seconds um
if you've got some

40:32

context to that and then also to your point of the other proposed uses of that road

40:38

that you were referring to that would be impacted So Chair Fowler Commissioner Bisco um

40:45

the the 80 seconds comes from taking the number of reported trips to the landfill

40:51

that are submitted by the landfill operator and simply doing the math Uh

40:56

figuring out 6 days a week Um they're open 8 n hours a day I don't have the

41:03

calculations right in front of me but we've gone over that I've gone over it numerous times So it's
based on the

41:08

number of trips to the landfill And then with regard to the farm and forest

41:14

impacts for the freight designation of Coffen Road that's why it's there Um I

41:21

don't have any specific information of how many I assume it varies depending what kind of
active logging activities

41:28

are happening how often trucks those people are not going to drive out Tampico Road They're
going to use coffen

41:35

but and that's why coffin but road has been designated in the transportation system plan as a freight route

41:41

Very good Thank you And that transportation system plan you're referring to as Benton counties Correct That's correct Thank you Uh Mr Jagger

41:49

thanks again for coming out and spending time with us Uh very insightful Uh I did

41:55

have a couple clarification questions for you Um in your testimony you said uh

42:00

that DEQ does not regulate the wastewater Uh who does well so what ends

42:06

up Oh sorry Chair Fowler Commissioner Fulford Um so um they don't specifically

42:13

regulate the waste water that goes to the treatment plants It's a truckedin waste So there is a pre-treatment

42:20

program for anyone who uh you have to have an industrial pre-treatment

42:25

discharge permit Okay for uh in this case of the city of Corvallis they issued

42:31

an industrial pre-treatment discharge permit to valley landfills And as part of that process they um require certain

42:39

things to be done as the materials delivered to the treatment plant Now

42:46

what's happening here of course is that there are no national pollutant discharge elimination system permits

42:53

Those are the permits that we wastewater treatment plant people get None of those yet control any PAS cuz it's not been

43:02

they are EPA is just starting to put it into drinking water regulations and they're looking at putting regulations

43:08

into wastewater sludge and also into wastewater effluent All right I hope

43:13

that answers your question I think I think so Um you noted that Gilliam County has a liner plus 200 feet of clay

43:22

Did I quote that right that's right Do you know the numbers here uh for coffin

43:27

but how much how many feet of clay we have between us and the groundwater uh

43:32

Commissioner Fowler Comm Chair Fowler Commissioner Fulford Zero

43:38

We have double liner but no clay No there's no clay It's it's basalt Um it

43:44

so it's fractured rock that's underneath there There's no clay All right Um and

43:49

and last um you talked about sludge and how it's spread over the agricultural uh

43:56

I guess farms around here What's that process look like i think I'm unclear because you've talked

44:03

about air you talked about water but now you're saying also that it's it's being spread across our
our agricultural land

44:10

Yes File or Commissioner Fulford So what it what ends up happening is in a wastewater
treatment plant you have

44:17

material that comes in It's a mixture of liquids and solids And so part of the process in a
wastewater treatment

44:23

facility is they try to metabolize the liquids They have a bunch of bugs that grow on there and it
creates more solids

44:30

So you have some solids that come in Those solids become fudge and they then

44:35

go into a digtor And in the case of the city of Corvallis they have a class B uh

44:42

sludge program which means that it gets a little bit of cooking and then it's a

44:47

liquid product that goes out in the back of a tanker And they have just a if you

44:53

would the same thing a farmer would have for spreading uh manure They have a hose

44:58

that comes out the back and they just drive on the farms So at the Soap Creek

45:04

OSU beef barns they put uh Corvallis's sludge there Corvallis also puts it on

45:10

the airport product uh uh property that they own I don't know their program intimately but I
know they do it at the

45:17

OSU beef branch in Soap Creek and they also do it at the airport And lastly I

45:22

guess I have one more question Uh the Salem and Corvallis wastewater treatment plants what
were what year were they

45:29

created and if we were to create a new one today would it be able to take uh

45:35

PAS out of the system a more advanced wastewater is that possible what's the

45:41

technology look like today compared to what uh we have in place so Chair Fowler and Commissioner Fulford so what ends up

45:47

happening um when you build a new wastewater treatment plant it depends on what your treatment standards are that

45:53

you're trying to meet And in the case of so the Corvales treatment plant maybe built in the this current

46:02

version of the Corvallis treatment plant maybe in the early 70s I don't know for sure and similar for the city of Salem

46:09

Um but most treatment plants are not going to have the type of advanced

46:16

treatment that would be required to remove all the contaminants and leech you know um under previous ownership the

46:24

waste control systems the bun brothers when they owned Coffen but um I was out

46:29

there as a member of the solid waste advisory council when they had the grand opening for their leech collection and

46:36

treatment system So there's a building on the south side one that's going to be moved as part of this expansion where

46:42

they attempted to treat their own leech that went on for a very short period of

46:48

time and then they shut it down because it's a very complex treatment process in

46:53

order to remove it re to remove enough of the contaminants to be able to discharge it to surface waters So the

47:00

simple answer to your question is unlikely unless they were specifically designing some portion of the treatment

47:07

plant to treat leech It's it's not going to be something you're going to find So

47:13

the city of Albany did an update in their treatment plant in 2008 There's no way that city of Albany could have the

47:20

facilities to handle this leech and reduce all the contaminants much less PAS which we're just really learning

47:27

about Thank you Mr Jagger Thank you for your questions Uh Mr Joerger I have a

47:33

couple clarifying questions with permission from Chair Fowler Uh I wanted to just ask so what you just commented

47:39

on um what was the year again that that building when the attempts were made to treat Lee on site I think it was in

47:46

sorry Chair Fowler Commissioner Bisco I think it was in um the 1990s I know I

47:51

went out there for the grand opening and we all sat around and and we had glasses

47:57

of water but it wasn't Lee water Uh although they did have cups of water that showed a very clear product It was

48:04

a partnership that they uh developed with OSU It was a reverse osmosis

48:10

treatment plant And I don't know whether or not the complexity of landfill leachate

48:16

was so complex that it constantly was binding up the um the RO system or

48:22

whether or not the um the material that is left over after the RO system does

48:28

its thing Whether that became a problem and they couldn't find a place to dispose of that waste I I don't know

48:34

what the history is as to why it shut down but it was in the 1990s Very good

48:40

And since you have included that as part of this testimony are you aware that that's in our record somewhere the

48:46

reference to that particular attempted treatment facility

48:52

sheriff Fowler Commissioner Bisco I don't know whether that's in there It might be in part of the history of the

49:00

in the Benton County talks trash report but I don't I don't know about that Okay

49:07

And thank you for that Um just a follow-up question uh to Commissioner Fulford's question on the 200 feet of

49:14

clay You stated that there's zero clay here We have the double liner as Commissioner Fulford

49:21

referenced The purpose or the the reason for stating that What's what's the

49:26

context of comparing 200 feet to none how does how is that fitting in this record and this application

49:35

fowler Commissioner Abisco So the you have heard and you will be hearing

49:40

testimony about people concerned about contamination groundwater contamination of their wells
There's a lot of people

49:47

who rely on wellwater as their drinking water supply And so when you have the

49:53

clay that is 200 ft from the groundwater you have a level of protection that is

50:01

dramatically greater than we have now We have some plastic liners that once they

50:07

have um eight great pyramids of material stored on top of them and all kinds of

50:14

uh material sharp materials So you got weight and you have sharp materials Those liners are not
going to protect us

50:22

from contaminated groundwater And further cells one and 1A which were

50:27

closed in the mid 1990s They do have clay because they didn't have plastic at

50:32

the time but there is there they are unlined They don't have the protection

50:38

of the plastic liners So it is the threat that the key about the 200 ft is

50:44

it's the threat and the danger posed to people who rely on drinking water wells

50:50

domestic drinking water wells And just to clarify again you said that was Gileiam County Yes it's
the Columbia

50:57

Ridge landfill in Gileiam County It's owned and operated by Waste Management and right across
the river uh Republic

51:04

Services owns the Roosevelt landfill which would be the same So the two

51:10

aspects there is one there's substantially less lee generated because they don't have the rainfall
and second

51:17

of all they're not taking that leech to any conventional treatment plants and

51:23

attempting to try to remove contaminants there They recycle their lee to keep the

51:28

trash wet in order to improve compaction And then just one last question Thank

51:34

you um for the comments on that Clarification again Gileiam County is Washington

51:39

Oregon Yeah it's where Arlington Oregon is Sorry y'all Yeah Yeah it's Arlington Oregon And so the Colombia is in Gileiam

51:47

and the Roosevelt is in Washington That's correct Okay Um one last question then on the leech treatment process

51:56

So you referred to Corbalis and its process um

52:01

generally is the Salem water treatment plant process for Lee likely to be

52:08

similar do we chair Fowler Commissioner Bisco yes they're very similar They're

52:13

conventional activated sledge wastewater treatment plants in Corvalis They do have a roughing filter They have a

52:18

trickling filter that's held over from the 50s or 60s that they use But it's just basically activated sludge airrated

52:26

tanks that the waste water goes in and the waste water serves as food to the

52:32

microorganisms that they're trying to grow in those tanks And it's that growth process that then removes conventional

52:39

pollutants that we typically discharge um through our homes

52:45

Thank you Mr Joerger I have an I have a question Sorry Um you talked about the

52:52

uh proposed expansion would increase the surface area of the landfill area the landfill area

53:01

that would be collecting lee by 35% So do I understand correctly that the

53:08

pre-existing cells would not be capped and closed So they would be in essentially

53:14

the state they're in now while the if the expansion were to be approved while

53:22

the expansion was being filled the pre-existing cells would

53:29

still be in whatever state they're in Now I don't know if you're the right person to ask this but I I do think

53:35

that's a a question to be answered um within the application Okay Thanks

53:44

Thank you Mr Jagger Appreciate it Thank you Appreciate your time Uh Mr Olsen

53:50

number 38 is next with Mr Melinger 39 on

53:55

deck

54:00

Okay thank you very much I appreciate uh being up here My name is Greg Olsen I live at

54:06

5394 Davidson Street in Albany um just moved there recently I was in Corvallis

54:12

for almost 20 years Um so uh I appreciate the talk about paradigm shift

54:19

because uh currently there's about 10,000 municipal waste uh dumps in

54:26

10,000 in the US It's proposed that within 10 years

54:32

90% 90% will be closed So places all over the country are

54:40

dealing with what we're dealing with right now Seattle was dealing with this 30

54:46

years ago And their solution um was to use Colombia Ridge landfill in

54:57

Arlington Oregon accessing it by rail

55:03

They sent trains from Seattle down to Columbia Ridge landfill 320 miles away

55:11

from Seattle Currently um 63% of Seattle's

55:18

waste goes out by train uh using u interotal uh containers or

55:26

gondas Uh the trains are 45% uh more efficient than trucks But again the uh

55:34

Columbia Ridge landfill it's 2500 acres It has a lifespan a current lifespan of

55:43

143 years So that's not going to be filled up in 10 years or or 50 years or

55:50

something like that And again with the uh the clay uh and the low rainfall the

55:57

production of methane and other toxic gases is is way reduced

56:04

Um so uh the U the use of waste trains I'm I'm

56:10

going to be focusing on waste trains Uh um Mr Edgar was talking about a paradigm

56:15

shift and that was a paradigm shift for Seattle and it could be for us is the

56:20

use of waste trains And one of the the reasons I'm kind of excited about that for our area is the recent um uh coming

56:32

to life of the uh um Midwamtt Valley Interotal Center um

56:41

in Millersburg They had three extra tracks that were built They had a plan

56:46

to ship hay uh to the Orient that fell

56:52

through So a variety of things have fallen through on them but the facilities are there for interodal um

57:00

training Interotal means taking from trucks putting them on trains four trains a

57:09

week could take a million ties to um Columbia River

57:17

Thank you Mr Olsson Mr Olsson just clarifying the Columbia River landfill

57:24

uh ownership ownership Do you know have no idea

57:30

Okay Thank you Mr Olsen Mr Melinger is number 39 And next

57:38

with Ms Foster 41 on deck

57:45

Uh good evening Um I would like to talk about uh what nearby means in the

57:50

context of this application of a large dump like coffen but uh Republic Services drew a rectangle on a map and

57:57

said that and analyze that as the nearby area for this dump That rectangle is

58:03

less than 10 miles in width So with the dump in the center it's less than five miles to the edge of this rectangle Um

58:10

the airborne plume that the dump generates with all of its PA pas and other toxins in it um will extend for

58:17

many miles in whatever direction the wind is blowing uh far beyond the five

58:23

mile distance or less than five mile distance of their rectangle that Republic Service is considered nearby Um

58:29

I think that's a a grievous error to only look within a rectangle drawn on a

58:34

map to to analyze the impacts of this dump Also the leech from the dump and

58:41

the trucking to the Corvalis um treatment center um also get into the

58:47

Wamut River because there's no effective way to get the toxins out of the out of it Trucking at toalis's treatment plant

58:54

isn't going to solve the problem um the once that that gets into the river it

59:00

impacts fish and all kinds of wildlife downstream uh so that nearby in this context should include the Wamtt River

59:06

everywhere downstream from the Corvallis treatment plant all the way to the Colombia and then and out to the oceans

59:12

because that's where the toxins from this dump will go also um I would uh in

59:18

my capacity as co-president of the Midwell and Bird Alliance um formerly

59:23

Ottabban Society of Corvallis I'd like to talk about the character of the area including its wildlife Not long after I

59:31

moved to this area in 1999 I went out to Coffen But to see the great blue heron rookery which was well known in the

59:37

birding community Sure enough it was an impressive site to see all those huge gangly birds nesting up in the trees

59:43

there The herand aren't there anymore They left in 2022 The Republic Services Wildlife person pointed out that bald

59:50

eagles were seen by the nest giving the impression that the herand were pushed out by the eagles But bald eagles have

59:56

always been present I saw them out there way back in the early 2000s when I went out there and the herand have coexisted

1:00:02

with them for decades The thing that did change in 2022 when the herand left was

1:00:07

that Republic Services started some operations nearby on the south side of Coffen but Road It's my understanding

1:00:14

that they weren't supposed to do that under their existing permit but but that's what happened Herand are

1:00:19

responsive to human disturbance and they soon left Per reports from Midwamm and Bird Alliance members the herand are

1:00:25

still in the area and would probably reoccupy their rrookery if the disturbance stops But that's but

1:00:31

stopping disturbance is exactly the opposite of what the proposed expansion would do Um for these reasons I urge you

1:00:38

to reject the application for expansion of the landfill Thank you

1:00:44

Mr is it Melinger melinger Melinger Uh you referred

1:00:49

to is it the Midwell Lammit Bird Alliance bird Alliance Uh you also

1:00:55

referred to their reporting of uh the herand leaving in 2022

1:01:02

me members of our alliance Have you included a reference to that in any

1:01:07

documents that you've have you submitted that testimony i have not yet Okay Um it's my understanding that I still can

1:01:14

Is that correct it is for Thank you I will do that if Thank you for your testimony All right Mr Melinger quick

1:01:22

question Uh uh there was a gentleman here I think it was on Tuesday that talked about uh the um the great blue

1:01:29

heron moving across the street um in your society that you you work

1:01:35

with Have you seen them i haven't seen them over there I've gone out to look for them I I heard that too I've gone

1:01:41

out to look for them I haven't seen them I have seen them flying around the area I haven't seen a rookery over there Um

1:01:47

I would believe that person because he's a really good burer Sure But uh but I I haven't personally seen them there Okay

1:01:52

Thank you Mr Melinger could you also comment on a rookery numbers of birds what might we experience in that space

1:01:58

and what's missing uh I don't Let's see I remember something like 20 to 30 nests

1:02:06

up in the trees Um that's a rough guess from just going off 20-year-old Is that

1:02:12

approximate definition of a rookery for those of us that aren't Yeah Great heron

1:02:17

rookeries range from like five to over a hundred nests Um up along the Colombia

1:02:23

they uh are they co-est with bald eagles nearby Um so the eagles really aren't

1:02:28

the problem here Uh but yeah the worker is just a collection of heron nests and

1:02:34

herand despite being waiting birds and you think of them as being in the water they actually nest way up in the trees

1:02:40

Thank you additional question Um thank you Mr Melinger Um the question I have is the

1:02:48

presentation when he had I think it was Miss Davis uh on on the opening night uh

1:02:53

talked about the eagles chasing away the the great blue herand and more or less

1:02:58

the the younger uh eagles basically messing with their nest Um you're saying they

1:03:05

they live together They um in rookeries up by the Columbia River they do nest

1:03:11

adjacent to each other Um and she pointed out that the the eagles were seen around the nest after the herand

1:03:17

had left Um and I don't know if how how the interaction happens It's um

1:03:23

plausible that a rookery with enough herand is completely capable of of keeping bald eagles away from their

1:03:28

nests if they're if they're nesting together in numbers Thank you

1:03:35

Thank you Mr Millinger Appreciate it Uh Ms Foster number 41 is up with Ms Vega

1:03:42

number 42 being next

1:03:58

So you may go at at at number 41 given that you have Miss Foster's time

1:04:09

Well um we're at 41 So if you're prepared why don't we go ahead and and

1:04:15

please let us know whose whose time you will be using

1:04:23

Do you happen to know Mr Fosters's number just so we can keep or or Miss Boulder do you have it

1:04:35

my name is Robert James Orton I live at 2435 Salem Avenue Southeast Albany

1:04:41

Oregon I'm a journeyman grade mechanic Previously employed at top and but up on

1:04:46

top as a mechanic As a mechanic I deal in logic and analytics That's how I think That's

1:04:54

how I operate every day I have an inside look at Republic Services One week after

1:05:01

presenting video to the Benton County commissioners of active methane leaks on

1:05:07

the working face where people work One week after that I was fired by local

1:05:13

management I had been working within the company through the company's aware line

1:05:19

because nothing no amount of asking these people for safety measures no

1:05:24

amount of asking these people to correct the wrongs that we're doing up there Let

1:05:30

me give you a quick example Pressure washing equipment off the liner down in the shop area that they're currently

1:05:35

dumping on Now they would not pressure wash the equipment up on top per company

1:05:41

policy They would bring the equipment down out of the trash dragging all of that down to the shop in an unlined area

1:05:48

They would have us pressure wash it there Pressure washing it on the top would create leche water that Republic

1:05:53

would have to pay to be treated But rather than that they contaminated a

1:05:58

whole area off liner knowingly However Knife River was not aware of this I

1:06:04

washed hundreds of thousands of gallons of leche runoff water run down the back

1:06:11

through the area at the swap Sweep all of the contaminants all of the hydraulic fluid all of the belly

1:06:18

pan material off the side down into Knife Rivers's area Knife River was collecting

1:06:24

that water in ponds sucking it out of the ponds into their truck and using it to wash the road This is no slide on

1:06:31

Knife River They had no idea that that was happening However local management was fully aware that that was happening

1:06:37

Not only was local management aware but through reaching out through the company's aware line I was put in touch

1:06:42

with Rebecca Grieving senior HR for field operations auspiciously so she could investigate the hostile work

1:06:49

environment the retaliation and the intimidation that I was suffering from bringing this up And not only me but

1:06:55

other people We were in the midst of unionizing at the time because of safety issues

1:07:01

However the hanging point on that was health insurance The company did not want us to have health insurance which

1:07:07

would have saved them 40,000 a year because then we would be able to go to the doctor and treat the illnesses and

1:07:12

whatnot associated with this Briefly on the fire Republic Services says they

1:07:17

have a 4,000galon fire truck at their disposal Certainly that fire truck will not pass

1:07:26

certification on any standard on any fire line but they have it

1:07:33

available Fires regularly happen up there at the dump Equipment catches on fire all the time Maintenance is not

1:07:39

happening by the operators Crash will pack up particularly in the D9 dozers along the right side where the turbo's

1:07:46

located It will pack up around the turbo and the exhaust lines there that will begin to smolder It is not uncommon to

1:07:53

come in in the morning and a piece of equipment to be discovered that it sat there and smoldered all

1:08:01

night until the morning and you have to re hose do all the soft parts on it None of these things are reported None of

1:08:08

these things are reported They aren't even noted in the maintenance record as equipment downtime or damage but the

1:08:15

records exist for the repairs Every month Republic Services would come through and inspect the shop on their

1:08:21

checklist Every month deficiency We had no handwashing station We had no

1:08:27

decontamination facilities That was quarter mile away Again reaching out to

1:08:34

Rebecca Grieving I sought relief This was someone outside This was the company

1:08:40

set up to address these issues Three and a half months of investigating this resulted in nothing except Rebecca

1:08:47

grieving sharing my concerns First when the case was assigned to her before she

1:08:52

even spoke with me she spoke to the managers who I had said were creating a

1:08:57

hostile work environment A bit about Republic Services character and also what you're not hearing And I will give

1:09:03

you uh two things that require no more than a 10-second sentence or two in their

1:09:09

rebuttal And this is what you don't hear Republic Services is moving their

1:09:14

tippers around to artificially enlarge the working face on top of the mountain The working face is exempt from methane

1:09:21

testing It is a to move those tippers Takes a lot of room a lot of space but that exempts a larger area

1:09:28

from the methane testing Now not too long ago operations manager Jeremy Stone

1:09:34

the crew was working late moving the tippers because the methane covering that up is the important issue and

1:09:40

Jeremy Stone via text message instructed the operators up on the hill to go ahead

1:09:46

and not tarp which is a daily requirement That is their operations manager Another one recently PRC the

1:09:54

mulch plant If you go by there you see large piles of material that isn't going anywhere since Scott Mills canled their

1:10:00

contract with Republic due to the material being contaminated with glass It's just sitting back there piling up

1:10:06

That's a fire waiting to happen But they do have access to that 4,000galon water

1:10:13

tank A piece of material fell and crushed the cabs on a piece of equipment

1:10:20

The operator terrified This is what we call in the industry is not a near miss

1:10:25

This is a near fatality The operator was concerned he was injured

1:10:30

The manager at PRC instructed the employee to pull down his pants and

1:10:35

expose the area where he thought he was

1:10:41

injured Employee did that under duress Under duress he did that And later in

1:10:47

the day he decided something you know might really be wrong Went up to that same manager said "I would like the number to call the the the nurse line so

1:10:56

I can get this address." The manager refused to give him the number because doing so would mean he had to write a

1:11:02

report Now January of last year in an email Brett Davis sent to me He stated

1:11:08

that all of the recommendations of the EPA per the discovery of methane leaks

1:11:15

had been addressed As we know from the EPA those things were never mentioned

1:11:22

Therefore they could not be addressed I would say that that constitutes a lie in this situation and as it overlaps with

1:11:29

this issue here I would say that that's impeachable his testimony regarding this issue very much Uh appreciate your your

1:11:37

your comments and uh they have been entered into the record Uh so we

1:11:43

appreciate your your time and and opportunity to hear you Outstanding I appreciate it Mr Orton I do have a

1:11:50

question clarifying question you referred to a number of um safety

1:11:55

violations I'll let me let me give you one right off I actually I'm not sure I can but I I can ask this I'm not sure

1:12:01

that you can extend your testimony Um unless I'm wrong That's correct Okay Uh

1:12:06

my question is uh you stated I believe that these safety issues have not been

1:12:12

they're not recorded not reported and I'm kind of paraphrasing that's how they avoid because that way when it happens

1:12:17

the first time and somebody is killed than it is quote unquote the first time there's no accident analysis there's no

1:12:24

what happened why it happened how would that there never has been in the last year that I worked there I believe what

1:12:30

three fatalities for public services and no one could give us an accident analysis what happened how it happened

1:12:37

why it happened when these things come up it's suddenly the first thing but they exist every day out there for the

1:12:43

people every day out there that methane extraction system which is broken and beyond repair which I am fully happy to

1:12:50

testify to and the reasons why it can't be repaired They don't have enough material to put on top to suppress the

1:12:57

methane What they are asking for is not a new dump They're asking for an open pit mine so they can generate their own

1:13:03

top cover material to cover the trash because currently they do not have enough cover material Knife River was

1:13:09

producing the material for them Mr Orton if I could go back to my question Thank

1:13:16

you Um I'm curious Are there OSHA violations or reports that would be recorded for some of the things that

1:13:22

you're talking about are there otherwise agencies yes ma'am And they were cited and violated for those However

1:13:30

timestamped geostamped videos audio recordings etc will demonstrate that

1:13:36

what was told to DEEQ by local management was not what

1:13:42

was happening So essentially Republic lied about the extent of what was going

1:13:47

on and how it happened and we knew when DEEQ was coming out two weeks beforehand

1:13:53

We knew when DEEQ was coming out and then suddenly local management would put the rush on Excuse me Excuse me Uh Chair

1:13:59

Fowler and uh could I ask the person testifying to please direct your comments to the planning commission okay

1:14:06

Not to members of the audience Thank you My apologies ma'am Thank you Can I just ask one one uh

1:14:15

sorry I had a question Um oh you mentioned three fatalities Is

1:14:21

that three fatalities at this location no ma'am This was companywide but per company policy there's supposed to be a

1:14:27

standown when there is a death there's supposed to be you know the accident was supposed to be analyzed material was

1:14:33

supposed to be produced and this was supposed to be disseminated via the operations officer who is uh um Jeremy

1:14:40

Stone Jeremy Stone is the operations manager at no point in time do they do this let me give you another example um

1:14:47

we need to uh my my apologies apolog I appreciate Appreciate it Uh

1:14:56

next is Ms Vega who I understand has seated her time to

1:15:04

uh number 60 Ms Harris And I believe Miss Harris is going to be offering her

1:15:11

comments online And could you begin Miss Harris by enumerating if there are other

1:15:16

people in addition to Miss Vega whose time you are uh using

1:15:24

60 Yes Good evening Chair Fowler And can you hear me yes we can

1:15:32

hear you So I am um I am Kate Harris

1:15:38

I'm Kate Harris number 60 I have been seated time Uh beginning with Rob Robin Vega number

1:15:45

42 Lillian Harris number 62 Marcus Harris number 61 and Elizabeth Pat number 73

1:15:58

As submitted to the um yeah as submitted to in the chat

1:16:03

appropriate time set up We're all set Thank you Please feel free

1:16:12

I'm sorry I think I missed

1:16:19

It's submitted in the chat If that's

1:16:28

easier Shall I begin or are we yes Are we set miss Miss Boulder Yeah She named

1:16:36

Marcus Harris and I had I didn't have him as

1:16:43

I put it into the chat and had a confirmation in the chat that he's going

1:16:48

to be going to bed before his time slot

1:17:00

We're good Is that a confirmed 15 minutes just so I don't Okay thank you Chair Fowler

1:17:08

members of the planning commission my name is Major Kate Harris a former Air Force evaluator pilot with a degree in

1:17:13

civil engineering a masters in public administration formerly on a hospital board of directors and most importantly

1:17:19

the mother to three young children who were present at your Tuesday hearing and I live at 37268 Moss Rock Drive Corvallis

1:17:27

I'm here today in strong opposition of the coffinbe landfill expansion and to demonstrate that any expansion will

1:17:32

impose an undue burden on services available to the area per benton county code

1:17:38

53.215 I will be discussing four topics The burden of truth spin doctors the

1:17:43

burden of safety and the people's burden You've already heard or read arguments discussing burden placed on

1:17:49

transportation the health and livability of the air and water sources usability of the area for recreation as well as

1:17:56

others Tonight I will be discussing the primary burden that the current expansion is placing on services available to the area namely the

1:18:02

requirement of thousands of citizen and county staff hours which have been dedicated to interpreting's application

1:18:09

to determine what is true what has been omitted and what is deceitful The complexity of this operation and

1:18:15

application have completely overwhelmed the capacity of Benton County's own staff Despite the very kind and

1:18:21

thoughtful members on staff technology and communication problems have been present throughout this process continuing even to several emails I

1:18:28

received coordinating this slot to speak It is no wonder that the county has not been able to enforce prior conditions of

1:18:34

approval if they can't even manage the technology and communication requirements it takes to consider such a

1:18:40

complex application for such complex operations Ingga Williams in her former role as county associate planner stated

1:18:47

in an email that she could not include coffin but landfill in the community wildfire protection plan because she did

1:18:53

not have the knowledge to do so Within the staff report for this application there are numerous cases where the staff

1:18:59

states it does not have the capacity to evaluate certain details and therefore can provide no additional comment on

1:19:05

that section Given this how can you expect the staff to have the capacity to ascertain what parts of the application

1:19:12

are accurate omitted or deceitful one example of the need to determine the truth is from the applicant's fire risk

1:19:19

assessment update from September 24 in the application page three In reference to the garbage and hydraulic lifter fire

1:19:25

on May 18th 2024 quote "A DARE fire was on standby at the site but not needed to

1:19:31

actively engage in the fire." End quote This is outright false as pictures from that event clearly show two simultaneous

1:19:38

water streams being applied to the tippers by a DARE volunteer firefighters These pictures have been available on

1:19:44

social media for nearly a year not hidden on somebody's phone Another example referencing the 1999 fire the

1:19:50

risk assessment states quote on-site staff was joined by the local fire department Adair Fire which assisted to

1:19:57

extinguish the fire after several hours End quote Whereas the Associated Press and personnel reports discuss this fire

1:20:04

burning for more than 24 hours Per Webster's dictionary referenced by Mr Kleinman several is defined as quote

1:20:12

more than two but fewer than many end quote In this case it is deceitful for the applicant to claim that the 1999

1:20:19

fire was quote extinguish extinguished after several hours end quote Approving

1:20:24

this application places an undue burden on the entire counting county until you the planning commission can ascertain

1:20:30

what components are accurate what have been omitted or are deceitful whether intentionally or not It is also

1:20:36

impossible to determine the level of undue burdens that will be imposed by the actual expansion if the application

1:20:42

does not include full truths If the truth of this application is in such question what are we left to believe

1:20:48

about the reports of the ongoing operations of this landfill as Republic's supposedly most profitable

1:20:53

landfill in just one area of operations methane leaks we are still waiting to see what the EPA has to say on the

1:21:00

reliability of Republic's self-reported information Which brings me to spin doctors I would like to introduce you to

1:21:06

two people from Republic Services Key players on their team Ginger Richardson sometimes appearing as Ginger Ruff and

1:21:13

Russ Knock They're on a special team at Republic Services information control

1:21:18

The common term is spin doctors Commissioner Bisco may remember them from Trash Talks work group Ginger

1:21:24

Richardson participated throughout BCTT and Russ appeared from time to to time Commissioners we will introduce into

1:21:31

evidence at least one document from that time showing the spin doctors at work What happened was a member of the

1:21:36

subcommittee studying landfill life proposed the subcommittee's report should include a section on the dump

1:21:41

close closing early because of environmental violations The scenario he imagined had to do with excessive

1:21:48

methane emissions Our evidence shows that Ginger Richardson urged BCTT facilitator to strike all evidence of

1:21:54

that idea from the BCTT record to make it appear as it had never been said We

1:22:00

did not know at the time that the EPA had already begun its investigation of coffin landfill for excessive methane

1:22:06

emissions Republic successfully hid that event from everyone for over a year until reporter Tracy Lo broke the story

1:22:12

in the Salem Statesman Journal in the fall of 2023 She found out by using the Freedom of Information Act We will enter all of

1:22:19

Tracy Loe's reporting into the record You may note that Ginger Richardson's name appears here and there in

1:22:25

Republic's application You may not realize that her presence shows itself nearly everywhere in Republic's communications We will introduce

1:22:31

evidence detailing how the company's communications have been crafted to spin the facts and obscure the truth I think

1:22:37

that evidence will go on and on but we urge you to read it all Tonight my time is limited so I'll point out two

1:22:42

examples First this statement from the application that the dump has quote three times the industry standard end

1:22:48

quote of wells extracting landfill gas This is brought forward as a proud achievement Commissioners it is anything

1:22:54

but Here's how the regulatory system works If a landfill finds a methane leak the operators have 10 days to remediate

1:23:01

that leak That is they try to fix it and test again in 10 days If they have not

1:23:06

fixed it the operators have 30 days to fix it So they test again in 30 days to see if it is still leaking If it is if

1:23:13

the operators fail to control the leak the regulations require them to drill a new well right there to try to at least

1:23:19

reduce the pressure on that unmitigated leak Once you know that then the 30 plus gas wells at Coffen Landfill are an

1:23:26

unmistakable sign of widespread failure of the dump's gas collection system to stop uncontrolled emissions of landfill

1:23:31

gas And the millions of dollars spent drilling all of those wells is put into proper regulatory context We will

1:23:38

introduce into evidence a detailed breakdown of that failure My second example is how the life of the landfill

1:23:44

is portray portrayed throughout Republic's communications Simply put it's portrayed as if the dump will run

1:23:49

out of speed until it's full Run at full speed until it's full as though annual intake volume is a set number out of

1:23:55

anyone's control Commissioners the annual intake volume is not a set number It's a dynamic number set entirely by

1:24:01

Republic The truth is Benton County residents the life of disposal service is through the year 2040 That is we have

1:24:08

guaranteed service for 15 more years That's ironclad It's in the franchise agreement And that number has nothing to

1:24:14

do actually with the dump If the dump closes tomorrow the life of disposal service for Benton County residents is

1:24:19

through the year 2040 You can see how it benefits Republic Services to spin the life of the landfill This way it's so

1:24:26

they can constantly raise the spectre of the dump filling up and Benton County suddenly having no place to put its

1:24:31

garbage Republic has been relentless on this spin and largely successful at duping the public into thinking there's

1:24:36

a crisis of capacity looming will introduce evidence of this spin throughout time The truth is Benton

1:24:42

County government has done its job and Benton County residents are legally protected Republic is really worried

1:24:49

about two issues with the dump expansion in particular The pollutants methane and arsenic As you review the letters

1:24:54

submitted in Republic's burden of proof the half legal half technical one about methane emissions on page 119 and the

1:25:00

definitely technical one about arsenic on page 121 Please know that they are not signed by engineers or technical

1:25:05

people They are cited by Ginger Richardson So commissioners when looking

1:25:11

at the materials your public provides to you especially their upcoming rebuttal to public testimony please keep in mind

1:25:17

who is writing them My third topic tonight is the burden of safety As a former combat

1:25:22

instructor and evaluator pilot in the Air Force safety is an absolute priority We would cancel combat sorties and

1:25:28

presidential coverage missions if pre-flight mechanical or personnel safety issues arose Safety is no joking

1:25:34

matter We worked incredibly hard to build and promote an overarching culture of safety in which all ranks were taught

1:25:40

and encouraged to speak up and report any cons safety concerns that they saw regardless of mission status both in the

1:25:46

plane and in everyday work The goal of this was to encourage all of our decisions to be viewed through a safety

1:25:51

mindset with a very real outcome of preventing airplane crashes It was also to normalize reporting of systemic

1:25:58

issues so that we could discuss and remedy them before they led to catastrophic failures This safety

1:26:03

mindset is also applied in hospital systems Our local hospital system believes so strongly in safety mindset

1:26:08

culture that they host daily safety huddles as well as begin formal meetings with a safety moment to discuss

1:26:14

something that occurred or nearly occurred to allow everyone to learn from the situation in hopes of preventing future harm To facilitate this they

1:26:21

recently brought in a safety officer to lead this through the system The

1:26:26

hospital has based their safety culture on best practices from other high-risk industries most notably aviation

1:26:31

submarines and nuclear reactors In such a high-risk operation as landfilling at coffin but with far-reaching

1:26:37

consequences particularly one which in which one contains nuclear waste

1:26:43

disposes of leech in a drinking water resource and covers nearby communities and unknown gas I would expect nothing

1:26:48

less than ensuring they operate with a comprehensive safety mindset All of these side effects cause undue burdens

1:26:55

on the local services and community and I will propose that their lack of operating with a safety mindset poses

1:27:00

additional undue burdens on local facilities and services In Republic's coffin but landfill operating procedures

1:27:06

dated April 2013 which is quoted verbatim in appendix 20 to this application fire risk assessment Step

1:27:13

five of section 8.1 states in case of a fire the DEEQ is notified of the event

1:27:20

And section 8.2 Two states quote "Emergencies regarding fire or leech aid excursions are reported to the DEEQ."

1:27:26

End quote From a public's coffin but safety web page quote safety is our t priority

1:27:34

and a core value of public services and it is tied to another core value to be human- centered End quote If our public

1:27:41

operated in a safety mindset manner they would be more than happy to submit all of the documentation of all fires and

1:27:46

leech excursions reported as required to deeq Yet when I presented fire safety

1:27:52

questions to DESAC last September Brett Davis could not tell DESAC how many fires they had had recently nor did he

1:27:58

offer to simply collect all of the DEEQ notifications that are submitted per their operations plan And has there been

1:28:05

any follow-up about the most recent Lee excursion as queried by Joel Guyire like Meyer to the DEEQ over the past few

1:28:11

months it's astonishing to me that we have not seen ev any evidence of postevent reports or afteraction reports

1:28:18

from Republic detailing each and every fire they have what the cause was how it was handled and how future fires might

1:28:24

be prevented Afteraction reports or the like are standard practice in high-risk industries that do indeed

1:28:30

operate with safety in mind Without documentation showing an accurate history of the safety events that have

1:28:36

occurred at coffin but and the actions taken by republic to minimize their future occurrences the planning

1:28:41

commission cannot accurately know or determine the extent of undue burden that are placed on local facilities and

1:28:48

services by this operation or by any expansion In addition to these three academic points I must also include

1:28:54

discussion of the people's burden I along with so many of my neighbors have spent countless hours over the past four

1:29:00

years highlighting the local burdens imposed by this monstrous operation We have ignored our families as tonight

1:29:07

gotten kids to bed too late as of Tuesday missed work neglected growing potholes and exploding poison oak groves

1:29:14

to focus on not allowing this community burden to grow any larger Aaron Brockovich did not become famous because

1:29:20

her fight was shortened or easy We would all prefer to get back to tackling our plumes of poison oak and backbreaking

1:29:25

pothole filling than drag this on Capture in more national attention or become Brachovich or Flint Michigan

1:29:32

2.0 My final final point of the evening My 11-year-old son and nine-year-old daughter were brave enough to speak to

1:29:38

the State of Oregon House Committee on Climate Energy and Environment last week requesting additional comprehensive

1:29:44

methane monitoring for Oregon landfills to help ensure safe air where they live and go to school adding burden to them

1:29:50

missing more school They both hoped to speak tonight but seated their time to me since they will likely need to be

1:29:56

asleep before their slot time and we are not allowed to swap their time to earlier They were going to speak about

1:30:01

the burden on their grandparents who purchased a home in Adair Village in 1974 sold that house and bought a house

1:30:07

on Tampico in 1995 on the south side of the ridge that the expansion is proposed

1:30:13

for And they their house utilizes a groundwater well Based on the 1977 solid

1:30:19

waste management plan the county expected the landfill to close in 2000 This was confirmed yet again in 1983 and

1:30:25

1994 giving my in-laws expectations that their property purchased closer to Coffen would be a safe financial and

1:30:31

health decision This expansion if approved would bring the landfill closer to their property where they live with

1:30:37

my children's young cousins and closer to the house where my three young children are growing up seriously

1:30:42

interfering with the health and safety of all of our family's local property That wish we all wish that wish which we

1:30:49

all wish to leave to these future generations If this landfill continues to expand and operate in an unsafe

1:30:55

manner our families must make hard decisions if we intend to stay in our homes or move to seek healthier

1:31:00

locations Please consider the content of this application carefully and deny it until and unless you can verify its

1:31:07

truth and completeness as you evaluate future burdens Thank you for your time tonight

1:31:13

Any question miss Harris I have just a reference question you referred to two pages early

1:31:21

in your testimony Um I'm looking at my notes moment here

1:31:29

Uh worried about two issues as reviewed in Republic Services burden of proof document page X and page 21 Any chance

1:31:35

that you can refer back to that it's early in your testimony signed not by tech experts but by Ginger I think you

1:31:41

said Richardson I believe pages 119 and 121

1:31:48

Very glad I asked Thank you And then just for clarification have you submitted your testimony that you were

1:31:54

reading from this evening for the record that we can review in writing

1:31:59

i have not and I will submit it Thank you Miss Harris

1:32:06

Thank you very much Miss Harris Uh Miss Flet number 44 is next

1:32:13

with Ms Iller on it

1:32:26

Pam Castle's here to help me end it Okay And we're going to do our best to stay

1:32:31

on time there Okay This is the beginning of my uh Thank you for allowing me to the

1:32:37

opportunity to talk My name is Marcy Flet I live at

1:32:43

146 14605 Court Valis Road which is directly east and 30 degrees north of

1:32:49

Coffen Um and I believe my personal testimony uh should weigh in as a

1:32:55

property adjacent because by DEEQ's term I believe it is function of facility my

1:33:03

property is directly affected by the uh Cen View landfill My parents bought the

1:33:09

land in 1934 My family's been here ever since that time So the reason I'm here

1:33:15

is not because I really wanted to be Um I found a paper in my grandma's stuff

1:33:21

that was uh it's it was a flyer handed out at one of the town halls of

1:33:28

197374 or possibly 76 At that time the um there were uh commitments made to the

1:33:35

community There was a promise made So my purpose was to come here and give

1:33:44

sorry thank you was to give my personal testimony but in watching and observing

1:33:50

what's going on here it's become apparent to me that things are being mis misrepresented and so

I'd like to make

1:33:56

some clarification on those misrepresentations First one being that coffin but is a active landfill

um the

1:34:05

and that decisions are being made in a rash way The decision um carbon but is

1:34:12

not an active landfill It is a landfill that is due to be capped at which time

1:34:18

it has been committed to the community that the capping of the landfill would result

1:34:24

in an environment that was that's conducive to wildlife to recreation

1:34:31

picnics all that kind of stuff Um there are many uh so this is it's not

1:34:38

a rash decision If coffin but wasn't going to be a capp landfill it would not

1:34:43

be in existence today because the 2-year study made by the Schmechada regional

1:34:51

group for oral regional group for solid waste management their two-year study

1:34:58

concluded that with the expert of that time that coffin but no it was not

1:35:03

coffin but there were more multiple sites in the area that were going to selected for the landfill

Um one of

1:35:11

those sites was at the end of uh Independence Monmouth Highway and where it connects with Highway 20 If the

1:35:19

wisdom of the people of the community was not peered to or paid attention to

1:35:25

the landfill would be right there And I'm sure many of you have seen the floods Oh my goodness my time's up But

1:35:32

so in my written testimony will include that the ponds are not there to stop the leate from going to the river The the

1:35:40

wells do not do not tell you that they're going above and beyond the

1:35:45

call of deity It is evidence that there should never be a landfill in the Lamat Valley especially in the coffin area

1:35:52

geological testimony did not did not address the possibility of

1:35:58

liquefaction in this area as can happen and has happened in Salem with

1:36:04

just a 5 point I can't quote that the size of that one the it did not address

1:36:11

wildlife their wildlife testimony did not address the fact that the hunters here um refer to wildlife as or the deer

1:36:19

as the dump deer because they have spots on their livers That is evidence The

1:36:25

landfield liners are not safe because the only reason they're used in

1:36:30

in the industry as it was stated by Republic Services they are made with

1:36:38

plastic The only reason they're they use them is because landfills are assumed to

1:36:43

become stable In our environment our landfill will not become stable That is my opinion I welcome any study And um so

1:36:53

yes Miss Miss that sorry that the time has expired but I'll remind you and and

1:36:59

all of uh all folks that the written record remains open Yes And so if you

1:37:05

would like to submit your comments in a written form we'll have full full comments So you and it will Yes Sorry It

1:37:13

will also include um information as to the other landfills

1:37:20

that have failed to be successful Shall we shall we say and um she would have

1:37:26

told you that my uh testimony ended with my grandma died of cancer

1:37:32

Very very sorry to to hear that but appreciate your your testimony

1:37:41

I think we should take a 10-minute break Um and so we will reconvene at

1:37:50

7:50 and the next person will be Ms Ikler number 45 with Mr Schiffer number

1:37:57

46 on deck Reconvene at 7:50

1:38:03

It is so we'd like to resume if we can have

1:38:08

everyone take their seats And uh let's see I believe we are at Mr Schiffer

1:38:17

number 46 but we were unsure whether Mr

1:38:22

Schiffer has checked in Chair did we do 45 already i was told

1:38:30

that uh Ms Iller has um for some reason I've checked her off

1:38:36

and I can't now remember why but I'm confident that it was checked off for a good

1:38:41

reason And I do not see Mr Schiffer at this point So we'll move on to Ms Higgby

1:38:48

number 47 with Ms Pop on deck

1:39:05

Um hello Can you hear me we We can hear you Yes

1:39:11

Great Um let me turn on my to

1:39:18

my video Huh I guess it's disabled My video is disabled

1:39:26

her time

1:39:31

towending or yeah sorry is her Um yes Gwendalin number 76 is seated her

1:39:40

time Thank you So uh looks like we've adjusted your time and uh if our

1:39:49

experience from last uh evening is correct Your video will pop on in a in a

1:39:56

moment Uh and so feel free to to begin The floor is yours All right Thank you

1:40:02

Chair Feller and members of the um committee Um my name is Deborah and

1:40:09

thank you so much for this opportunity I represent the Oregon chapter Sierra Club 1821
Southeast Ankeny Street Portland

1:40:17

and our 56,000 statewide members and supporters We recommend that the Benton

1:40:23

County deny Republic Services application for a conditional use

1:40:29

permit Um there I am Um sorry

1:40:39

um to expand coffin but be landfill We are concerned about the expansion for many reasons but
we'll focus on two

1:40:45

climate change and alternatives to waste creation Recent reports of largecale

1:40:51

methane leads at coffin but are of great concern because methane is 80 times more potent than
carbon dioxide And this

1:40:58

leakage has led to 2024 and 20 2022 and 2024 inspections and recent legal action

1:41:05

by the EPA as well as inquiries by Oregon DQu DEEQ Um carbon mapper has a

1:41:12

has produced images of huge methane gas plumes leaking from coffin but into the

1:41:18

surrounding region Climate change is a threat multiplier that worsens every

1:41:24

challenging issue like fires The landfills emissions of methane and the

1:41:29

ensuing climate related temperature rise are likely to lead to a significant increase in fires This
will lead to

1:41:36

increased fire hazards and suppression costs and increased fire risk to people Floods fires storms
food shortages and

1:41:44

other unnatural disasters are becoming more frequent and more extreme We must

1:41:49

do everything we can to ensure a safe livable climate for future generations Um landfilling is the result of a linear

1:41:57

economy that takes resources uses them and disposes of them Instead of instead

1:42:03

of this throwaway um ethic we need a circular economy that treats waste as a

1:42:08

resource If you allow coffin but to expand you'll be continuing our throwaway society characterized by

1:42:15

overconsumption and the rapid discarding of goods which presents significant

1:42:20

environmental economic and social problems It leads to resource depletion waste overload and increased pollution

1:42:27

impacting ecosystems public health and the overall quality of life Other Oregon counties have have proactive plans to

1:42:35

move towards a circular economy In Yamhill County citizens successfully oppose the expansion of their regional

1:42:42

landfill and are actively taking steps to meet their zerowaste goal For 10

1:42:47

years zero waste McMinnville has worked on alternatives to waste creation In

1:42:52

addition Lane County is working toward building an integrated reuse and recycling facility Metro Portland

1:42:59

decided years ago to cut back on waste One example is they instituted a food waste ban to turn food waste into a

1:43:06

resource Benton County might consider doing what these counties are doing and make meaningful steps towards a circular

1:43:13

economy The first step is to deny the expansion of the landfill If the

1:43:18

landfill is denied expansion zerowaste initiatives might be taken more seriously like sending food waste to the

1:43:24

Pacific Regional Compost Center that's across the street from Coffen but instead of sending it to the landfill in

1:43:31

Corvalis the youth climate action now group worked on advocating for a food waste ordinance from 2019 to 2024 in

1:43:39

Corvalis I was one of the lead organizers We lobby the Benton County solid waste advisory committee council

1:43:47

um the Corvalis city council and the climate action advisory board The food waste initiative was never adopted

1:43:54

Corvalis has a voluntary food waste program that has been in place for 12 plus years Yet they still must they send

1:44:02

most of their food waste to the landfill If the expansion is denied and a circular economy is taken seriously we

1:44:10

might start seeing waste like food waste as a resource Um for this and many other

1:44:16

reasons we urge you to deny Republic services application for a conditional use permit to expand the coffin

1:44:23

landfield Thank you very much Thank you

1:44:30

Thank you very much Miss Henley Appreciate it Moving now then to Miss

1:44:36

Todd number 48 and Mr Booker number 50 is on deck

1:44:49

My name is Marge Pop and I live at 14335 Southwest Bernie Drive in Corvalis

1:44:57

I want to address three common but misleading arguments presented in favor

1:45:02

of landfill expansion First proponents highlight the costs and environmental impact of long-d

1:45:10

distance waste transport by trucks While it's true that trucking waste over

1:45:16

long distances is costly and environmentally damaging it's also a

1:45:21

profitable practice for waste companies Th this is why the superior alternative

1:45:27

of rail transport is often overlooked Rail is significantly more fuel

1:45:33

efficient than trucks three to four times so with studies indicating a 75%

1:45:40

reduction in emissions Furthermore it is cost effective and Corvallis already has a rail connection

1:45:48

to the Columbia Ridge landfill in eastern Oregon which is owned by Waste

1:45:53

Management um which is a factor here Seattle a a leader in waste management

1:46:00

currently ships its waste 257 miles by rail to a Colombia Ridge and that's

1:46:08

further than the distance to Corvalis Second not all landfills are equal As

1:46:16

we've talked about earlier the environmental impact of a landfill is significantly influenced by

1:46:23

its location Coffin But's location worsens its impact due to local weather

1:46:30

and geology In contrast landfills in drier eastern Oregon typically produce

1:46:36

less leachate and methane Perhaps most significantly they manage leachate on site

1:46:43

while Coffin But discharges 40 million gallons annually most of it into our

1:46:50

river Finally the accusation of nihilism directed at those opposing expansion is

1:46:57

a mischaracterization I live in southwest Corvalis and I'm not directly affected by the immediate odor

1:47:06

noise or traffic of the landfill My opposition stems from deeply held values

1:47:13

and concerns for our planet Because of the unsuitable location and the

1:47:18

operator's lack of management practices this landfill disproportionately impacts planetary

1:47:25

health This expansion is not merely a local concern It infects it affects the

1:47:31

our entire county and the global environment This is a moral imperative

1:47:37

not just an economic consideration We are stewards of this land and it is our

1:47:43

duty to protect our community for ourselves our neighbors and future

1:47:48

generations not maximize profits for a private waste company Do the right thing

1:47:55

Protect our values Protect our environment Protect Benton County Deny

1:48:00

the Coffin landfill expansion Thank you

1:48:05

I'd like to ask a question a clarifying question You said there's already a rail connection between Corvalis and Coffin

1:48:13

but Colombia Could you Okay So what I said was that there's a railroad connection between Corvalis and Colombia

1:48:21

Ridge And um that's just standard railroad transport You can look at the

1:48:26

DOT map railroad railroads in Oregon and see that Thank you Yeah Okay Thank you

1:48:33

very much Miss Poppin Mr Booker number 50 And then Mr

1:48:39

Warbertton number

1:48:47

53 We have confirmation from Mr Booker they're not online

1:49:01

Oh thank you for that

1:49:07

clarification Do not see Mr Booker currently So we'll move to Ms Witcom

1:49:12

number 54

1:49:25

I'm doing this OG

1:49:35

style Oh it is gonna slip off Oh no No It's

1:49:43

okay All right Um is it go time

1:49:49

all right Um my name is Nancy Wickham I am a retired architect and I was a planning commissioner for a

1:49:57

decade The applicants consultant studies are based on current

1:50:03

impacts but projected impacts will increase by

1:50:08

120% 135% and 168% of current impacts

1:50:16

So in my opinion the consultants studies produced by the applicant are

1:50:23

flawed But even if you accept the applicant's hypothesis and constrain definition of adjacent impacts there are

1:50:30

four sets of properties where impacts will be significantly adverse from the

1:50:36

point of view of developing parcels as the zoning allows These are those four parcels I

1:50:42

believe they're all in the adjacency that was submitted with the

1:50:49

application This is going to the first parcels are

1:50:56

north that would have the land that would have the landfill in their viewshed which would constrain even

1:51:02

design decisions like window placement or ADU sighting

1:51:08

They as you can see here um these charles their view is only

1:51:14

screened by trees that are on their own

1:51:22

properties Oh and those are uh 35 parcels Then there are parcels on South

1:51:29

Tampa The 1994 expansion was denied after a home buyer learned of the

1:51:35

expansion and backed out of the sale of a house that he was purporting to buy

1:51:41

There are 45 parcels in this area that might all be affected by this

1:51:49

I think it's can be agreed that if you can't sell your house that's a significantly adverse impact And that

1:51:57

has already happened in 1994

1:52:05

Then there are 230 acres of currently undeveloped RR10 parcels in four parcels at the top

1:52:13

of Tempico Ridge Um I believe that those that the

1:52:19

development potential of those parcels uh would be extremely difficult urging

1:52:26

on impossible if this expansion so-called new new landfill is approved

1:52:32

and that will be 23 potential new home sites

1:52:44

There are the four fourth conservation parcels to the west of the 59 acre parcel and the one 83.7 acre parcels to

1:52:52

the south of the 59 acre parcel Um I believe that development of those parcels would be impossible if this is

1:52:59

approved Um because they faced 150 foot tall wall of garbage on

1:53:07

their property month and we are land use planners but

1:53:13

our plans are out of date But we have 12 years to update the comp plan the solid

1:53:19

waste management plan and chapter 77 Republic expands landfills That's what

1:53:25

they do And I'm sure they have a contingency plan in place if you deny this application I believe the

1:53:32

contingency will involve reducing volume in inputs by increasing tipping fees

1:53:38

which may actually result in a winwin for Benton County of lower volumes and

1:53:43

longer existing landfill life if this application is denied Thank you

1:53:50

Just a quick question Thank you for your testimony Are you submitting those posters to the public record um I have I

1:53:57

have gotten special permission to submit these after I go home and change the

1:54:03

font Great Thank you

1:54:08

Thank you Miss Whitam Um Mr

1:54:14

Netfield number 55 with um uh Mr Ms Bradley number 57

1:54:23

next Hello my name is Paul Nefeld I live at

1:54:30

37049 Moss Rock Drive I'm a retired engineer and was a member of the A1 subcommittee of the BCTT work group

1:54:36

which addressed landfill size capacity and longevity I'd like to discuss two

1:54:42

facts that may be helpful as background and context for your decision on this application Fact number one expansion of

1:54:49

the coffin but landfill is already underway This image is from page three

1:54:54

of the applicant's presentation of May 1st Note the detailed definition of the

1:55:00

various landfill cells in the existing landfill area but no indication of the new current cell cell this large blue

1:55:08

area Here is the location of cell six It's

1:55:14

identified in the drawing as Tory It actually is the site of cell six the largest cell to date by far in this

1:55:19

landfill at approximately 14 million cubic yards more than 50% the size of

1:55:25

all waste imp placed in this landfill since its inception approximately 80 years The filling of cell 6 began this

1:55:33

year with no evident permit no site plan review no review or decision by this

1:55:38

planning commission and no conditions This is the landfill expansion that is already underway
Specifically relevant

1:55:46

to this application the structure of cell 6 is very similar to the proposed

1:55:51

expansion cell on parcel 1107 A cavity excavated into the hillside basalt

1:55:58

hillside with a sharp steep exposed face and incursion below ground level

1:56:03

reaching into or near the water table This structure creates significant concerns about the
potential for

1:56:10

groundwater contamination I believe there's high risk in proceeding with LU24027 expansion in
parallel with cell

1:56:17

6 before the cell 6 harms and burdens are known

1:56:26

Number two that I think everybody here understands but I'd like to give some background A vote
to approve this CUP is

1:56:33

a vote to remove the intake cap To help understand why this is a concern here is a plot of the
landfill intake volume

1:56:39

over the past 32 years The red line up here represents the intake cap defined

1:56:44

in section 5B of the 2020 landfill franchise agreement which has been entered into evidence The
dramatic

1:56:51

increase in intake volume in year

1:56:56

2017 corresponds to the diversion of waste from the riverbend landfill to coffin but the 2017
intake jumper

1:57:03

represented a 20 I'm sorry a 70% year-over-year increase that

1:57:09

demonstrates the ramp up capability of this landfill operation from 2017 to the present It is clear
there's high demand

1:57:16

the landfill volume but per the operator's reported figure so far it appears that the contractual
intake cap

1:57:22

appears to be honored The recent closure of the reworld facility however will

1:57:27

likely add to this demand and the applicant's own drawing set submitted as part of this
application appears to

1:57:33

state an expected intake of roughly 1.28 to 1.5 million times per year No intake

1:57:39

limit means no limit on harms and burdens because of this application should be denied Thank you

1:57:46

Mr Needfeld I have a a question please Uh you referenced cell six Um concerns

1:57:53

about I think you said no apparent permits no site plan review and the landfill expansions already underway I

1:57:59

wonder if you could comment on the no apparent permit part of your statement and the no site plan

1:58:05

review for those that may not understand what a site plan review is Um this was a

1:58:11

a highly discussed highly debated topic in BCTT Um the the landfill operator

1:58:18

understandably took the position that because a a broad swath of land had been

1:58:23

approved as a landfill site zone um that individual cells I'm sorry individual

1:58:30

cells were permitted and um I as as I understand it Benton County has

1:58:37

essentially acquiesced to that point of view because the beginning of cell six is already underway

The filling of cell

1:58:44

six is already underway Um to the best of my knowledge and we ask about this in BT BCTT We asked the county to produce

1:58:52

the permit for that that expansion part of the landfill and no permit was found

1:58:59

Um I see no record of it ever coming before the planning commission I see no

1:59:04

site review record in in the history of Benton County uh re as far as the

1:59:09

landfill goes And so this was as far as I can tell essentially an unsupervised

1:59:16

extension of the landfill

1:59:22

Uh clarity on that site plan review Is that what you said site

1:59:27

plan Yeah What is that that is an annual review which is expected to be taking

1:59:33

place for for landfill site operations And the review is done by

1:59:41

um I do not know the details but I what I can do to clarify that is it enter

1:59:48

into the record the piece of Benton County code that specifies that if that would if that would be helpful Thank you

1:59:57

Thank you very much Uh Miss Bradley number 57

2:00:05

uh with Miss Luen Wenza number 58 on deck

2:00:14

Thank you for this opportunity My name is Aaron Bradley I've lived at 38578

2:00:19

Highway 99W Corvallis since uh 2005 We border the

2:00:25

proposed expansion on two borders which backs up to Republic's forest land We are just south of the coffin but road on

2:00:31

highway 99W east of Tampico Ridge Real close neighbors The map in the

2:00:38

application paints an inaccurate picture We bordered the forest land to the north not a 10acre lot

2:00:45

In the last 5 years there's been a huge difference in the amount of Republic's noise odor operation outside of business

2:00:52

hours and pollution July 24th 2024 at a

2:00:57

10:05 p.m we had trash rain down on us plastic bags and other

2:01:02

debris Later that evening 7:51 p.m we heard the Adair V Village village siren

2:01:09

and watched the fire trucks pass by I turned on the public scanner and the fire department mentioned they could not

2:01:14

get the locked gate open This delayed their response to the fire The fire

2:01:20

location was right next to the burnoff stack and right next to the propane tanks Republic's unmaintained forest or

2:01:28

landfill could have caught fire My family almost had to evacuate

2:01:33

with 11 head of livestock with no notice Our livestock serves many groups and

2:01:39

volunteers in Lynn Lane and Benton County OSU volunteer groups include the

2:01:45

preveterary medicine club D Club Stockhorse Club and the Hunter Jumper team members Other groups we serve are

2:01:53

Benco home life parks and wreck youth volunteer corpse foster children and

2:01:59

disabled adults and children with a wide range of diagnoses The metallic pounding the backup beepers

2:02:07

the horns have all been a great distraction Trees that were meant to bump for sound no longer are

2:02:13

adequate It has been a big interruption and a trigger for some My children are involved in three

2:02:20

livestock clubs in 4: Cattle horse and goats We host two

2:02:25

prefair practices yearly My daughter has to walk the pastures

2:02:31

multiple times daily to look for plastic bags and debris Her calf or our livestock could ingest I have seen trash

2:02:38

out of her public trucks fly for on 99 and into our pasture This can be fatal

2:02:44

to livestock The proposed ext expansion could cause additional stress and health

2:02:50

issues which could result in death of our animals The landfill has already affected the

2:02:57

enjoyment and use of our land If a land use application is approved this would

2:03:02

make our land unusable possibly have our wells affected which would not allow us to

2:03:08

keep livestock and we would not be able to find a replacement due to the loss of

2:03:15

land value I testify on behalf of my family and those who might normally not have a

2:03:21

voice in Benton County Thank you

2:03:27

clarification Could you again the date July 24 I think you said Yes That for

2:03:32

both the fire and the trash and 2024 Yes Thank you

2:03:38

Thank you Miss Bradley Ms La Wenza number 58 with uh Mr

2:03:47

Kanaga number 63 on deck

2:04:02

Dear commissioners I live at 1415 Northwest Greenwood Place about 8 miles

2:04:08

from the landfill I oppose the landfills expansion Clean air and water of

2:04:14

precious vital resources for all of us in this community Feeling of safety and

2:04:20

comfort on our roads is also a precious resource The landfill expansion if

2:04:25

approved weighs on these common resources to a great extent and over an extended period of time affecting future

2:04:34

generations This post-war landfill is in a very wet part of a wet valley A dare

2:04:40

village gets 51 in of rain on average per year In Arlington the average annual

2:04:45

rainfall is about 8.85 85 in There's a strong link between wet conditions and

2:04:51

methane production in landfills Every drop of water that splashes on an open landfill cell will slowly trickle

2:04:58

through the trash forming into a concentrated liquid waste known as leeching Moisture encourages bacterial

2:05:06

decomposition in the that's the primary process for methane generation and billowing tarps Tears and odors indicate

2:05:14

the release of methane and landfill gases which contain also PAS Researchers have detected

2:05:21

unexpectedly high levels of PAS in landfill gas adding to a growing body of

2:05:27

evidence on how forever chemicals leave waste sites According to an EPA study PAS

2:05:36

could be escaping landfills via gas at concentrations similar to if not higher than liquid leech The coffin view owners

2:05:44

and operators have not been good stewards in our county and have not been good partners There are many incidences

2:05:50

of rulebreaking and mishandling of the great confidence placed in them Coffen

2:05:56

but is not a resource to us as one proponent stated Rather it's a

2:06:02

gigantic liability and a source of real health and environmental problems and concerns The odor and noise are just the

2:06:09

tip of the iceberg In my backyard about 8 miles from the landfill my grandchildren and I can smell the

2:06:14

accurate pungent odor there on some days often those days are humans in my

2:06:20

recollection The landfill expansion would further impinge upon our right to the precious natural resources of clean

2:06:27

air and water There are unknown consequences to all of us of leech that percolates into groundwater and find its

2:06:34

way into the Wamtt River as dilute lee or bursts into the atmosphere along with

2:06:40

landfill gases Those pas or forever chemicals are percolating into our lungs

2:06:46

our land and our natural environments Please oppose this expansion Thank you

2:06:53

for your diligence Thank you very much Miss

2:06:59

Lorenza Uh Mr Kanaga I'm I'm sure I am mispronouncing that name and my

2:07:05

apologies Kanega and Mr Haldorf number 60 or Ms

2:07:11

Holdddorf number 64 Next I have time

2:07:16

seated number 66 Drager number

2:07:22

71 number 62 Thank

2:07:36

you My name is Kevin Kanega 37461 Soap Creek Road North Benton County Good

2:07:44

evening Chair Fowler and members of the committee I thank you for your volunteer

2:07:50

service I oppose

2:07:57

LU24-027 referencing Benton County code 53.205 and

2:08:05

53.215 due to the increasing changes to the character of the area and the

2:08:11

increasing undue burden placed on Benton County and planet Earth largely due to Republic Services

2:08:20

mismanagement I planned to give you handouts but I was told that I could not

2:08:25

Deck one images shows the landfill exposed area for seven days that

2:08:32

satellite data are available for the last five years So of seven images

2:08:38

Republic Services were out of was out of compliance on six of the days

2:08:44

available for an 86% non-compliance

2:08:49

rate by exceeding the agreed upon exposed area Republic services can take

2:08:55

in more trash because they have a larger working area for tippers and trucks to dump trash This larger exposed area

2:09:04

releases more methane odors and toxins into our

2:09:09

environment Methane oxidation in landfills is a natural process where

2:09:14

methane gas a byproduct of decomposition is converted into carbon

2:09:20

dioxide in water by bacteria within landfill cover soil That is if soil is

2:09:28

used as a daily cover Federal rules require six inches

2:09:35

of soil as daily cover But Oregon DEEQ has issued Republic Services an

2:09:40

alternative daily cover permit which is why we see tarps Tarps do not trigger

2:09:47

methane oxidation Yet DEEQ issued this permit By

2:09:52

operating under this permit Republic Services is putting an undue burden on Benton County and planet

2:09:59

Earth Concerns also extend to the use of Kovanta Reworld incinerator ash that had

2:10:07

previously been used as an alternative daily cover The 2024 publication in the journal

2:10:16

Environmental Monitoring and Assessment was submitted in written testimony It documents signature heavy

2:10:24

metal contaminants found in the moss around Kovanta Reworld

2:10:30

Incinerator The researchers are working towards a publication of the companion

2:10:35

study focused on coffin but landfill expected out sometime this year

2:10:41

Benton County Talks Trash found that there has never ever been any

2:10:47

enforcement of prior conditions of approval at at Coffenbute Landfill You heard Petra Sheet state

2:10:55

that Benton County does not have staff to enforce conditions of approval So any conditions of approval

2:11:03

just in the as in the past would mean nothing

2:11:08

The situation with DEEQ is very similar DEEQ does one annual inspection at

2:11:14

Coffen but landfill DEEQ makes an appointment to

2:11:20

visit the landfill Republic Services gets the dump

2:11:25

all cleaned up for the inspection These are like realtor open houses

2:11:32

Having called DEEQ several times over the years I have never been able to get

2:11:37

them to make an unannounced site visit On one occasion I sent numerous

2:11:43

photos covering a period of several months showing that daily cover and/or

2:11:49

alternative daily cover was minimal or non-existent DEEQ received one photo from Republic

2:11:57

Services that daily cover had been applied on one Yes just on one day Then

2:12:06

DEEQ considered the case closed without any penalty imposed So much for DEEQ

2:12:12

enforcement

2:12:18

in deck three that I had to show you that this is coffin but landfill in the

2:12:24

1800s This is the family that farmed the land Coffen but was not always a

2:12:31

landfill This is what they should be returning to this to We'll see what

2:12:38

happens Republic services could quickly double the life expectancy of the existing landfill Yes double it by

2:12:46

simply returning to the pre20 2017 annual tonnage But no this corporation

2:12:52

is putting profits over people in planet Earth If Republic Services did reduce

2:12:58

the annual tonnage they would be lessening the change to the character

2:13:04

area and would be reducing the existing undo burden on Benton County

2:13:10

Having one blighted slope has already changed the character of the area And

2:13:15

now with this expansion application Republic Services is asking to blight

2:13:21

yet another slope which would further degrade the character of Soap Creek Valley area while continuing to place an

2:13:29

undue burden on Benton County and planet Earth This is an unacceptable request

2:13:39

Prior to Republic Services ownership of the Coffin But Landfill an expansion application was proposed in the 80s and

2:13:46

was shot down by Benton County residents An expansion application submitted in the 90s was denied Then under the

2:13:53

ownership of Republic Services an application was submitted in 2021 and in

2:13:59

2022 this application was unanimously denied by the Benton County

2:14:04

Planning Commission These landfill expansion applications have become a generational issue and we

2:14:12

need to make sure that future generations don't have to go through this undue burden

2:14:18

This application and the 2021 application have put an undue burden on

2:14:24

Benton County the Benton County staff where there appears to be a complete turnover

2:14:31

in the planning department largely due to the 2021 application and also on the

2:14:37

residents of Benton County comparing Republic Services expansion

2:14:42

application to a landlord tenant agreement or maybe more likely for all

2:14:48

of us to the experience of an overnight house

2:14:53

guest One that you wouldn't invite back How'd we get here i find it more

2:15:01

than troubling that our county council has never taken any action

2:15:07

enforcement not even once of the past conditions of approval

2:15:13

Non- enforcement of all previous conditions of approval is documented in

2:15:19

Benton County Talks Trash in which county council participated and

2:15:25

acknowledged County Council has the right to enforce conditions of approval and has chosen

2:15:31

not to Lastly with all the health concerns associated with landfills it's

2:15:37

very disturbing that our Benton County Health Department has been allowed to

2:15:43

decline from making testimony How can this be when landfills

2:15:49

are known to create an undue burden on our health and and our environment

2:15:55

republic Services has not been a good na good tenant nor a good

2:16:01

neighbor Yet here they are asking to stay six more

2:16:10

years I ask you our planning commission to deny this

2:16:16

application Thank you for the time Mr And Kanega uh I would like to ask a

2:16:23

question about you stated the Ben County Health Department I think you said has declined

2:16:29

There's there's nothing Um code code says that they they should be involved

2:16:35

with this process Um

2:16:40

is it possible you can reference that code

2:16:46

thank you Mr Kanega

2:16:53

Thank you very much Mr Kanega Appreciate it Thank you Uh Ms Holdorf number

2:17:00

64 with uh Mr Leblanc number 72 on deck

2:17:07

I have seated time from Larry Leblanc I think number

2:17:12

72 Okay Good evening Uh my name is Rose

2:17:18

Holddorf I am the youngest daughter of John and Kathy Holddorf I live at 38483

2:17:24

Plowshares Road and I'm I'm one of Republic Services closest neighbors as

2:17:30

my family shares a property line to the north with Valley Landfills

2:17:36

In 1989 the year I was born my parents purchased our land from then landfill

2:17:42

owners and were assured by the Bun family that the landfill would never come across the road and that it would

2:17:49

likely close in 10 to 15 years It is with trust in their good faith

2:17:55

that my mom and dad built our family's 3900 square f foot home and adjacent

2:18:00

barn and wood shop where I currently live with my mom and my partner I have

2:18:06

three older siblings who also grew up here and frequently visit with their children

2:18:12

I am speaking today because I strongly oppose Republic Services conditional use permit application to expand the coffin

2:18:18

but landfill and I ask you to deny this application In recent years my mom has

2:18:25

reflected on how much our relationship with the landfill has changed since the early days of my family's life here

2:18:33

She told me how Dan Bun's son would visit us offer to test our water and ask

2:18:39

how they could be better neighbors In the 90s my dad rented part of the landfill's property to graze our cattle

2:18:47

for a generous deal of a dollar a year In springtime the south side of

2:18:53

Coffenbush would often be covered by wild flowers planted by the landfill

2:18:58

operators at the time Poppies red clover and lupin These days we have rarely received

2:19:07

personal contact from our public services They do not reach out and we do

2:19:12

not know them We pay for our own water testing and there are few wild flowers left on

2:19:19

the landfill slope below the mountain of everpresent black plastic and

2:19:24

frequently uncovered trash It is horrifying to consider what

2:19:29

might come if public services is allowed to expand a landfill site onto Tampico Ridge the ridge that shares the same

2:19:37

forest bedrock and water table as my home In the past several years as

2:19:43

Republic has distinctly ramped up business the existing landfill has drastically changed the character of my

2:19:50

neighborhood It is a more prominent eyesore on my drive home I am often

2:19:55

picking up flyaway trash uh from our property on evening walks It smells

2:20:01

worse and more frequently now than I ever remember And in and for the first

2:20:06

time in my life I can actually see the landfill from my living room

2:20:11

window The lights from the top of the dump glare through the trees and the truck motors and beeping backup noises

2:20:18

echo through my window early in the morning The proposed expansion could

2:20:24

devastate the assets my family has built on this land The thought of a new

2:20:29

landfill cell on our side of Coffen But Road keeps me lying awake at night

2:20:35

After 36 years will we have to move will we lose all property value of the house

2:20:42

barn and 60 acres will our wellwater become contaminated and undrinkable or

2:20:48

dry up altogether will living here make us sick

2:20:54

how will the excavation of the cell digging deep into our shared hillside affect the literal foundation from which

2:21:01

my family's life in the Soap Creek Valley was built in my adult years every choice I

2:21:08

have made which jobs I choose how I how I spend my free time how I envision my

2:21:15

life ahead of me has come down to a central question

2:21:20

How can I continue to steward and thrive in the place where I am from when my dad

2:21:26

died in 2013 I made the decision to move home to help protect our family's future

2:21:32

in the irreplaceable handcrafted house my dad built and to make sure my mom

2:21:38

could stay in the home where she raised four children I love where I live and feel so lucky to

2:21:45

reside in a house and tend to the land that my family has nourished for my

2:21:50

whole life I look forward to taking care of this place and making it even better

2:21:55

for generations to come I hope Benton County will do its part and envision a future for our community that is

2:22:02

sustained by clean air drinkable water and solutions to our waste that prioritizes its residents health and

2:22:09

well-being Please reject this application and help protect the health and future of Benton

2:22:15

County and my lifelong home Members of the planning commission and and Chair Fowler thank you for your

2:22:22

thoughtful critical and dedicated time through this hearing process I have I

2:22:27

have witnessed your sincere efforts as part of these hearings and I'm grateful for it

2:22:34

Thank you very much Miss Holdorf Uh number 73 Miss

2:22:47

Pat She seated time already Thank you I didn't keep my records to date Number 74

2:22:54

Miss Johnson She seated as well from last meeting

2:23:01

Thank you Uh number 78 Mr

2:23:09

Bisco you've withdrawn Thank you Um now from if my records may not be complete

2:23:17

but I want to uh have one final call for Mr Monroe

2:23:28

28 Okay Uh and

2:23:43

72 and 75 I have them checked off for some reason They stay they seated Okay 72 and

2:23:51

75 have um and there was one other that I do not have checked off which is Mr

2:23:57

Schiffer number 46

2:24:04

not appearing So that is my list Did I miss

2:24:10

anyone that has signed up well we very much appreciate the the

2:24:16

public testimony and uh I would suggest we'll take another uh 10-minute break

2:24:23

and uh that will provide the applicant a few moments to get their thoughts together and when we come back it will

2:24:30

be the applicant rebuttal Uh according to my watch that will be se uh 8:45 8:45

2:24:36

return for applicant rebuttal Thank you

2:24:46

Thank you Will uh Mr Condent and the applicant uh the floor is now yours Uh

2:24:52

thank you Mr Chair members of the commission again This is Jeff Condit uh Miller Lash LLP
We're local council for

2:25:00

uh Valley Landfills And u first I want to say and you'll probably all breathe a

2:25:06

sigh of relief We are not going to take too much time tonight Uh there was a lot of new information and testimony that

2:25:14

was submitted into the record over the last two nights Much of it is going to require technical analysis and response

2:25:21

uh which isn't appropriate to do and is quite frankly impossible to do in verbal rebuttal So we are u when we get to that

2:25:28

long awaited moment where you offer us the ability to extend the record or uh

2:25:33

ask for a continued hearing uh that's the point of time in which we will respond to that Um but our uh area vice

2:25:42

president Mark group or um sorry Brian

2:25:47

sorry Mark um it is getting late uh is

2:25:52

wants to make a few just sort of general comments about some points raised during the testimony and opposition Uh

2:25:59

hopefully it won't take more than five or 10 minutes Ryan

2:26:05

Hey good evening uh Chair Fowler and the commissioners Um appreciate the time

2:26:11

today and as Jeff said uh we we'll um defer most of our responses with written

2:26:18

rebuttal but we do feel like there are a few items that in the remaining time tonight we could address and they're less technical in nature and feel like

2:26:25

it would be worthwhile to try to clear these up um while we have you So uh first um is regarding the tonnage cap

2:26:32

that's been talked about tonight and in prior nights and some of the thought process that's that goes around that Um

2:26:38

the tonnage cap that was um that people have talked about that were negotiated back in 2020 Uh obviously at that time

2:26:47

was looking at you know another 15 years or so of life in the current landfill plus an extension that at that time was

2:26:54

unknown But if you think about the time frame that we could have been looking at at that point in time it could have been

2:27:00

in upwards of 25 to 30 years of life left in the landfill I think given just the growth uh in the area the thought

2:27:08

process would have been that um just organic growth would have put us at or above the tonnage cap in those out years

2:27:15

and unable to service the needs of customers in the area So that's the sentiment and the assumptions within um

2:27:22

around that centers around the titish cap Um the second item I thought I might

2:27:28

talk about that came up a few times over the last couple nights is the timing of the expansion and and potentially why

2:27:33

would we need to do that now if we have 10 years left until we might need that airspace And I think um although it may

2:27:40

seem like a long time it it really isn't That time can get eaten up very quickly Uh first of all we're not through this

2:27:47

process yet and I imagine that uh full approval would take some more time beyond this um hearing In addition uh I

2:27:56

you know as we have proposed a condition of approval for the coffinbe road landfill coffinbe road uh I'm assuming

2:28:02

there will be other conditions of approval that come along with this that we will have to comply to And as such uh

2:28:09

those types of construction projects take time And in addition many of them

2:28:15

can't be done in parallel So they have to be done one before another So that

2:28:20

would take um you know a number of years to get through those conditions of approval and the related projects In

2:28:27

addition uh cell design cell construction and final DEEQ approval can take multiple years uh before we would

2:28:35

able to actually place the first bit of material into that new cell So uh you

2:28:41

know you start to add all that up and it it can quickly get to eight or nine years of time to get all that

2:28:48

accomplished And unfortunately delays and unforeseen circumstances at the landfill aren't measures in days and

2:28:55

weeks or measured in months and years And any contingency could be eaten up pretty quickly So we are actually right

2:29:01

at the right time to start this process And then lastly uh were some comments

2:29:08

and questions and frankly I think we could add more clarity around kind of the final height of the proposed

2:29:14

expansion and and how that compares to a couple of other um landmarks in the area

2:29:20

So just to set the stage Coffen Road sits at approximately 250 ft above sea

2:29:26

level And um I would point you to drawing number 11 uh in our C submittal for

2:29:33

March 15th that shows that the final fill height of the proposed expansion would be 450 ft above sea level So that

2:29:41

would animate approximately about a 200 foot rise from Coffenbe Road to the top

2:29:46

of the final fill Tempico Ridge sits above that um at uh

2:29:55

approximately 510 to 570 feet uh depending on where you measure from the

2:30:00

top of the ridge So um essentially that would be somewhere between the final fill height would be somewhere between

2:30:06

60 and 120 ft below Tempico Ridge And then as another data point um the top of

2:30:13

the north side of the landfill sits at about 628 feet uh above sea level So

2:30:21

approximately 180 ft above the final fill height So I know that there had

2:30:26

been some prior questions Hopefully that clears that up And again I would point you to drawing number 11 to um reference

2:30:33

kind of some of the hard numbers on that With that that'll conclude the comments

2:30:39

that we had planned for this evening and uh would be happy to answer questions

2:30:52

So is it Oh go ahead Commissioner Go ahead I Let me clarify the uh final

2:30:57

cover Guess I'm not sure I have the terminology right but when the existing landfill on the

2:31:07

north side of the road is no longer in use it will its cover condition be the

2:31:16

same as it is now or will it be covered differently it will once there is final capping it

2:31:23

will be covered differently When will there be final capping that will go in stages and I don't have

2:31:30

the staging and timing of that exact uh coverage plan

2:31:36

But we can we can get that for you Thank you It won't it won't I can say it

2:31:43

won't happen all at once

2:31:50

Mr R Thank you for uh providing some clarifying information I'm going to comment on Commissioner Lee's uh

2:31:57

questions and and ask for clarity So the final capping uh just confirmation from

2:32:03

what we're hearing the final capping has not occurred in any of the cells at this time Is that correct

2:32:09

i'd like to confirm um that there were not some final caps in the early 2000s

2:32:15

Uh I I'm going off memory and I'd hate to say anything that is incorrect So uh I would like to defer but confirm that

2:32:22

that's the case Okay So possibly some capping in the early 2000s And uh to

2:32:29

that point of the final capping is that what's known as the reclamation process would follow that

2:32:35

capping like the reclamation that restores the land back to a

2:32:43

usable I'm not sure acreage usable surface for public you know public use Is that part of that reclamation capping

2:32:50

process is that together yes Okay And and just to clarify there are

2:32:56

of all the cells one through six and one and subsections there is no reclamation

2:33:02

then that has happened at this time because there well there might be capping but let me rephrase Has there

2:33:09

been any reclamation that has occurred on any of the cells one through six well

2:33:14

not six but one through five No those aren't final capped yet

2:33:20

So not any cell one through five and the sub are not kept yet Maybe I'd like to

2:33:27

defer I think maybe Brent Lurch um the our area environmental manager may be able to help provide some clarity if

2:33:33

he's uh available to make comment

2:33:38

Good evening Um I'm Brent Lur area environmental manager for public services So okay um on the southern side

2:33:47

um near it would be cells one and two on the side slope in the early 2000s we had

2:33:52

two different um construction final cover activities Um and you can kind of

2:33:59

see that through the aerals there's some of that uh vegetated area Um as far as reclamation of that really you don't

2:34:07

go into postclosure until everything is

2:34:12

is final closed and it's not an active facility Um so our postclosure bond goes

2:34:20

in once everything is closed It's not like we have started the clock because

2:34:27

we we closed previous It's once everything's you know wrapped up and finished Um and then to Brian's previous

2:34:36

comment of it's going in stages it's really just a construction timing as to

2:34:41

why that happens So you know we with our shorter construction windows Typically you can do maybe 10 to

2:34:49

20 acres at a time and we have that staged out coming here in the future

2:34:55

Um so we will be continuing to close on

2:35:01

those areas But one thing that we do want to make sure prior to that is that we have hit our final grades and and

2:35:08

we're at a point where you know we're we don't have to ruin that area um if we

2:35:14

had additional operations So we're beginning the phases as we're the

2:35:20

existing as permitted landfill is finishing up We're we're going to be

2:35:25

starting on that east side and then marching towards the west with final

2:35:31

cover That's that's the overall Okay And then I've been informed thank you Chair

2:35:37

Fowler that we'll have opportunity to ask more questions Um I just want to clarify one for testimony this evening

2:35:43

Uh that Benton County I believe it was referring to the franchise agreement that Benton County is guaranteed a use

2:35:50

of waste management or landfill space to a certain date Is that accurate uh from

2:35:58

that public testimony

2:36:03

i would I believe that's in the franchise but I'll go back and review it and get an answer to you during the uh

2:36:08

open record period Okay So we'll know whether or not Benton County has that assured waste um disposal access Correct

2:36:15

Okay Uh that's all for this evening Thank you Thank you very much Mr Condid

2:36:20

and Mr RP Um thank you for listening to everyone and for your uh endurance

2:36:27

We'll move to an a couple of uh uh consideration of uh procedural motions

2:36:34

Uh Mr RP I recall during your earlier um testimony that you'd requested an

2:36:42

extension of 14 days Uh now would be the time if you would still like that

2:36:47

extension Yes we would still like that extension

2:36:53

Thank you for that uh clarification Pursuant to OS1

2:37:00

197.797 PN6 PNA A uh because a request has been made the

2:37:08

commission must either grant a continuence and continue the hearing or hold the the record open I'd like to

2:37:15

entertain a motion at this point Commissioner STS Um I move to continue

2:37:21

the hearing to June 17th at 6 PM Is there a second

2:37:29

second Thank you Commissioner Fulford We had uh because um during the applicant

2:37:36

presentation the request was made we had anticipated that the extension request

2:37:41

may be uh forwarded to us And so council has very kindly provided some

2:37:48

explanatory notes So before we take the vote amongst the uh commission on the

2:37:53

duly made motion I thought I would share these notes to more fully inform the

2:37:59

discussion prior to the vote Uh first during the continued hearing

2:38:05

the county's planning staff will first present a supplemental staff report that

2:38:10

will be made available no later than June 10th 2025 Thereafter oral testimony will be

2:38:18

heard in the same order as during our four previous meetings Oral and written

2:38:24

testimony at the continued hearing is limited to new evidence arguments or

2:38:30

testimony If new written evidence is submitted at the continued hearing any person may request prior to the

2:38:37

conclusion of the continued hearing that the record be left open for at least 7 days to submit additional responsive

2:38:45

written evidence arguments or testimony That is only for the purpose of responding to the new written evidence

2:38:53

unless waved by the applicant The applicant is allowed at least 7 days after the record is closed to all other

2:39:01

parties to submit final written arguments in support of the application

2:39:06

The applicant's final submittal shall be considered a part of the record but shall not include any new evidence The

2:39:13

7-day period is not subject to the limitation of OS 215.427

2:39:21

Written testimony may be submitted prior to the continued hearing at the community development department in one

2:39:28

of four ways Through the online form of the county's website through regular mail addressed to the community

2:39:35

development department at 4500 Southwest Research Way Corvallis Oregon

2:39:43

9733-1139 through email to public commentbentgon.gov gov or through hand delivery to the

2:39:50

community development department at the address above Because the application

2:39:56

because the applicant has made the request to present additional testimony the period of continuence of the hearing

2:40:02

is not subject to the local decision time limit at OS 215.427

2:40:08

427 and the 7-day period for the applicant's final written argument is also not subject to the limit of OS

2:40:19

215.427 So that was a little information that may uh inform our discussions

2:40:26

commissioner I have two questions because there was a lot of information there Uh the first one is you said oral

2:40:34

testimony will commence in the same order for only new evidence Does that include public allowing to enter new

2:40:40

evidence at that time yes And then my second question and maybe it's a request of staff Can we get that summarized in a

2:40:48

format that can be posted um publicly like that timeline that you that you've provided and maybe that's that that's a

2:40:54

question to staff I apologize staff Thank you

2:41:02

Is there further discussion prior to calling for the vote uh Chair Fowler I do have a question So the opportunity

2:41:08

for council to ask qu excuse me for the commissioners to ask planning commissioners to ask questions of the

2:41:16

applicant related to tonight's testimony Where would that take place in this process so the uh planning commissioners

2:41:23

will have the opportunity as we did uh in the earlier hearings to ask questions

2:41:30

of the staff and the applicant as well as the public who is offering new

2:41:36

testimony And would our questions though be specific to only the new information

2:41:43

new evidence is limited to new Our our questions can be comprehensive Okay

2:41:50

thank you Any further

2:41:55

discussion questions i will then call

2:42:01

Excuse me Could I could I just interrupt i just wanted to confirm that the

2:42:06

applicant's understanding and uh does not have any objection to

2:42:11

uh this extension which is going to add a 40 days

2:42:17

to the 150day deadline the current one and then also the 7-day period for any

2:42:25

final written argument is not included in the 150 days

2:42:32

No objection to the extension and yes it's statutory that the rebuttal period

2:42:37

is not subject to the 120day or 152 Thank you Thank you Mr

2:42:44

Condid Seeing no other call for discussion I will then call for the vote

2:42:50

All those in favor of continuing this hearing to June 17th at 6 pm signify by

2:42:57

I I Any opposed

2:43:02

motion carries So this hearing is now continued to June 17th 2025 at 6:00 p.m and we are

2:43:12

adjourned Thank you all very much appreciate

Let me begin with a roll call. And so, if all planning commissioners can, uh, activate their microphones.

0:14

So, if all planning commissioners can activate their microphones and, uh, respond.

0:20

Uh, when I call out your name, Commissioner Biscoe.

0:40

I do not see her any longer on the participant list.

0:46

Um, Commissioner Cash. Thank you.

0:48

Here...

0:50

Commissioner Biscoe is present. I asked to unmute. There may be a delay.

0:55

Yeah, so I'm present, and audio and... video wasn't working, but thank you for unmuting. Um, yes, I'm here.

1:03

Thank you, okay. Uh, Commissioner Fulford.

1:12

Is not present.

1:13

Commissioner Lee.

1:18

Not pro... uh, I'm admitting, Commissioner Lee. Currently.

1:23

Okay, I'll circle back. Uh, Commissioner Struthers.

1:28

Here...

1:30

Thank you. Commissioner Wilson. Commissioner Lee.

1:32

Present.

1:41

Still in the process of joining, I believe. Vice Chair Heyman.

1:46

Project.

1:49

And, uh, Commissioner Lee is in process of... of joining. It may be that her microphone and camera are not yet activated, but uh... She is on our list. With that, we have a valid quorum to continue this meeting, and the meeting is called to order.

2:11

This is the time and place for the continued public hearing in the matter of LU-24-027.

2:19

An application from Republic Services for a conditional use permit to expand an existing landfill.

2:26

As all are aware, we had slated this evening to hear the revised, uh, staff report.

2:36

And the applicant's presentation and response to received Um, a testimony that has entered the public record. The public record is quite expansive.

2:50

It was in greater than 3,000 pages when we last met.

2:55

Um, by my most recent count, it is exceeding 5,000 pages.

3:01

Uh, and this is causing some additional time for the revision to the staff report.

3:09

And so rather than, uh, here are the revised staff report this evening, the subject of this public hearing is to consider a continuance of this public hearing to July 8th, 2025, at 6 p.m.

3:27

So that, uh, we can, uh, hear the revised, uh, staff report and, uh, consider additional public testimony, as well as the applicant's response to, um.

3:41

Testimony received. So at this point, I would like to entertain, uh, such a motion to continue this public hearing in the matter of LU-24-02 Until July 8th, 2025, 6 p.m, both in person at the Kalyapuya county building, as well as virtually by the Zoom facility.

4:08

Uh, do I hear such a motion? Proposed.

4:13

I...

4:14

I make a motion. To continue the hearing to Tuesday, July 8th.

4:20

On the matter presented before us. At 6 p.m. Sorry.

4:27

Thank you, Commissioner Wilson. Is there a second? Thank you, Commissioner Cash.

4:30

I second.

4:34

We have a, uh, duly made and seconded motion. Is there any discussion on that motion prior to the vote?

4:49

I see no hands raised, and here, no, uh, no additional discussions, so I will, uh, call for, uh, the vote. All those commissioners in favor of a continuance of this public hearing until July 8th at 6 p.m, signify by aye.

5:09

Aye.

5:10

I...

5:11

Bye.

5:12

Any opposed? Any extensions?

5:20

Motion passes. And so, therefore, this, uh, this hearing.

5:25

Uh, is continued to July 8th, 2025. 6 p.m, both virtually by Zoom.

5:34

As well as in-person at the public meeting room of the CalUpya county building on Research Way.

5:43

Um, this meeting It was intended to be short, it has been short, and we can adjourn.

5:51

The meeting is now adjourned. We'll see you all on Tuesday, July 8.

5:56

Thank you very much.

5:59

Thank you, community. Bye-bye.

6:01

Thank you. Good night. Thank you

seats. Thank you. Uh good evening uh everyone

0:10

and welcome back to the continued set of hearings on the uh coffin but

0:15

application for expansion. Uh on my way here, as probably many of you were

0:21

listening to the radio and I was just dismayed about the news coming in from

0:29

Texas. Um and so perhaps we could begin just

0:34

with a moment of silence for those suffering in Texas.

0:53

Thank you. Begin with a roll call. Commissioner Bisco, who I understand is

1:00

participating online.

1:06

We'll wait for her response to come in. Commissioner Cash here. Commissioner Fulford

1:13

here. Commissioner Lee, Commissioner Strs

1:18

here, Commissioner Wilson here, Vice Chair Haymon present.

1:24

I will note for the record we have a valid quorum and I presume Commissioner Bisco has confirmed.

1:31

Commissioner Bisco is here. Thank you, Chair Fowler. Thank you very much, Commissioner Bisco. We've got a a full commission seated.

1:39

Thank you very much for your participation. Uh for those of you who have been following our progress on the

1:46

application, you'll you'll note that uh we have now come to the point where we

1:53

need to make a decision on July 22nd. Uh so that's two weeks from tonight

1:58

which means tonight we will focus on the revised staff report as well as the

2:03

applicant presentation and uh perhaps get into some public testimony but we

2:09

will at a minimum do those two things which um we may be prepared for a

2:14

longish evening uh and then we will continue with uh public testimony

2:20

tomorrow. Uh I understand there are something on the order of 50 plus um

2:26

signed up so far. Uh and so anyone can do the math at uh at 3 minutes uh a

2:33

person and then with some questions. So, tomorrow may also be a long evening

2:38

because we absolutely must wrap up completion of the record by tomorrow

2:44

evening so that uh we can meet the deadlines associated with deliberating

2:49

on July 22nd. And you also know that we begin the

2:54

meeting with me getting to read some things into the record. So, uh let us

3:00

begin. This is the time and place for the continued public hearing in the matter of LU-24-027.

3:09

The subject of this continued public hearing is an application for a conditional use permit to expand an

3:14

existing landfill. The applicant is Republic Services and the property owner

3:20

is Valley Landfills. Oregon law requires that I make several preliminary announcements for this hearing. This is

3:28

a continuation of the quasi judicial hearings previously held on April 29th,

3:33

May 1st, May 6th, and May 8th. And it may it will be conducted pursuant to

3:39

Benton County Development Code sections 51.705 through 51.725.

3:46

The purpose of the continued hearing is for persons to present and rebut evidence, arguments, or testimony. In a

3:53

quasi judicial proceedings such as this, it is the commission's duty to apply the law, not revise it. The commission must

4:01

determine whether the applicant has met all of the applicable criteria in the Benton County Development Code. The

4:07

commission will consider the record as presented and will also consider any new evidence or testimony that is submitted

4:13

into the record. Please do not communicate verbally or in writing with any of the commissioners outside of this

4:19

hearing process. A supplemental staff report has been prepared for the application and the supplemental staff

4:26

report was available 12 days before tonight's hearing. The supplemental staff report identifies the approval

4:32

criteria that apply to the applicant's proposed development and analyzes those criteria.

4:38

Testimony and evidence presented during these continued public hearings should be directed toward the new evidence

4:44

included in or described or evaluated in the supplemental staff report. Any

4:49

person may present or rebut any new written evidence, arguments, or testimony while the public record is

4:55

open on the application. Any written materials received by the county staff during the time period in which the

5:02

record is open will be placed in the record. Written materials submitted during the public hearing must be

5:07

presented to the county staff in order to become part of the record. Except planning staff and applicant, no screen

5:14

presentations are allowed. If a person intends oversized poster boards, reports, or pictures used in their oral

5:21

testimony to be placed into the record, copies must be submitted to county staff while the record is open. If they are

5:28

not given to staff, they will not be included in the record. Following the

5:33

question to the planning commissioner, does any member of the planning commission wish to declare an exparte

5:40

contact? I see and hear none.

5:47

I will now go through the hearing procedure for this evening. The procedure will be as follows. The

5:54

supplemental staff report will be presented by the planners. I ask that the planning commissioners please hold

5:59

your questions until the conclusion of the presentation. Then the uh planning commissioners will

6:07

uh ask questions of the planning staff. The applicant will then present the case in support of the application and again

6:15

the planning commissioners at the conclusion of the presentation may ask questions and if time permits this

6:21

evening testimony from other persons in support of the application limited to three minutes and if time permits

6:28

testimony from persons opposed to the application also limited to three minutes. And finally, the applicant may

6:35

present rebuttal, which is limited to addressing any issues raised during testimony. During these continued

6:42

hearings, the commissioners may ask questions of the staff, the applicant, or persons providing testimony. However,

6:49

the purpose of testimony is to provide information for the commissioners to consider. The public is not permitted to

6:55

ask questions of the staff, the applicant, or the commissioners. Any person may request prior to the

7:01

conclusion of the continued hearing that the record be left open for at least seven days for the limited purpose of

7:08

responding in writing to new written evidence submitted at this continued hearing. Following applicant's rebuttal,

7:15

I will ask whether any person requests that the record be left open for that limited purpose of responding to new

7:21

written evidence submitted at the continued hearing. Upon such a request, the commission will determine whether

7:26

new written evidence was submitted at the continued hearing. And if it concludes that it was, the commission

7:32

will leave the record open for 7 days for the limited purpose of responding to the new written evidence submitted at

7:39

the continued hearing. If there is no request for an open record period, the record will be closed and the applicant

7:46

will be entitled to submit final written argument prior to the commission's deliberations. If you are a participant

7:52

in this hearing, the commission expects you to abide by the following rules. Please be respectful of all participants

7:59

both when you are speaking and when you are not. Speak only in the order of proceedings or when recognized by the

8:05

chair. In testifying, please do not repeat previous testimony made at previous hearings.

8:12

We advise the chair may halt testimony if it has become irrelevant, abusive, or clearly intended to harass or intimidate

8:18

the participants in this hearing. Any written exhibits you want included into

8:24

the record need to be handed to the commission's recorder for marking before being presented to the commission for

8:31

consideration. Any multimedia presentations, any multimedia testimony

8:36

is considered written testimony and should be submitted in the same manner as written testimony. All testimony and

8:43

evidence must be directed toward an applicable criteria in the Bettin County Development Code or other criteria which

8:49

the person believes applies to the decision. Failure to raise an issue in this continued hearing accompanied by

8:56

statements or evidence sufficient to afford the commission an opportunity to respond precludes appeal to Luba, the

9:03

land use board of appeals on that issue. The failure to raise constitutional or

9:08

other issues relating to the proposed conditions of approval with sufficient specificity specificity to allow the

9:15

commission to respond precludes any action for damages in circuit court. To

9:20

have standing to and appeal the decision of the planning commission, you must present oral or written testimony to the

9:26

planning commission prior to the closing of the record. Verbal testimony is limited to three minutes total per

9:33

person. Please respect these time limits so others have the opportunity to uh

9:39

testify. The continued public hearing is now open and we will begin with the

9:46

revised staff report and Winterbrook, you are up and

9:53

ready to present. Thank you chair and planning

9:58

commissioners. Is the presentation working?

10:05

Yes. Okay. I'll try to be close to the microphone. My name is Jesse Winterroad

10:11

with Winterbrook Planning. We are brought in uh as you may recall by the county to provide a third-party review

10:17

of the application and apply uh best practices to uh land use review for

10:24

this. We also had um MFA Most

10:30

Engineering look at a great deal of the technical documents and provide their

10:35

third party review. Uh we've worked closely with planning staff and your

10:41

public works staff as well to prepare this document.

10:48

We can move forward. All right. So this slide shows basically the background uh

10:55

a lot of things that the chair mentioned and we want to focus on uh the deadline

11:01

for the final decision is September 26th which is related to what chair was

11:07

saying about finishing in a um you know next few days and weeks because that

11:14

time frame needs to include enough time for the board of commissioners in the event of an appeal to hold a hearing uh

11:20

toal evaluate that appeal. The slide shows we received quite a bit

11:26

of additional information from the applicant uh June 6th, June 12th, June 16th, and June 23rd that uh was we were

11:35

able to incorporate into the staff report. As you may recall, the April 22nd staff

11:43

report recommended denial on noise and odor as well as missing some information

11:51

to show compliance with the regulations. And uh that was uh our recommendation.

11:57

Then in the updated staff report, we looked at as as you recall, we talked

12:05

about this a good deal. We were looking at the technical information only in the last staff report. The supplemental

12:11

staff report brought in uh public information, public testimony, agency

12:17

comments, uh evaluated in detail uh adjacent property testimony. So we had

12:24

14 adjacent properties. Uh we brought in testimony from those properties. We also

12:31

looked at 32 new or modified applicant exhibits that went into the supplemental

12:37

staff report. And uh as you look through the staff report, you can see how all of

12:43

these are brought into each criteria. And so it's significantly larger and

12:49

brings in a lot more information than the previous staff report.

12:54

agency comments. Uh we received from Dogami which was mostly uh no comments

12:59

but we received comments from ODFNW uh to talk about the heron rookeries.

13:05

We received uh comments from ENRAC which we uh act as agency comments for this

13:11

and prioritize those comments that recommended denial. We had comments from

13:17

Adair Rural Fire District which um also recommended denial and we had comments

13:22

from Oregon Department of Transportation which essentially didn't have comments on the application. We didn't receive

13:29

responses from uh a number of other agencies that we requested comment from

13:35

as shown here. public comments. There were a lot and

13:40

and county staff um I know was working very hard to bring those in, cate uh

13:46

catalog them and and present them and there were over nearly 2,000

13:52

nearly 2,000 records received. We we were reading a lot of comments and a lot

13:59

of attachments and uh I imagine that you were as well.

14:06

Um the major comments there, major themes, fairly similar to uh the

14:11

previous uh staff report in terms of major themes, air quality, water quality, odor, um some some traffic, but

14:21

mostly air and water, odor, litter, noise, um methane, which goes into air

14:28

quality as well. So health impacts, air and water quality. Those are the major concerns that we are seeing in comments

14:35

and as this table graph shows. Um the supplemental staff report

14:42

provides additional testimony, evidence and staff responses for the impacts that

14:47

we reviewed last time. Noise, odor, traffic, visual impacts, uh water quality, groundwater, but also brings in

14:56

uh four additional uh categories of impact. litter, which um had some very

15:03

pertinent relevant testimony, fire risk, wildlife, air quality, and we uh

15:10

replaced groundwater with water quality as a more encompassing term. And so

15:15

there's a lot more evidence, a lot more testimony, a lot more staff discussion on all of these items in the staff

15:21

report. Uh we have new findings that we put in for goal five resources where we thought

15:28

there was enough testimony on wildlife impacts and how the heron workerries work

15:33

and and we looked closer in the in the code to uh address that. So there's a

15:38

new section on on goal five resources and and chapter 87. We had a lot more information on chapter 53, chapter 6 to

15:46

the forest conservation zone and uh 77 the landfill site zone. So there's a lot more information on all those sections

15:53

that are highlighted here. Key findings. Uh staff now recommends

15:59

approval with conditions of the application. And as I mentioned before,

16:06

uh if we were coming with conditions, there's a lot of them. And so we have uh over 80 conditions that we're

16:13

recommending here that are related to each of the approval criteria. And we'll

16:18

go through those. Starting off with conditional use. Um we

16:24

talked about this in in detail uh last time. Seriously interfere with adjacent

16:30

property with the character of the area purpose of the zone. That's the standard. And so we we dug into that

16:35

serious interference standard. And um and for adjacent properties we had these

16:42

are the the properties. It's a a map showing who has presented um information

16:48

in the adjacent area and and those were I would say um elevated because of that

16:55

adjacent property seriously interfere standard.

17:01

Uh looking further out, this is the character of the area area. It's about

17:06

90 square miles. And what this map shows is comments from the character of the

17:12

area area and beyond. As you can see, a good number of comments from Corvallis.

17:17

And um yeah, so there were quite a few comments in the area and um and beyond.

17:24

But it it I mean it's an interesting pattern of comments um and

17:31

worth looking at. Uh but it it just shows that there was a lot of interest sort of southwestmore down to Corvallis

17:39

and uh worked going into the noise impacts. This is

17:45

where we had previously recommended denial because we couldn't see uh a path what is what is a condition that would

17:51

fix this? And we we're not going to make things up like well build a 8ft wall or

17:56

20 foot wall. We don't know how that works. And so we said, you know, we have to recommend denial. The applicant came

18:03

back with um additional information relating to mitigation of noise impacts.

18:10

And we had um MFA look at this as well. Uh a lot of new information, a lot of

18:17

new analysis, a lot of um evaluation of that. And would this condition work?

18:23

Would these conditions actually mitigate the sound? Uh what we determined uh and

18:30

we're relying heavily on our technical experts on this is that we can condition

18:36

this to reduce the noise impacts to a level that uh we feel would not

18:41

seriously interfere with the uses on the adjacent property. We also had a number

18:46

of concerns about well the the bigger it is you know the more potential noise impact and and you'll see a lot of um

18:54

OP5 as an operational condition limiting the height of the landfill. Uh and that

19:00

impacts many many impacts. It's it if you limit the height it will be less

19:05

visible. It will be less likely to blow trash. It will there's so many impacts that relate to the height of the

19:11

landfill. So OP5 uh is an operational condition that limits the height of the

19:17

landfill. OP2 A and B are operational conditions related to noise.

19:25

Odor uh is a very very difficult impact to

19:31

evaluate. As we've talked about before, one of the things that we asked for was how do we how do we even imagine this

19:37

impact? What does it what does one mean? what is seven what what does that even mean? What do these numbers mean? And

19:44

this table uh was something that is in the staff report and shows well here is

19:50

what those numbers generally mean and and uh one is sort of no odor to seven

19:56

being an ambient odor considered a nuisance four sort of an ambient odor in

20:03

a city and then up to a million uncontrolled exhaust of a rendering

20:08

plant if you're right there. And so um so that was I thought very helpful to

20:14

have that sort of visualization. What do these numbers mean? We received uh a lot

20:21

of new information on odor uh revised odor study um additional analysis of

20:28

that odor study and additional revisions and modeling. Um and I think even

20:34

through yesterday uh another visualization of the odor impacts

20:41

what that meant for us is well we again went back to MFA and said does this odor

20:48

modeling I'm not an expert on odor modeling but we do have experts on odor

20:54

modeling as thirdparty reviewers for this application and they you know they pushed back quite a lot on the initial

21:02

odor model, we got what we think is much stronger evidencebased analysis. And

21:10

what it did was it showed uh there there is odor noticeable at the property

21:15

boundary of the landfill. And I think that is um much more consistent with

21:23

estim the average odor of this is detectable

21:28

at a landfill as one might expect um for a landfill. And so what we have been

21:35

able to establish are a lot of conditions related to odor as well as a

21:42

you know this average condition that we feel is technically adequate in terms of

21:47

reviewing it and shows where the odor might go and how much and what type of odor is being produced here. Uh and so

21:54

we have a lot of a lot of operational conditions of approval that we're um

22:01

recommending that monitoring logging third-party review of their monitoring

22:08

and logging uh limits to working face daily cover requirements a lot of best

22:14

practices as well as the monitoring and reporting requirements. So with these

22:20

conditions, we felt that this could actually mitigate the odor impacts with a reasonable evaluation of odor.

22:30

We looked at transportation impacts. There were um a good number of transportation comments um concerns

22:36

about are they evaluating the change in in the knife river and and you know

22:42

what's happening here. uh we were able to uh get a good amount of response from

22:47

the applicant on that specific issue. the issues that Enrach raised issues that public raised on this concern and

22:56

um essentially the applicant has evaluated those impacts on the traffic impact study um

23:04

and uh and what they're proposing seems to be consistent with um meeting uh

23:11

requirements for not seriously interfering with adjacent properties or or the character of the area.

So we have

23:16

conditions that require them to do basically what they say they're doing so that they can be consistent with the

23:24

assumptions they used in their transportation model.

23:29

Water quality. Uh this this is if you haven't looked at the water quality

23:35

section of the staff report I I'd recommend there's a lot of information on that a lot of um testimony both you

23:43

know uh opponent testimony and um and applicant testimony and third party

23:48

reviewer testimony. It's it is a uh it's a tough issue. um water quality, air

23:55

quality are both it's it's hard it's it's a really hard

24:00

issue. So um the issue that we have here is the county doesn't really have the

24:07

staff, the expertise or um the the mandate or the uh the resources to

24:15

monitor air quality and monitor water quality for uh a landfill or for general

24:21

industrial uses. Uh what we do have is u state uh and

24:28

federal requirements to to do those through agencies that are um

24:33

specifically mandated to monitor and enforce those requirements.

24:38

Um, and so what we have here are a lot of conditions that I think this is kind

24:44

of the best we can do in terms of monitoring and uh making sure that the

24:50

county can can know what's happening. Um, including things like groundwater

24:55

sampling wells, uh, installation monitoring of those, monitoring adjacent property wells and arsenic levels. Um,

25:03

and then just compliance with uh local, state, and federal regulations and

25:08

agency requirements. Um, so that's that's what we're recommending on water quality, a lot of

25:15

conditions, but ultimately uh it's it's more of a a state and federal um issue

25:22

to review and and make sure that those are being controlled. visual impacts is back onto uh fully
25:30

within the the county's um purview. Uh what we see here is uh the staff um

25:40

looked at what the applicant provided and the applicant provided a number of

25:45

elevation cross-sections as well as renderings for the proposal.

25:51

What we saw was um understanding the height of the landfill is pretty

25:56

important. Uh 450 ft is not 450 ft from the ground level. It's 450 ft of mean

26:04

elevation above sea level which puts it uh well over 100 ft below the top of the

26:09

existing landfill. So it's below the ridge line for Tampico uh and below the existing landfill by

26:17

quite a lot. And in that visualization, it it should be less visible than the

26:24

existing landfill and shouldn't be uh notably visible from many directions.

26:30

And so yeah, you can you'll be able to see it, but uh from what we can tell

26:36

from the application, it'll be less of an impact than the existing landfill and not rise to a level of, you know,

26:43

significantly interfering with with land uses and the um character of the area.

26:52

Um litter impacts, again, conditions. Uh we had some great

26:58

testimony on litter that allowed us to dig into this. What's happening with litter at the landfill?

What what are

27:04

they doing right now? How can they they manage their litter better? And and so

27:10

we have uh quite a few conditions related to site management, litter management, additional fencing,

27:17

additional cleanup areas on the west side as well as the currently the east side. And uh with these conditions and

27:25

of course here again we have the limiting the elevation which is applying to almost everything.

Uh it should be um

27:33

less impactful in terms of litter than the existing operation and

27:39

not be um interfering with uses or the character of the area.

27:47

fire risk. We also had a good deal of testimony on that as well as the Adair

27:53

Fire uh district testimony that we were able to to look at. Uh we had uh an

28:00

additional evaluation of their fire plan and we had our expert engineers look at

28:08

that fire risk again. Um, and with these conditions, we feel that the applicant

28:15

has provided enough technical expertise and and testimony to to show that they

28:22

have fire under a reasonable amount of control. Um, things like a working fire

28:29

truck on site is one of the conditions. U monitoring, logging, and making sure

28:35

that that those records are available relating to fires on site. Those are

28:40

conditions um that we feel are appropriate for this impact to mitigate

28:47

air quality. We're back into what I was talking about before. How do we regulate

28:53

air quality as a county? Uh this is within the

28:59

the mandate of DEQ. Uh it's in front of DEQ. We know they're evaluating it. Um,

29:06

and this is one of the things that that state and federal regulations apply to.

29:11

Um, and the county really doesn't have the tools to to to grasp the um

29:19

how to to to evaluate and and say what level is is enough for too much of

29:26

methane? How does a county figure that out? Um, and so

29:31

monitoring, requiring state and federal approval of of what they do is I think

29:38

what we can do uh for that impact. We also have um as I think hopefully people

29:45

know uh a change in state law that we've noted in the staff report that applies

29:51

to solid in municipal solid waste landfills in Benton County which is uh

29:57

this landfill that will uh update DEEQ regulations and monitor this situation.

30:05

And so this is this is coming from the state. Another level of oversight for this landfill

30:12

in state law. So overall uh we're looking at uh

30:22

undue burden on public facilities, utilities, services, improvements. Um we

30:29

looked at impacts on traffic which we already talked about. Lee groundwater fire risk. Fire risk we

30:37

we took another look at because we did have a good amount of testimony from the

30:42

fire district on um undue impact of burden. Uh and so we have specific

30:49

discussion of their comments and part of that was also saying uh if the fire

30:57

district has additional conditions of approval related to fire management on this site um we would welcome those to

31:05

to see what those might be. Um but right now we we have the concerns that that

31:11

we've addressed. think that with these conditions that we've talked about before, uh they also work to limit

31:18

burden on public facilities.

31:23

Moving into the forest conservation zone. To be clear, this forest

31:29

conservation zone deals with development in the forest conservation zone and uh

31:35

the landfill fill is within the landfill zone, landfill sighting zone, but uh

31:42

some things like leech ponds, um employee buildings and some driveways

31:47

and such are within the FC zone. And so looking at those FC zone impacts versus

31:54

accepted farm and forest practices around uh the property um there wasn't a

31:59

lot of direct testimony on this specific item like development in the FC zone

32:06

versus the impacts uh created by that development. There's a lot of testimony on the landfill what happens from the

32:12

the big pile of trash. Uh but not a lot of direct testimony on this particular

32:17

item. But we brought in um there are leech ponds. There's discussion of leech

32:23

impacts and concerns. And so we have conditional u conditions of approval that we're recommending based on similar

32:30

to the water quality leech management and making sure that we're in compliance

32:36

with state and federal regulations on leech management in relation to this condition. And then we brought in a

32:42

condition that is required in the FC zone which is for fire brakes that will be required on any building in the in

32:48

the FC zone. Um the applicant provided uh information

32:56

on additional buildings within the FC zone that we had recommended. We didn't

33:02

have the information on so we couldn't recommend approval of those previously. Now we can see where they are and we can

33:09

make findings on them. And uh what we see is um the buildings seem to be

33:14

placed in positions where they can have fire breaks that they're not um

33:20

interfering with adjacent farm and forest practices. It's

33:27

pretty straightforward. So we found that they actually do meet those standards now and we no longer uh recommend that

33:34

we don't have information goal five resources. Uh we took a a bit

33:40

of a deeper dive into this that um basically here we have the heron rookeries. How how do those get

33:47

managed? We took a closer look at ODFNW. Um there's a lot of public testimony on

33:53

the Herod Mercuries and following uh ODFNW's

33:58

um let's say advice they they found that the applicants approach was was

34:03

reasonable to protect the heronies. We recommend conditions that protect the heron rookeries.

Uh active workeries

34:11

monitoring identification of a 300 foot forest practices buffer. Uh prohibiting

34:16

construction during critical nesting period. So during construction uh

34:22

protection and also during operation. So set of conditions for both of those to

34:27

ensure uh buffer and protection of her and rookies

34:33

um development. So chapter 99 is focused on building if you're doing building

34:40

permits or if you're doing land divisions and and neither of those are really what we're talking about right

34:45

now. But one of the items that um was raised by opposition was how are you

34:52

dealing with the wetlands and and how does that work and uh what this

34:57

condition P1 the first condition requires uh approval from DSL of a

35:02

wetland delineation prior to any ground disturbance on the site. So until they can get that, then they can't break

35:07

ground. And so they'll have to go through that process in order to even start.

35:14

And that leads to um a recommendation of approval with

35:20

uh at least 85 conditions related to all of these u particular uh standards.

35:29

And I tried to get through this pretty quickly so that we'd have time, but we have um plenty of time now, I think, to

35:37

to take questions or uh if you'd like to move on to the app. Very well. Thank you. Uh and I I can

35:44

speak for the rest of the commissioners that we very much appreciate the deep dives that you have done into the uh the

35:52

new information and especially the respect that you have shown to the

35:57

public testimony and incorporated that into the report. Our process is we will

36:02

afford each planning commissioner beginning with commissioner Bisco the opportunity to ask questions and at the

36:10

end of each individual commissioner's time we'll do a little roundrobin and you

36:15

can catch any and all questions that uh have come to mind as this is our last

36:20

opportunity to ask questions uh of the of the staff reports. We want to make sure we get all of those prepared. Uh so

36:30

with with that if we can turn on Commissioner Bisco's microphone and

36:35

Commissioner Bisco will turn the floor to you.

36:43

Thank you. Chair Fer, can you hear me? Yes, we can. Very good. Uh I do not have any

36:49

questions that are new for this additional information. Um but do wish

36:54

to hold that that round robin at the end uh for opportunity for questions that

36:59

may come up in this additional questions from the commissioners. Very well. Thank you. Uh next,

37:05

Commissioner Cash.

37:14

There we go. Sorry, I was pushing a different button maybe. I don't know. So

37:20

I didn't hear your name earlier. Was it Winthrow? It's Jesse Winterroad. Winterroad. Thank you.

Okay. What a

37:26

delightful name. Um, this is a question really just for my

37:32

own understanding more than addressing the specific data in your I agree.

37:38

Excellent report. Thank you very much. It was so easy to absorb even the unfamiliar topic.

37:45

So there's these 84 I think you said conditions and that sounds that's a lot

37:50

and so they'll be monitoring I assume by various different agencies during that process.

37:56

So then let's fast forward and this is in place. There's this new part of

38:02

the landfill operational. What kind of monitoring and logging and

38:07

this logging and recording and things that go what's the oversight on that?

38:13

And I you don't need to be detailed. It's just is this something that's internally monitored? Are they reporting

38:19

to outside agencies? Are they they're reporting to the county as well?

38:25

Mhm. So yeah, so part of what we wanted to accomplish with these uh conditions and

38:32

as you can see with the uh odor condition, especially noise condition is

38:39

monitoring uh monthly reporting um

38:44

I think annually reporting but uh with odor especially a third party that that

38:50

comes on site and also monitors odor with them to make sure that what the

38:56

third party is is um sensing is similar to what they're actually monitoring and

39:03

recording. And so uh yeah, so that's

39:08

that's the condition. um what the county does with the information is up to the

39:17

county. Mhm. And you know, and so people can see it um and evaluate it.

39:26

Yeah.

39:35

Sure. Oh, I take my finger off. Um,

39:48

Commissioner Cash, any more questions? I am done for now. Thank you very much.

Commissioner Fulford.

39:56

Thank you, Commissioner Fowler. Chair Fowler. Um, uh,

40:02

as far as I do have a couple of questions. I'm really concerned about u I guess the transparency.

40:08

Um will there be like a real time compliance dashboard or public transparency portal uh made available to

40:14

the public? It seems like we don't see these things, right? Or they go

40:20

somewhere into a dark dark place and we're we're not really

40:28

so a sort of extension of what uh Commissioner Cash was saying. Um can we see the data?

40:36

Yeah, it should be available. Um we don't have a process in place for the all these enhancements that are

40:42

recommended yet. Um but they if they are adopted and move forward then certainly

40:47

we'll need to follow through uh logistically on making that information

40:52

more available uh to folks. Um we have as part of this process added some

40:58

accessibility features um to our website and we have a commitment um for the

41:03

department to continue along that path. Um we also have enhancements um with the

41:10

uh interaction with DESAC and there's also a plan um to reestablish the role

41:19

of SWAC um with the county. So there are plenty of enhancements um down the road.

41:25

We just don't know um until we know what the final decision is.

41:31

Thank you. Um second question, it's on water quality and air quality. Uh one of

41:37

the statements that was made was um you know, we're going to rely on the state and the feds to help us out and keep

41:44

oversight on it. and it says, "Well, the the county short staffed, short resources, we got gaps."

Um, I'm I'm a

41:52

little confused. I I would think um coffin but would be something uh and the

41:58

air and water in our community be be very top. What's what's pushing pushing

42:05

uh that monitoring out of cough for coffin but or just our community in general? What are the other priorities?

42:14

priorities for the county or for the county. Yeah. It seems like we're in we're we're in some sort of

42:20

competition for resources and this one's losing out. Yeah. So, that would need to be a

42:26

question for the board of commissioners in terms of the prioritization for where we put uh our enhancements, monitoring

42:34

and resources. Uh so that is a policy decision uh outside of the land use process.

42:39

And and what is I mean you know what's going on. What's top right now? What are the top couple couple of things we're

42:45

spending our resources on in compliance? Um well, we have just hired a new

42:51

compliance uh officer after having that position was vacant for three years. So

42:57

um we have a backlog um and 15 current uh code compliance um that uh cases that

43:05

we're catching up on, which is great. Um we've also put some resources into new software for short uh term rental um

43:13

monitoring um and that's a collaboration with the assessment department um so

43:18

that we can look at um not only um the the value of those properties but

43:24

whether or not that they're in compliance. So that's another investment that's been made on on compliance. Um,

43:30

we have a position um that's vacant that we plan on uh creating in the next uh
43:37
two years in community development um in a water quality coordinator. Uh so we do
43:44
plan on moving forward um with that investment. So that's yet to happen, but we do have
approval from the board um to
43:51
create that. And then of course you are familiar with our solid waste uh management and
regional efforts there
43:58
and we've gained a lot of momentum um with that regional effort and there is a financial
commitment by the board uh to
44:04
continue with those efforts um including uh federal funding that's
44:10
uh or excuse me state funding that has now been um um long-term funding uh to
44:16
support a position for outreach and compliance contribution on solid waste.
44:23
So there are resources but not a uh formalized work program uh to work on
44:31
enhancements from our current level of service in those areas. All right. Thank you, Chair
Fowler.
44:38
Thank you very much uh Commissioner Fulford, Commissioner Lee.
44:43
Thank you uh Chair Fowler. I have several questions. Um,
44:49
on page 55 of the staff report, I'm going to turn there myself.
45:02
There's a statement in the applicant response that says um, it's about the
45:09
middle of the page. Last sentence of the paragraph says, "Typically, construction
45:15
activity to site a proposal use proposed use is not considered part of the impact
45:22
for conditional use review. Is that the opinion of the county?
45:29
In other words, cons is construction activity going to be considered
45:36
as part of the impact of this conditional use permit?" Yeah. certain elements particularly
45:41
excavation uh and the impact uh to the subterranean environment.
45:47
So not noise and not the groundwater. Uh yeah subterranean so underwater um
45:53

groundwater uh and their noise uh vibration impacts.

45:58

Okay. Page 67 discusses um litter. I'm wondering what

46:08

are are there any conditions of approval in the existing

46:14

uh land use permit for litter? What are they

46:22

not for this new proposal but the existing the existing permit?

46:31

Are the conditions of approval related to litter in the existing permit? in the

46:36

um off the top of my head, I I don't have the wording um for the the litter

46:42

plan. Um that would be a good question for the applicant on on what their litter plan is.

46:49

Okay. Page 83 is a discussion of odor as

46:56

it relates to tonnage of organic matter.

47:01

And this is um

47:07

my question is does that replace a tonnage cap or uh how is this how does

47:13

this relate to a tonnage cap? This uh this is directly related to the

47:21

applicant submission of uh impacts and in their odor evaluation they uh

47:29

assigned a number of tons or year over a

47:34

certain time frame that we said that is the amount of impact that they are

47:40

allowed to create through um through

47:45

landfill filling. So, it is not technically a tonnage cap,

47:52

but it is directly related to the amount of tons of trash that are submitted and

47:58

their odor study. That doesn't answer my question very well. I'm sorry. This is very confusing.

48:05

Can you do better?

48:11

Well, the the tonnage cap is something that the applicant uh has uh come to an

48:19

agreement with at the county board level. This is a condition related to uh impact

48:28

of odor which limits the amount of trash deposited on the site per year in a
48:39
volume of tonnage. So they're very very similar but they
48:45
are not the same because we are not regulating a tonnage cap.
48:53
Okay, maybe I can try to step in. Uh Jesse, that was a great explanation. And
48:59
Commissioner Lee, uh I'll repeat what um Jesse said. The franchise agreement
49:06
between the county and the applicant imposes a tonnage cap. Right now,
49:14
the tonnage cap apparently under the franchise agreement uh goes away if the
49:20
expansion if an expansion is approved. However, all of the applicants studies that were
49:29
submitted to demonstrate compliance with all of the criteria
49:34
rely on assumptions of waste that do not exceed something like
49:42
930,000 tons. If the applicant's submissions had not
49:49
included those assumptions, then the planning commission could have
49:55
potentially concluded that the applicant had not made the demonstration that this
50:00
criteria were satisfied. So essentially the planning staff
50:06
decided to hold the applicant to the assumptions in their models
50:11
in order to find that odor and uh noise for for just odor mainly that odor will
50:20
not um sign seriously interfere with uses on the adjacent properties. So they
50:25
are different they are related but they are different. So see if I understand a little bit.
50:34
There's a lot of modeling that's done mathematically in to accommodate this
50:40
permit. And you said most of them assume a
50:45
tonnage an annual tonnage rate that's equal to or less than this 900 this
50:51
number 900,000ish. Are there other um models that are used
50:59
in this permit application that are not limited by that number? In other words,
51:05

that do show a growth over time of the tonnage. It's the annual tonnage rate.

51:18

No, no. Okay. Okay. Thank you.

51:23

Um page 88 um talks about the purpose of the zone

51:29

and I'm wonder and it and it uses the term buffer properties and I'm wondering

51:35

are buffer properties um required? What's the status of buffer

51:41

properties as it relates to the landfill and the forest conservation zone? The

51:48

landfill zone and the forest conservation zone. Sorry, page 88.

51:53

Page 88 and 89 purpose of the zone. Uh on 89 I see the term note that note

52:02

also that the landfill buffers are not a byite use in the forest conservation

52:08

zone and are not allowed at all in rural residential zoning district. Would you I

52:14

just would like to understand buffer properties are they required?

52:21

Um, what's the status of buffer properties? Yeah, to be to be clear, this is uh

52:27

opponent testimony and not um referencing code standards here

52:37

that that on that page. Yes. See, so I I don't know how to respond in

52:43

relation to the code if that's not a a code requirement. Okay, it's not a code requirement. I

52:48

guess that answers my question. Page 106 and 110

52:57

both mention um

53:03

setbacks. Um in my experience in my community a

53:10

forest conservation zone requires a 300 foot setback. So I need to be corrected

53:17

if I'm wrong if that does not apply here.

53:23

Which sorry which page? Page 106 I think says

53:37

106 kind of past the middle of the page. Non-residentidential structures shall be

53:42

located at least 20 ft from a parcel or lot line. Mhm. except no setback is required for a

53:49

structure small structure blah blah blah right but now so I'm just
53:56
remembering the issue of setbacks in my community and that when forest conservation property
54:03
abuts other uses a 300 foot setback was required in an instance and so I'm
54:09
wondering when the 300 foot setback uh
54:15
how that fits into this application. Well, we can look into that and try to
54:21
figure out what you're referring to. Okay.
54:28
Page 117,
54:37
top of the page findings. Um
54:44
so this is in in a discussion of chapter 77 requirements. This is the landfill
54:49
chapter and um
55:00
for the conditional use permit application shall contain a recommendation
55:06
plan and it shall contain the following environmental and operational
55:12
conditions. Shall be reviewed prior to changes in the documents referenced above. geology,
groundwater and surface
55:19
water, soil depth and classification slope and cover material availability,
55:25
transportation and use. The finding is that BCC 77.310
55:32
parenthesis 4 only applies to changes to a site plan map and reclamation plan.
55:38
The proposal provides a new site plan and reclamation plan. Therefore, BCC
55:44
77310 does not apply. So in other parts of this application,
55:53
the application relies on this not being a new site. It's an update. And in this
55:58
case, it's saying this is this is um
56:04
not this is an update, not a new site. Anyway, it's all confusing. Please
56:09
explain. Sure. Yeah. So this this criterion uh is if you're changing something that's
56:16

already been approved and we are uh we are going through an entirely new application process and so that

56:22

evaluates these same items through the new new process.

56:28

We did not discuss cover material availability, transportation and use.

56:37

You're you're right. Okay.

56:43

That's my questions. Thank you. Thank you, Commissioner Lee. Commissioner Strs.

56:51

Thank you, Chair. Um, I originally had one questions, but as we were going through your presentation and some of

56:57

the other questions, I came up with a couple more questions. So, um, I will be quick, I hope. Um, my first question

57:05

essentially was answered, I believe, at the beginning of your presentations on slide four. I don't I'll summarize what

57:12

the slide was. It was about the April 2 April 22nd staff report recommendation.

57:17

Um, and it was sort of line what I was trying to do cuz when I saw the supplemental staff report come out, it

57:23

went from a re recommended denial to recommended approval. I'm like, okay, what's changed? You summarized it here.

57:30

My understanding between the two reports and through this whole process, these were the these were the only specific

57:36

reasons for the denial. Is that correct? for the first staff report. Yes, for the first staff report.

57:43

Okay. Or at least from your from the recommended denial, this these were the

57:48

specific reasons why, right? And as you recall, the first staff report was looking at technical

57:53

evaluation of the applicant submission. It didn't include uh the other

57:59

testimony. If there had been inclusion of the other testimony with what we knew

58:04

at the time of that staff report, there might have been additional items that we

58:09

recommended not because there are additional items that the applicant needed to supplement their staff report to address

58:16

um the 32 additional exhibits that they provided to address public testimony and
58:22

agency testimony that came in. Um my next question um related to

58:30

conditions of approval uh they are meant to mitigate concerns or issues they are

58:37

not to fully eliminate at or not always meant to fully eliminate issues and

58:42

concerns that help to mitigate those correct mitigate to the level that would meet the code
standard.

58:48

Okay. Yeah. Um, and I'm the I'm just I'm summarizing

58:54

public comment here. I'm not I'm not I'm not throwing my own words into this, but

58:59

in the public comments, um, there was referenced that the applicant at times

59:05

has not been fully compliant with past conditions of of approval. Um, is that

59:10

something that this bo that this body is allowed to consider as part of the review of this
application or because

59:17

that's a separate permit, a separate process, we can only focus, the code only allows us to focus
on what's in

59:22

front of us to date. That's the way we look at it. We can defer to what u our council has to say

59:29

about that as well.

59:36

Thanks on the spot again. Uh this uh proceeding is an application for a new

59:44

conditional use permit. Um the planning commission is uh any decision maker is

59:51

always allowed to judge the c credibility of the evidence submitted.

59:57

But in order to call that credibility into question um it's important to have equally

1:00:06

strong or e equal level evidence to call that credibility into question.

1:00:14

I guess I guess that's a a way of saying sort of

1:00:20

or or or another way say it being it depends also it depends

1:00:26

but generally the planning commission should focus on whether the application

1:00:31

meets the applicable criteria you know with or without conditions and

1:00:36

the it's uh the county's obligation to monitor

1:00:42

the conditions and there is a a legal process process for enforcing the conditions should the county have the

1:00:48

budget to do so. Okay. Okay.

1:00:56

Ed, did you want to say something? I have one more question. Yeah. know um I I agree with what's said

1:01:02

there and um looking trying to track down with the limited history that I've

1:01:08

had on that particular concern that the public's had on the conditions is that

1:01:14

um that particular question wasn't formally adjudicated in any way to this

1:01:19

point. So until it is, we don't have any evidence

1:01:24

that indeed those conditions were not followed. So

1:01:32

there are two sides to that story. There's a very limited written um evidence in either way. Um so there has

1:01:39

been due diligence in terms of trying to track down the history of those situations and they just haven't been

1:01:45

fully vetted yet. So it's hard to rely on um that anecdotal

1:01:53

information is essentially um the status

1:01:59

from our perspective at this time. And then my last question, and I

1:02:06

apologize if I'm mixing multiple conversations because it's been a while since we've been here in a hearing on

1:02:13

the conditionals of approval because they're in front of us now. Um, what

1:02:18

level are we allowed to include any type of penalties related to the for compliance or is that say a county level

1:02:25

decision, not a planning commission level? And if I remember right, and this is where my memory is a little foggy on

1:02:31

this, did we have a a very quick brief discussion about a bond or bond like some type of bond related conditions of

1:02:38

approval? And can we get a quick summary what that would look like if something like this was to move forward?

1:02:47

I think it'd be uh appropriate to have the legal council respond to that specific question.

1:02:54

I can't respond to that yet, but I'll I'll take a look through the code and see if there's any provision for

1:03:00

requiring a bond. But again, I don't remember if it was this hearing or if it was another conversation related something. But but

1:03:06

but my question related to the penalties, is that something that could be part of these conditions of approval?

1:03:12

Financial penalties. Yes, probably not. Okay.

1:03:20

Thanks, Commissioner Strothers. Commissioner Wilson. Thank you. And I want to commend my

1:03:26

fellow commissioners and the chair. Thank you, Chair. Um, they've asked a lot of probing and and good questions.

1:03:33

And so my my last one and only question that I have is that

1:03:40

it is a lot of conditions of approval. And so when we look at especially in your presentation and I don't know which

1:03:47

slide but it's the one where the conditions of approval are broken into phase one phase 2 and then conditions of

1:03:54

operating of approval COAs. My question is phase one and phase two

1:04:01

have to occur before the applicant can proceed into the

1:04:06

conditions of operating approval for the land for the landfill expansion.

1:04:12

who makes who determines whether they've met the criteria or are meeting the criteria for phases one and phase two

1:04:21

and I think a nod to commissioner STS what are the um what are the coercive u

1:04:29

mechanisms that the county can use in order to either f you know put them into

1:04:36

compliance on those uh conditions of approval or um suspending

1:04:41

the um the the pre the proceeding of work or if it can be uh suspended on that basis.

1:04:50

Yeah. So there's there's time frames for meeting conditions of approval prior to construction, but the next um the next

1:04:57

phase will be to go towards design. Uh so when they're ready to go towards design um there'll be a check as part of

1:05:04

the design process and uh public works reviewing the design will mean that they need to have met all of those conditions

1:05:11

of approval from the planning department. So there'll be no review of from public works unless planning has

1:05:18

signed off that all the conditions have been met at that phase. then um that process is reiterated when you go to

1:05:25

construction. all of the conditions of um public works on the design process

1:05:31

need to be met prior to construction and then there's an inspection process during construction and then there'll be

1:05:36

a monitoring process um for the operating conditions and I guess that leads into the question

1:05:43

that who does the monitoring um so that'll be from different um directions right so the the operational

1:05:51

conditions are actually self imposed um so those were uh presented by or those

1:05:58

were suggested by the applicant. Um uh so those are operational because land

1:06:04

use generally is not going to delve into the operational conditions but that is something that they wanted to make sure

1:06:11

um was a commitment that they put into uh this process. So um Jesse um talked

1:06:17

about the different state agencies that are responsible for the different elements water etc. Um so they are

1:06:23

responsible for that. What we're um wanting an enhancement on understanding

1:06:30

the collective frustration um on the state monitoring process is additional

1:06:36

transparency, additional reporting um additional eyes um so that we can um put

1:06:43

pressure on um the state agencies uh to pay attention um with more rigor uh to

1:06:51

this particular site and the impact that it as moving forward.

1:06:57

Great. Thank you, Chair Fowler. You Commissioner Wilson, Vice Chair

1:07:02

Haymon. Uh thank you, Chair Fowler. Um I think I only have one question, but it might be

1:07:10

I need help on this. Okay. Um uh I have I think this was a concern I

1:07:16

had the first time around and then with this uh updated application things becomes more either concerning or

1:07:23

confusing. So I want to ask a question. It is my understanding that existing

1:07:30

conditions cannot be used as a uh as a

1:07:36

reason for either approving or disapproving the application. Um,

1:07:42

and I think I think as I read through the especially the testimony uh public

1:07:48

there's a lot of reference to this existing conditions and and it would

1:07:54

seem to me a log logical at least u using extrapolation to say that whatever

1:08:01

existing conditions there are the approval of this permit could could exacerbate those conditions and that

1:08:09

would be a reason for denial. I think you have changed your recommendation

1:08:16

which I have to assume and I'd like clarification that you do not believe

1:08:21

that the that the approval of this uh permit would

1:08:28

would um increase whatever uh u negative or

1:08:35

whatever existing conditions uh that have been so much a part of this conversation cuz each one of us going to

1:08:42

have to make a, you know, a decision and I'm trying to clarify what is a new condition, what is not a new condition

1:08:50

so I know what I can consider and not consider. If you could give me some clarification on that, I'd be really

1:08:56

really grateful. Right. Well, I think you did hit the issue right there. Uh, if it is making

1:09:04

things worse, then that's definitely something that you can consider. Does that you seriously interfere with

1:09:11

adjacent land uses if it's making things that uh and it it's not necessarily just

1:09:16

that delta of change? It it's will the you know the total situation here be uh

1:09:23

seriously interfering. Um including you know the the existing landfill and the

1:09:29

the new one. Uh what's happening here is a transition from the existing to the

1:09:36

new one. And the new landfill is shorter

1:09:41

um more constrained by topography. Uh we'll have a lot more uh conditions that

1:09:48

relate to uh litter management. uh will have more um modern uh facilities

1:09:55

related to uh uh leech control related to air quality. So it's at it it's

1:10:03

different facility and the analysis that we have that has been reviewed by third

1:10:08

party engineers indicates that ultimately it's uh a lower impact than the existing facility. So that's that's

1:10:17

sort of the basis of of our conclusion with these conditions of approval. We feel that it doesn't increase impacts to

1:10:24

the point of seriously interfering. In fact, it mostly decreases from existing conditions.

1:10:30

One follow-up questions. The new conditions only apply to the new part of

1:10:36

the landfill and not to the old part of so it doesn't have any positive or negative impact to the existing

1:10:42

landfill.

1:10:48

Right. So, uh we do have a condition that limits the landfill expansion to south of the road. So,

1:10:58

thank you. Thank you. If I may, we do have a couple answers to Commissioner Lee's questions.

1:11:04

Please, before we lose those, uh the first the 300 foot setback is is dwellings, and we

1:11:10

don't have any proposed dwellings here. Uh and the other item was um the past

1:11:17

conditions of approval and we u we didn't look at every condition that has

1:11:22

happened in the last 50 years but uh we did look at the previous conditions most recently and we didn't see conditions

1:11:29

related to litter. So these would be new imposed conditions um that are greater

1:11:36

than what they're currently doing on the existing site as well.

1:11:42

So I just have a couple of questions and we'll throw it open for round table to conclude this uh this section. Um but

1:11:51

um I I think everyone has identified the externalities of of odor noise and

1:11:57

potential water issues as those just rise to to the surface. And it's it's

1:12:05

frustrating that there are overlapping jurisdictions with all of those as well.

1:12:11

uh and uh we we don't have uh DEEQ here to ask any questions. Uh so we don't

1:12:19

know what their their plans are. Uh but as I I look at all of our conditions

1:12:24

that are contained within the the 85 or or so proposed uh conditions,

1:12:32

many of them either relate to or rely upon the state to do their job.

1:12:39

And we've already heard in testimony that noise is no longer enforced by the

1:12:44

state. It's just not enforced. Uh we've heard public testimony that uh DEEQ is

1:12:53

unresponsive to odor complaints.

1:12:58

And uh with respect to to water, there were were less specific um incidents of

1:13:05

of lack of response from the state. But it strikes me that when a responsible

1:13:13

party is is not living up to their portion of the the burden, is that not

1:13:21

an undue burden? uh if they do not have the resources to

1:13:27

do what has been asked of them and can this body place a condition of

1:13:34

approval that appropriate resources are in the state monitoring organization

1:13:41

or else the project doesn't move forward because it would be an undue burden.

1:13:49

That is that's a really interesting question. uh you know I you know I

1:13:54

appreciate that question um because it you know it's it's a good way a a new

1:13:59

way of looking at things and um you know so we have the the state legislature

1:14:06

putting additional burdens on DEEQ um and if DEEQ can't do what the state is

1:14:14

telling it to do if DEQ can't do its fundamental job um you know I that's a

1:14:21

situation that's that's kind of beyond the county. I I don't even know how we

1:14:27

uh how we function in a you know situation where we can't rely on uh

1:14:33

other agencies to to do their their mandated job. Um how do we make a

1:14:38

decision with that situation?

1:14:43

Miss Ryan, do you have any opinion on this? Agree. It's an interesting question.

1:14:49

Jesse, uh, I guess my opinion is I think the criterion that you're getting at is

1:14:54

is it an undue burden on public facilities? And I think what I heard you say is

1:15:01

um, it's it may be an undue burden on public facilities if the state, the federal

1:15:10

government, other other enforcement entities don't do their jobs.

1:15:16

But it seems to me it go I guess my answer is the same as

1:15:22

uh to Commissioner Stru's um

1:15:28

in order to be uh discount the evidence in the record that in fact as the staff

1:15:35

has concluded the application won't place an undue burden on public facilities. There has to be somewhat

1:15:41

equal evidence that it will and that there's no evidence in the record really that the state other than that the state

1:15:49

does not uh DEEQ does no longer has the budget to enforce

1:15:56

uh noise levels right so it goes back to the EV an evidentiary question I think

1:16:03

it would be difficult to put a condition of approval in such as the one you

1:16:08

suggest Um but we can think about it. We can think about it during the applicant's

1:16:14

presentation. I would appreciate that. Yeah. Uh on the the odor topic, I I

1:16:21

think I understand the model and uh the

1:16:27

proposed condition which suggests uh an organic waste limit which um it so

1:16:37

that would suggest that we know the composition of the solid waste going

1:16:43

into the landfill. Did you test that assumption? Do do we know the

1:16:48

composition going into the landfill today? Currently, the applicant, as I

1:16:54

understand, it tracks the composition of waste. But I think that's a great question for the applicant.

1:17:01

And and I I will also ask it of of them, but that would also suggest that with

1:17:06

that assumption and knowledge of today's volume going into the landfill, uh we

1:17:13

could actually confirm the model. based on measurements. If you know the inputs,

1:17:20

you know the assumption, you know the outputs based on measurements, you should be able to confirm the model. Is

1:17:25

there anything in the evidence that has confirmed this model

1:17:30

for odor? For odor, I think that's a good question to ask our odor um third party reviewers

1:17:38

or online. And is is that something that they could look at as we go into the to the round,

1:17:45

Robin? Oh, and are they prepared to answer now?

1:17:52

Sure. Hi, I'm Ellery Howard with Malt Foster. Um, the the model contemplated

1:17:59

930,000 roughly uh tons per year of organic

1:18:06

waste. and that does fall in line with what has been reported uh by the annual

1:18:11

reports that the applicant submits to the state. So that's where that number came from. That is a 2023 number.

1:18:19

Hopefully that helps. Chad, I'm not sure if you have anything further that you want to add.

1:18:24

No, that's correct. So that speaks to the total volume. But if you if you know the inputs and the

1:18:31

assumptions and we're measuring odor, we should be able to confirm that the model

1:18:36

is accurate. That is correct. Uh and that that that

1:18:44

930 is is uh if you look at the past few years that has historically kind of

1:18:50

bounced around that number as well. Um however they do accept uh inert waste.

1:18:56

So and that would be considered inorganic and not creating an odor things like um

1:19:05

concrete and construction debris like that. Understand? But with with those

1:19:12

figures we should then be able to to correlate to the DT figures that jump

1:19:18

out of the model. Has that have you seen that correlation? Has that correlation

1:19:23

been done? And is the model been confirmed? Do we have confidence that by

1:19:29

limiting the amount of organic waste we are going to achieve the DT that is

1:19:34

predicted by the model and see confirm that if we understand

1:19:40

all the inputs with today's operation because today's operation is essentially

1:19:45

the precursor to tomorrow's operation. Sure. And I'll I'll let Chad as the voter expert uh speak to this a little

1:19:52

bit, but um what what we asked the applicants um consultant to do was use

1:20:00

the actual emissions from that 2023. Uh and so that is what that is based. So

1:20:07

it's not based on an assumed uh or an assumed uh emission rate. is based on

1:20:13

actual emissions and that was based on that same year of the 930,000

1:20:19

tons. So Chad, go ahead and fill in from there. Yeah, it's a great question and um what

1:20:27

I can say is that we had the applicant go back and add a significant amount of realism to the model uh including actual

1:20:34

emissions and and throughputs. Um the the biggest evidence we have that the

1:20:40

model is is tracking appropriately at this point is that we're the model now

1:20:46

shows that there are at times um levels

1:20:52

of of odor that would be above detectable levels. um not to the level

1:20:58

of nuisance um future-looking, but certainly above the 1D overt threshold

1:21:04

at which you would smell something. And that correlates well with um what you

1:21:10

know we we're seeing uh in from input from the community um in terms of um

1:21:17

noticing odor and reporting it. Um previous iterations of the model showed significantly below 1D overt. um we

1:21:26

didn't feel that that reflected reality. Um we did request the applicant to go

1:21:31

back and remove um some of the elevated elevated uh uh well the elevations that

1:21:39

they were using in the model and to um have it reflect closer to ground level

1:21:44

releases. Um models are not great at uh modeling surfaces that have complex

1:21:51

topography. And so one of the things we asked the applicant to do to add realism

1:21:56

was to go back and to carve the landfill up. And I think they chose 63 different squares. Um each of those squares were

1:22:04

placed at the midpoint of the height of the landfill um where they were located

1:22:10

uh in the model. Uh so the model now reflects the complex topography and

1:22:16

that's leading to us um showing that um there there are times when odor will be

1:22:22

noticeable. So there isn't uh models are not uh like

1:22:28

this are not such that you could say well it models tomorrow that the odor will be this let's go measure it and see

1:22:35

what the waste placement rate was. Yes, that tracks you know the the the model tracks perfectly with uh with um what we

1:22:44

actually measured but these model the model used airmod uh has been calibrated

1:22:50

um by the EPA uh historically um to make sure that it's it's reading

1:22:55

relatively accurately with um what you would expect downwind using monitors um

1:23:02

based on what's being emitted upwind. And um we're seeing in this model uh

1:23:08

that the applicant has submitted improvements in the realism of the emission rates using actual waste

1:23:15

placement and uh reported values and improved accuracy in the way that the um

1:23:22

model describes the landfill topography. And so um we do have confidence that the

1:23:28

the results now are tracking with um the observations of the community.

1:23:37

Thank you. I'll also look forward to the to the applicants addressing of this these uh same topics.

Uh and with that

1:23:44

I'll I'll throw it open to round robin to catch any questions.

1:23:50

Commissioner Strers. Um, I can go back and watch the video

1:23:56

from April 29th again. I just want to try asking my question again because I while we were waiting here, I went back

1:24:02

and looked at my notes. Um, and it was actually Chair Fowler who was asking questions that night and I don't I

1:24:10

didn't do a very good job of maybe because it was getting late of the actual note that I have here.

But what

1:24:15

it said, what I have in my notes is a bond requirement for conditions of approval. And I can go back and watch

1:24:20

the video again to see what that discussion was, but I wasn't sure if that's ringing a bell of any type of what happened at um we had we had a very

1:24:28

brief discussion on that. And again, I can go back and watch the

1:24:34

video and get and and watch that, but it was something that that apparently came

1:24:39

up. There's nothing in the code that allows for that type of a condition. It would also be difficult.

1:24:46

Um so to recover on the bond there would be need to be a formal proceeding in

1:24:51

which uh the applicant and others could participate in a formal determination

1:24:56

that a condition has is not being met before the bond could be ex uh executed

1:25:04

on if if such a thing existed. Okay. And that that's probably what

1:25:09

you've somebody said that night on the 29th, but it's been a little over two months. It just I knew there was

1:25:14

something in my head that there was a very brief discussion about a bond. So that I think that's probably what was discussed on the 29th. So thank you.

1:25:23

Other questions from the commission, Commissioner Fulford.

1:25:29

Uh thanks Chair Fowler. Uh quick question. Uh in the initial application

1:25:34

I read it was a six-year it's sort of a scope question, right? timeline uh that

1:25:40

we were adding six additional years to coffin but's uh um workout at coffin but

1:25:47

right so uh but now I'm reading it's it's 2022 is it are we are we talking

1:25:54

about 6 years are we talking about 27

1:25:59

the applicants uh odor study looked out to the year 2022 with that assumption of

1:26:05

of waste annually Thank you,

1:26:11

Commissioner Wilson. Thank you, Chair Fowler. Again, another odor question, and it's just because I'm

1:26:17

not a scientist. Um, not all emissions have odors, but some emissions are still

1:26:25

harmful. And how did you address that? cuz I can look at the chart here, but I

1:26:31

can't tell which ones won't necessarily have um an emissions odor. Uh that would

1:26:38

tell me that oh, I'm smelling X chemical, if you know what I mean, right? So odor is a typical impact that

1:26:45

the county reviews and is very common in in terms of conditional uses. uh where

1:26:51

we look at potential health impacts is in air quality and water quality and

1:26:58

those are where we we have uh a number of conditions but ultimately uh it it's

1:27:05

review from DEEQ and the EPA on how do you evaluate what is an appropriate

1:27:11

level of uh chemicals as harmful you know all of those are established uh not

1:27:17

by the county but by other agencies Okay. Thank you. Thank you, Chair

1:27:22

Fowler. Commissioner Lee,

1:27:28

thank you. Um, on page 145 at the top of

1:27:33

the operational conditions of approval, it states, "Monitoring of operational

1:27:40

COAs will be subject to BCC Title 31 enforcement." I read through that very

1:27:47

quickly. It mentions a \$25 fine. Um, but I'd missed the a point that I

1:27:56

would like to have someone try to explain and is what would initiate a um

1:28:04

this was talking about um how hearings and things how how a how an

1:28:12

issue would come before the county and receive a \$25 fine. What would what

1:28:17

would initiate that? Yeah. Uh it this is another example of antiquated code that we have and our

1:28:24

intention is within the next uh uh two years is to modernize it. So um by the

1:28:31

time if this is approved um and by the time we get to construction, it'll be a

1:28:36

completely different enforcement process. So I just like to start with that. Um but uh currently um the

1:28:43

enforcement process is initiated by um either a compliance officer um becoming

1:28:52

aware of it or uh someone out in the field or uh somebody uh um a citizen

1:28:58

bringing a complaint to the community development department. and then it's um

1:29:04

looked into and if it's substantiated then the uh officer will follow through

1:29:11

on compliance. And uh generally our approach is that we uh try for a

1:29:18

voluntary compliance first um prior to going through that um process. But that

1:29:24

is a final uh process if we're not able to get through the the first two to

1:29:29

three um uh efforts at voluntary compliance. Thank you. So that brings up another

1:29:36

question. If the code changes in two or three years, would this application be

1:29:43

subject to that or would would the can changes like that impact an existing

1:29:48

approved uh permit? Uh so the the enforcement process by the

1:29:57

time this um project has been built um

1:30:02

changes will have been made uh to the enforcement process.

1:30:08

So are you asking if it would be grandfathered in with the current process if this approved now?

Is that

1:30:13

what you're asking? I'm asking if if the

1:30:18

code changes, would this application be subject to those code changes?

1:30:24

Yes. Thank you.

1:30:31

Let me check in with Commissioner Bisco. You had asked to reserve potentially questions uh at the end of the round

1:30:38

robin. Commissioner Bisco, any questions? Yes. Thank you, Chair Fowler. Can you hear me?

Yes.

1:30:44

Great. Um, a couple questions have come up just through this the conversations. Thank you to my fellow commissioners for

1:30:50

bringing some good questions forward. Um, I I do have a couple uh based on

1:30:56

some of the information that we've now talked about. Um, back to the modeling of the assumption of the 934,000

1:31:04

tons of I believe it's organic waste. Have we done any modeling that considers

1:31:11

not what has happened in the past, but what could happen with the lifting of a tonnage cap um related to how that would

1:31:19

impact modeling if we increase the amount of waste that we bring into this location?

1:31:27

The thank you for asking that. The answer to that is no. They did not

1:31:32

evaluate increased uh tonnage above the 930,000 which is why we imposed or

1:31:40

recommending imposing condition of approval that limits that waste

1:31:47

and to be clear that waste was organic material and that's related to odor specifically. Did I understand that

1:31:53

correctly? Yes. Okay. Uh thank you for that question. Um

1:31:59

also with the changing in the conditions where we have proposed a limit of

1:32:06

it's the new height limit of the expansion. It's 400. Could you clarify that number again? The 400 and some odd

1:32:12

feet. Yeah. 450 ft above mean sea level. Above Okay. Above sea level. Could you

1:32:22

um remind me the above sea level height of the current landfill just for for you

1:32:28

know proportionality. So that the current landfill I believe is over 600 ft.

1:32:36

Okay. But we don't have an exact on that presently. They did submit an exhibit that shows uh

1:32:42

the elevation cross-section of the the current and and it's u approximately 170

1:32:50

ft above the proposed 450 ft. Okay.

1:32:55

And then with that, how and this may go to Commissioner Fulford's question. How will that new limit of 450 ft above sea

1:33:04

level impact the longevity of the use of this landfill? I understand that we have an odor, you know, uh, assumption that's

1:33:11

going out to 20. I think it was 52 you said, but how will this new limit influence the longevity of the use of

1:33:18

this expansion? I think it depends on the amount of

1:33:25

waste that's coming in and if they have less than 930

1:33:30

um you know it to limit the the impacts of the use by imposing a height limit.

1:33:35

If uh if they run out of space at 450 ft then they can't go above it.

1:33:41

I think that's a very appropriate question of the the applicant. Right. Okay. Thank you. Um then also I'm

1:33:48

going to go back to some staffing um some of the comments that you made um in the presentation and then also in the

1:33:55

followup we talked about uh water quality for example being the purview of state and federal regulatory agencies um

1:34:02

that we rely on at the county but I also hear that we're bringing on a water quality staff position if I understood

1:34:09

correctly at Benton County. What will that person's role be if it wouldn't be

1:34:15

in any way related to or you know touching the landfill space? I I'm struggling I guess with we're not

1:34:21

permitted to and yet we're we are providing a position at Benton County related to water quality. What's the

1:34:27

distinction here why they would not be involved in any of the landfill

1:34:32

water quality subjects? Yeah, it's not that we're not permitted to. Um first that there is an option for

1:34:40

us to uh again be more rigorous if we have the resources. Um the water quality

1:34:46

um coordinator position is currently focused um on you know a current body of

1:34:53

work um defined and uh the focus is on total maximum daily load um requirements

1:35:00

um and that's the storm water so TMDL um if I won't go into the details on that

1:35:06

so as water quality u permitting uh state permitting requirements uh that the county is responsible for in

1:35:13

unincorporated areas. Uh so that's a regulatory um um program that we're required uh to

1:35:22

participate in with the Department of Environmental Quality. Um so that's um the impetus uh for the position um

1:35:30

because we don't have someone on staff at this time that that's able to do that work. Um and then there's also a number

1:35:36

of um partnerships with the with public works and parks around storm water um

1:35:44

and riparian restoration things of that nature um for that position. It's not to

1:35:49

say that it couldn't expand the role and responsibilities specifically to water

1:35:55

quality issues um if a county policy made that so and and pivoted some

1:36:03

resources towards the landfill. That's certainly an option. Um but that's above my station.

1:36:10

Okay. And that that's really helpful. I appreciate that. Um, I'm going to go back to what was previously presented by

1:36:16

the county was that at this time there's no plan then to have any staffing related to compliance related to the

1:36:22

landfill. No position, no funding uh or resourcing. Is that still correct then?

1:36:28

Not at this moment in time, but it's meaning at this time there's no plan for

1:36:34

that position or resourcing or I'm incorrect and not at this time. That's correct. Um, there is not a plan

1:36:40

for that at this time. at this moment in time, but that's not to say that there's not potential for that in the future.

1:36:49

Okay. Um, one of the questions that um I'm hoping to get answered still is the

1:36:55

Benton County, my understanding is, and I think it's come up in this space. I'm not sure that I have that confirmed

1:37:01

though in my reading, is that Benton County is guaranteed a certain landfill capacity for Benton County waste. Um,

1:37:08

has that been confirmed by staff yet at this point? that came up before, but again, not sure if that answer has come

1:37:14

to us yet.

1:37:20

Um, could you rephrase the question, please? Um, sure. So, um, it may be in the, um,

1:37:27

franchise agreement. Um it I'm not sure where it lands, but Benton County um as

1:37:34

a you know, as a county with its agreements, and I'll use that small a

1:37:40

agreements because I'm not sure where it lands, is guaranteed a certain it's

1:37:45

guaranteed landfill resourcing, if you will. Um meaning the landfill can't fill

1:37:51

and close for a certain amount of years. Was there not a year attached to that that Ben County was guaranteed

1:37:58

waste resourcing at coffen but yeah thank you um that is uh that

1:38:04

information is in the franchise agreement okay and

1:38:10

do we not know that without looking that up again I'm I'm sorry I don't believe that it's 75,000 tons

1:38:17

okay and for a period of time not sure about that

1:38:25

okay is it possible that that answer can be confirmed by staff by tomorrow. I know I can go look for it, but I want to

1:38:31

make sure that I'm hearing correctly from those of you in the room who are the experts. Can we have that by tomorrow?

1:38:36

No problem. Oh, I'm sorry. I did not quite hear you. No problem.

1:38:42

Okay, thank you. Um, let's see here. Just a couple notes. Just make sure no more questions.

1:38:54

Okay. Um, we talked about third party and I've heard him a couple different times. I think I generally know which third parties we're talking about. DEEQ

1:39:01

and EPA are part of that third party. Um, when we were discussing the odor uh

1:39:06

and odor mitigation, it almost sounded to me as if we would have a third party that wasn't maybe

1:39:12

DEEQ or EPA. Is that correct? I see head nodding, but can you expand on who that

1:39:18

third party might be? And then where is the staffing and and funding for that person or or where will that person land

1:39:25

um within this process? That is

1:39:31

a condition of approval that the applicant must um pay for and um

1:39:37

contract that third party for that review.

1:39:44

Okay. Okay. And the oversight of Benton County in that responsibility. I understand the condition oversight and

1:39:49

kind of where that lands, but in the case of, you know, how do we select that third party and I think it was

1:39:55

Commissioner Fulford again that mentioned like a dashboard or that transparency. Is there more clarity on

1:40:00

that component of this? Because odor and how it was presented in the last application is very different than now

1:40:06

it is being presented. But clearly based on testimony, it is a concern. So to

1:40:11

help the planning commission understand, you know, what is that condition of approval really kind of mean? Do we have

1:40:16

any better idea of what that third party person and or oversight from the county

1:40:22

might look like? That's something that the the condition

1:40:29

is not final. Um and if the planning commission wanted to orient that

1:40:34

condition more toward a specific outcome uh or result then that's possible. you

1:40:41

know, these these are are recommended conditions and you will theoretically deliberate and discuss um hopefully all

1:40:50

of them because I think you'll have to to read all of them and and this is one if if there's a different approach to to

1:40:57

achieve the result that you're looking for in terms of monitoring and uh

1:41:02

reporting requirements. those those things are are you know we we're recommending but it's it's up to you to

1:41:09

to have that that final condition and and you can certainly modify the conditions

1:41:15

and and that's helpful. Thank you very much. Um question on the transportation. It sounds like ODOT did not weigh in

1:41:21

with an opinion. Um, were there other third parties outside of the applicants

1:41:27

traffic analysis and such uh that were part participant to our transportation

1:41:33

and traffic related data um related to this application?

1:41:39

Yeah, we we had uh on the county team a third party contract transportation

1:41:44

engineer. Okay. contracted and and that was a

1:41:50

transportation engineer you said.

1:41:56

Oh, was that a yes? That's correct. Okay, very good. Um, another comment was made about the Adair Village uh if there

1:42:03

was opportunity in Adair Village wanted to recommend conditions of approval. Were they invited actually to consider

1:42:09

submitting conditions of approval? sound like that might have happened, but I'm wondering if if we did in fact ask for

1:42:15

their opinion being they're their first they're our first line of defense fire district,

1:42:20

right? They were uh notified of the application asked for their uh feedback and recommendation.

1:42:26

So feedback, recommendation and conditions or just feedback and recommendation as far as approval?

1:42:38

Um yeah, they wouldn't they could provide um suggested conditions that

1:42:43

would be um unique um for a municipality to do that. Um but yes, we asked them

1:42:49

twice to provide comment. Okay. Um that helps clarify that. And then I think I just have one more. So

1:42:57

sorry, some's in my type notes and some's in my written. So, um,

1:43:16

one last to check. I've gotten most of them. I have just one more section to check

1:43:22

here. Lots of notes tonight. Lots of testimony. So, thank you for all of the

1:43:27

staff information. It looks like that's all the questions I

1:43:33

have as a wrap-up. Thank you very much. I appreciate staff and um those of you that are providing testimony as well

1:43:38

this evening. Thank you all for your thoughtful questions. We appreciate it very much. Not quite done.

1:43:46

Commissioner Cash. Oh, sorry. Thank you, Commissioner Feller. Um Mr.

1:43:52

Winter Road, you just said a few minutes ago you said we could modify something.

1:43:57

Could you tell me who we is? I I meant you as in the planning

1:44:03

commission. Thank you for clarifying that. So, I'm I'm trying to track carefully the limit

1:44:12

of what we're supposed to consider in making our decision as a planning commissioner. So, I want to just touch

1:44:18

on some points that were brought up this evening. Um, we're not to consider prior

1:44:24

non-compliance without evidence.

1:44:30

No evidence is being gathered because oversight agencies are not performing

1:44:36

those services anymore. Am I headed down the right road here?

1:44:49

Um you you can cons you

1:44:55

yes I would say uh no oversight evidence has been gathered

1:45:00

because no formal adjudication of non-compliance with the current

1:45:06

conditions has been done. A a formal adjudication of non-compliance would

1:45:12

involve due process and giving the applicant a chance to respond to the

1:45:18

allegations. As I understand the evidence in the record, there are a lot of anecdotal

1:45:24

there's a lot of anecdotal testimony and potentially evidence that allege current

1:45:31

non-compliance, but it has not risen to the level where due process has been

1:45:36

afforded. Thank you for that clarification. That was exactly what I meant to say.

1:45:48

Commissioner Strothers, this will be my last question and it's just a followup to Commissioner Lee. Um, thank you

1:45:55

Commissioner Lee for finding on page 145 um, that little line there that talked

1:46:00

about the monitoring on within BCC Title 31. And I want to go back to the answer

1:46:06

that was given. The reason why this application wouldn't be subject is because that is county code and not

1:46:14

development code. Exactly code. Correct. I just want to make sure from a process standpoint that's why they're separate.

1:46:19

There's no goalpost issue. Perfect. That's what that's what I wanted to hear. Thank you.

1:46:28

I see no hands raised. And so that concludes our questions and it is time

1:46:34

for a break I think and we will resume at 8:00 with the applicant supplemental

1:46:42

presentation.

1:46:57

Everyone can take talking.

1:47:07

Very well. We'll move into the applicant presentation. Uh, and Mr. Condet. Oh, or Mr. RP.

1:47:15

Yeah. Uh, good evening. And I want to make sure we get our presentation up first here.

1:47:21

What I'm going to be talking to is not actually to that. So maybe um

1:47:28

uh we could go ahead and get started. So first uh chairman and commissioners, thank you for this time. We appreciate

1:47:35

uh the opportunity to talk to in front of you again. And as a reminder, uh my name is Brian Rup. I'm with Republic

1:47:40

Services. And I'll take a minute to introduce our team. I know uh we'll we'll make sure and reintroduce as we go

1:47:46

around because there's a few people, but just to call the folks out that are here. So we have three other folks from our internal team. Brett Davis, our

1:47:52

general manager, and then two folks from our environmental team, both Brent Lurch, who works at our area office, and

1:47:58

then Paul Coer, and maybe if you guys could raise your hands as I call your names. Uh Paul Coers is our EM and

1:48:04

associated with the coffin site specifically. Uh Stephanie James. So then we have a number of outside

1:48:10

consultants, too. So Stephanie James uh is from Turnstone Environmental. She's been helping us with wildlife.

1:48:18

Uh a few folks from SCS, which is a consulting group. Jim Walsh is going to help us talk through fire tonight.

1:48:24

And then Ray Huff and Greg Hower are both here on uh odor and to present and

1:48:30

talk through what we've done differently since the last application. Uh in addition, we have Adam Jenkins uh

1:48:36

here from Greenbush. He's going to be uh talking to noise. Finally, we have Jeff Shepard who is

1:48:43

from CC. He's been kind of our overall project engineer and has a couple uh parts where he'll talk to. And then

1:48:49

lastly, uh Jeff Condent, our land use attorney, will be helping us um and frankly kind of guiding some of the

1:48:55

conversation tonight. Very well. Uh so with that, on behalf of Brew Public Services, I just want to express our sincere appreciation to Benton

1:49:01

County uh the staff, the planning commission, and the county consultants uh for the careful and thorough review

1:49:07

of our application. Um the detailed analysis and engagement throughout the process has helped us improve and

1:49:13

strengthen the application before you all tonight. Uh we are going to keep our remarks brief although we know we'll

1:49:18

have uh you know questions and our team of technical experts are here to help answer those. Um we agree with the staff

1:49:25

report and the proposed conditions. We do have three exceptions or clarifications. I guess I would call

1:49:31

them slight tweaks to the conditions of approval and we'll get to those too during our presentation. We can talk through that. Uh and you'll see that

1:49:38

we've taken steps to enhance the commitments to odor control, noise mitigation, groundwater protection,

1:49:43

environmental stewardship throughout the application, and we're prepared to continually uh to continue to work

1:49:48

closely with uh the county and the community to ensure these standards are upheld. Uh it's important to note that

1:49:55

this land use approval is just the beginning of the regulatory process. We've talked a little bit about it tonight already and should the

1:50:00

application be approved uh the Oregon DEEQ will conduct its own independent review uh before any further permits can

1:50:07

be issued. Um in addition the landfill remain subject to ongoing uh compliance

1:50:13

obligations, environmental monitoring and operational oversight uh both under state and local authorities as well as

1:50:20

the conditions of approval set before you all. and Republic Services are proud and live and work in this community and

1:50:28

um take seriously the role that we have to be long-term stewards of the environment.

1:50:33

Uh thank you again for the time for your thoughtful review and your consideration of the application. And with that, I'll turn it over to Jeff Condit to kind of

1:50:40

us to start to talk through some of the details around our application.

1:50:51

Uh, thank you, Brian. Again, for the record, my name is Jeff. I'm local counsel for uh for the applicant. Um, we

1:50:58

are going to uh focus tonight on our responses to the previous staff report

1:51:04

and testimony from the community that came in at the hearing and after the hearing. So, we're going to be

1:51:10

responding to those. As Brian mentioned, we overall agree. Oh, sorry.

1:51:17

as it's on. It's on. It's on. Okay. Okay.

1:51:24

Sorry. I was gonna really be ashamed because I was instructed how to turn it on before I sat down. Uh so, um we agree

1:51:33

with the analysis in the staff report and the conditions of approval with a couple exceptions that we will get to.

1:51:40

Um, our focus has been on the key issues from the from the testimony, both the

1:51:45

prior staff report and the testimony that came in from uh the community at

1:51:51

the last hearing. Uh, we are going to focus our presentation tonight on sort

1:51:56

of uh what we consider to be the sort of the biggies which is odor,

1:52:02

noise, groundwater. And I I agree with the comment that that groundwater

1:52:07

encompasses water qu all the water quality issues uh fire and litter

1:52:13

generations. Those uh just in our review of the public testimony seem to rise to

1:52:18

the top of neighbor concerns. And so and of course uh odor and noise were the two

1:52:24

issues that we recommended denial on by the staff. Uh we do have as Brian

1:52:30

mentioned all of our technical consultants here tonight. Uh and so if you have other questions about other

1:52:35

parts of the staff report uh or uh conditions of approval, we have those people there for you to ask questions,

1:52:42

but we're going to focus on those on our presentation to try to keep it as short as we can. Um and uh with that, I am

1:52:50

going to uh turn it over to Adam Jenkins of Green Bush uh to talk about noise.

1:52:56

But before I do that, before I do that, I'm going to mention to sort of just overview what's new.

Um, the biggest

1:53:04

thing that's new about our oydor study is our mitigation measures to try to

1:53:10

bring those numbers down and the proposed uh conditions of approval that relate to the imposition

1:53:17

of those uh of those uh conditions. And uh I think I will now turn it over to

1:53:23

Adam to talk about exactly what the analysis did and exactly what those uh conditions entail.

1:53:34

Thank you, Mr. Condid. Nice to be before you all again. Uh Chair Fowler, Vice Chair Haymon, and the rest of the

1:53:39

planning commission. Appreciate the opportunity to chat with you again tonight. Uh since we last met, uh the

1:53:45

applicant team has spent quite a bit of time reviewing not only comments from staff that were in the initial staff

1:53:51

report, also questions and comment from you all during the initial hearing proceeding and also the public testimony

1:53:58

that was uh not only submitted that evening but also subsequently.

1:54:03

And uh we we determined that uh if we could achieve a reduction in noise from

1:54:11

the on-site equipment of 10 dB, we would be able to reduce the increase to the

1:54:20

existing quietest hour at the nearest noise sensitive receptor to be not more

1:54:25

than than 6 dB, which is a 5 decel reduction below what we presented to you

1:54:30

previously. And achieving this target would also reduce noise at all other noise

1:54:37

sensitive receptors to below existing conditions. Again, that quietest uh hour

1:54:44

of existing ambient noise where our presentation uh a few months ago uh

1:54:50

compared predicted sound levels to the median existing sound level based on input we got from staff in the initial

1:54:56

staff report. Uh that was one thing that they were concerned about. So we took that criteria and rolled it into our

1:55:02

analysis. As a part of that analysis, the applicant proposed new measures which

1:55:09

included which includes testing equipment before uh the start of commercial services.

Commercial service

1:55:16

in the expansion area to verify that the sound levels uh are being achieved before commercial service commences. In

1:55:24

addition to uh the pre-commercial service check, also performing weekly checks by rep um

Republic Services staff

1:55:32

or Valley Landfill staff on site to verify that the equipment is continuing to operate. And if there's some sort of

1:55:38

maintenance event that results in increases sound, increases to sound levels of the whatever piece of

1:55:44

equipment that might be, there would be an opportunity for operation staff to address that before it may result in in

1:55:51

noise complaints. And these measures that were proposed and adopted as as re uh proposed or

1:55:58

recommended conditions of approval I should say are in addition to the original recommendation and proposal by

1:56:04

the applicant last time we met to update the noise study on a trienal basis every

1:56:10

3 years. These are additional conditions. Now as far as the noise reduction uh

1:56:16

goes we can go to the next slide. How are we going to get there? How are

1:56:22

we going to achieve 10 dB of reduction in the on-site equipment? Well, we spent a lot of time coordinating with

1:56:28

operations staff at uh our public services in which included coordination with equipment manufacturers to see what

1:56:34

was feasible because it's important that whatever conditions is put before the commission is in fact achievable. Right?

1:56:42

So, we spent quite a bit of time on this and the three factors or three tools I'd say that we believe will get us down the

1:56:49

road of that 10 dB of reduction include quieter equipment. When when this uh expansion area becomes

1:56:56

active, there will be new technologies that we don't see as prevalent currently. Maybe electric equipment,

1:57:03

alternative fueled equipment that may have quieter sound levels. We want to be able to capture uh any uh reductions in

1:57:10

equipment sound levels to that betterment and reduction of 10 dB. So that is one factor. Another factor or

1:57:17

another opportunity would be for us to install quieter mufflers. If the

1:57:22

equipment itself doesn't get quieter by the time that the expansionary becomes is ready to become commercially active,

1:57:29

then muffler upgrades could be implemented. And this was validated with uh manufacturers. It's also possible

1:57:35

that smaller uh pieces of equipment could be used that would generate quieter sound levels than what was the

1:57:41

basis of our noise study prepared in 2023. And the third tool was to install

1:57:48

noise barriers around stationary equipment, for example, at the tippers. Anything that's not going to move, a

1:57:53

localized noise barrier we found to be much more effective than trying to erect a large wall at a property line near a

1:57:59

receptor. getting that wall near the activity we found to be much uh more effective. So through these measures

1:58:07

that provides the applicant with some flexibility when time comes to implement these uh we're we're confident we'll be

1:58:13

able to achieve a 10 decel reduction of the equipment sound levels that were presented in the 2023 study which will

1:58:20

result which will result in the off-site noise reductions we've discussed.

1:58:25

The next slide. So the commitment uh even though the

1:58:31

previous proposal did comply with the state noise code, staff comments in the

1:58:37

original staff report expressed a concern about the increases to existing noise conditions and stated a preference

1:58:43

uh to reference the quietest ambient hour instead of the median hour for the

1:58:49

existing sound level. This inter- interpretation was a conservative and therefore highly protective

1:58:54

interpretation of the state code and the applicant has carried this recommendation in to our updated

1:59:01

analysis acknowledging the opinion of of the staff that that this was an important uh criterion to satisfy. The

1:59:09

updated application information and noise conditions in the supplemental staff report reflect the applicant's

1:59:15

commitment to be a good neighbor and going above and beyond these legal standards for noise control which is what our initial presentation a few

1:59:21

months ago focused on. This commitment requires investment from the applicant

1:59:26

minimizing noise emissions. It also played a important role in shaping the layout of the proposed site plan as

1:59:32

reflected in the application. The applicant's commitment is also a sustained one that will require neg

1:59:38

regular noise checks and be able to adapt in response to complaints in order to minimize effects on the surrounding

1:59:44

community. Uh the updated conditions supported by the supplemental staff report again going go above and beyond

1:59:51

what's required by the state noise ordinance and ensure that the application satisfies cup criteria and

1:59:56

is compatible with the county code. I did want to touch on a question that chair fileer asked of staff during the

2:00:02

the previous portion of the meeting about enforcement and compliance. I think it's important for the commission

2:00:07

to consider that even though the DEEQ noise standards were used to assess noise effects, we're not relying on the

2:00:14

applicant's not re relying on DEEQ for enforcement. The enforcement mechanisms

2:00:19

and the conditions that are included in the proposed conditions of approval

2:00:25

require the the regular monitoring of the applicant and reporting to county and would not require a DEQ oversight

2:00:32

for for enforcement. That concludes the noise section.

2:00:42

Thank you. Thank you, Adam. Uh,

2:00:48

do you want me to leave this one on or off? Thank you. Is this better?

2:00:55

Not better. Okay. It's in the ition

2:01:09

uh technology. Um so uh we're going to move on uh to uh

2:01:17

odor management which is the second of the biggies. Uh so uh what's new uh that

2:01:25

is our uh sort of beefed up report. Uh we changed the analysis to the bifurcal

2:01:31

model as was discussed by staff. Um and we focused on eight actual pollutants

2:01:37

based on numbers and uh we've come up with a uh that that constitutes our

2:01:44

revised report and then we've proposed um mitigation measures uh in order to

2:01:50

ensure ongoing compliance with that and enforcement and policing. So, I am going

2:01:57

to um turn this one over to um Ray Huff

2:02:02

from SCS to sort of talk in more detail about how we addressed the concerns

2:02:07

raised in the initial staff report and during hearings. Okay, I think this is on. Okay, I

2:02:15

project loud. So, good evening, commissioners. Thank you, Mr. Condet. Um I'm going to make it quick. I know

2:02:20

you're going to have lots of questions, so I'll try and cover the large basis here. And that is in response to the

2:02:27

staff's original review of what we had put together, we actually expanded our

2:02:32

air dispersion modeling. We actually included odor studies in the results of complaint logs that were provided to us.

2:02:40

And what we were able to do is identify where are the complaints coming from? They're coming from the south. They're

2:02:46

coming from the southwest. How does that match up with where everything's at on the site? So, we looked at things such

2:02:54

as what's the best way to mitigate odors? And you're going to hear later, it's going to be more gas collection.

2:03:00

Gas isn't collected. It comes out of the surface of the landfill. It goes into the community. We want to avoid that.

2:03:06

So, you enhance your gas collection. But I believe there was a question in regard to proving the model. How do we best go

2:03:13

about proving the model? Well, the good news is that's in the operating conditions. One of the operating

2:03:20

conditions for implementation of the CUP is to conduct odor studies. Have

2:03:25

personnel standing there looking for this magic D over T and is it at four?

2:03:30

Is it above four? Is it below four? We're actually going to go and prove the model. That's the point of the operating

2:03:36

conditions and that's what we're going to do. Um, so next slide.

2:03:45

Thank you. So, as Mr. Gonda talked about, we used Airmod, which is approved by the EPA. It

2:03:53

is the most valid model for something like this. And we went back and made instead of one large landfill, we made

2:04:00

63 smaller little landfills and added them all together because we wanted to account for the differential topography

2:04:06

of the site. So, we did a whole bunch of modeling to make sure that we had it.

2:04:12

Um, and again, we focused on eight pollutants that represent about 95% of

2:04:18

the contaminants that we're seeing. So, that's the best way to take a look at this. And again, all of our results are

2:04:26

in the report that was provided to staff and they agreed that it was a comprehensive and thorough report. So, I

2:04:34

can't wait for questions, but that is the quick version of the presentation. Thank you.

2:04:39

[Music]

2:04:49

Okay, after the fifth try, I'm sure I'll have this right. Uh so uh we are now

2:04:56

going to uh move on to uh how we address litter. Again, litter came up in a

2:05:02

number of comments uh and expressed concern about how we are currently handling it. So, uh we have uh proposed

2:05:10

some uh much more um robust

2:05:15

uh uh methods of controlling litter on site. And I am going to uh turn uh this

2:05:22

over to Jeff Shepard to sort of talk about what those are and what the conditions of approval say.

2:05:29

Thank you, Jeff. Uh Chairman Fowler, Commissioners, um we wanted to make sure

2:05:34

that uh litter was controlled within the expansion area. We have proposed

2:05:41

basically almost four levels of fencing. We want to have two layers of bull

2:05:49

fencing, which is the metal fencing that you see in the slide, and then another

2:05:54

fence, which is called a defender fence, which is about 12t high. and then a

2:06:00

chain link fence around completely around the expansion area. Uh, next

2:06:05

slide. And you can see from this slide that the uh where we're proposing to put the

2:06:12

fence would be a chain link fence around the expansion area. And the fence is in

2:06:18

relation to OP15 where we're proposing to fence just around the expansion area and not the

2:06:25

entire uh site. And that would help with effective it would be more effective in

2:06:31

catching windblown litter. It also would avoid litter encroachment on the forestry conservation areas and it would

2:06:38

reduce impacts to wildlife mitigation. And again I think it's it's we have to

2:06:45

note that there will be four levels of fencing to control litter in the

2:06:52

expansion area. That is all I have. Jeff.

2:06:58

Thank you, Jeff. Um, the other uh other mitigation measure we proposed is

2:07:04

expanding our litter collection activities uh to include Tampico and Soap Creek roads. Currently, we do 99

2:07:12

and uh Coffen.

2:07:19

So, uh I'm going to turn it over. This is our going to be our groundwater presentation. So, um, we, you know, we

2:07:27

heard a lot of very technical information about groundwater, but the biggest concerns were whether or not,

2:07:33

uh, the construction of the new site was going to, uh, reduce water levels and surrounding wells, whether it was going

2:07:40

to have an impact on increasing, um, arsenic levels, uh, whether or not there

2:07:47

would be increase in leech releases. and um talking about uh the levels of

2:07:54

POS in uh the leech. So I am going to um

2:08:00

turn it over now to um to John Hower uh who is our technical

2:08:08

consultant uh from Geologic Associates. Uh good evening commissioners. I am John

2:08:13

Hower. I'm a geologic uh geologist with Geologic Associates. I'm a new member of the consulting team. Um today I'm going

2:08:20

to talk about three issues pertaining to water water quality water supply and uh

2:08:26

leate chemistry. So getting into that um

2:08:32

just want to set the stage there really hasn't been a leech release to

2:08:37

groundwater at this site from a lined portion of the facility. So in the last 30 years there's no evidence of a leech

2:08:44

release. The proposed expansion will only improve this condition because the

2:08:50

new liner design incorporates more uh layers of impermeable liner, more leech

2:08:58

collection capability. So, it will improve an already very good condition

2:09:03

at the site. Um, we've seen a lot of comments associated with the presence of

2:09:09

arsenic in groundwater at the site. And what we can tell you is that that is a

2:09:14

naturally occurring condition associated with the levels of dissolved oxygen in the aquifer.

Placement or construction

2:09:21

of that new composite liner system will not change that condition in the expansion area. So, we expect there to

2:09:28

be no change in the arsenic levels and groundwater associated with the proposed

2:09:33

expansion. Um, recognizing the community's concerns, uh, Republic is compared or is

2:09:42

prepared to comply with condition of 13B to install sentry wells around the

2:09:48

proposed expansion to incorporate them into the routine groundwater monitoring

2:09:53

reporting network. And uh the current and future monitoring network that we do

2:09:59

have at the site um in my opinion is fully uh sufficient and uh in protecting

2:10:06

and safeguarding the water quality in the Wama Basin. So moving on to water

2:10:11

supply. Um

2:10:16

the proposed development has uh a base grade elevation that's entirely similar

2:10:22

to what we've already built on the north side of Coffen but Road. When we look at the the impacts to water levels or the

2:10:29

water table on the north side of the site as a result of the existing uh

2:10:35

landfill operations, we just don't see a significant effect or change in the water table. We have the same geologic

2:10:42

conditions on the south side of the site as on the north side of the site. We going to have the same base grade

2:10:48

elevation on the south side of the site. As a result, we don't expect there to be a significant change in water levels uh

2:10:56

upgradient or in the community uh to the south of the proposed expansion area. As

2:11:02

a result of this uh development uh we've conducted a simplified geologic

2:11:08

or groundwater flow model to demonstrate that what we're seeing is that uh the

2:11:15

changes in the water level uh anticipated as a result of this proposed expansion will be the same thing we see

2:11:23

um seasonally with changes in the precipitation pattern. So about 3 to 5 feet here and there over time um with

2:11:31

the effects tapering off about 3,000 ft south of the landfill. Now we're not

2:11:36

satisfied with that. So Republic has committed to a very detailed hydrogeologic investigation of the

2:11:42

proposed expansion area that will help us design those sentry wells, figure out how deep they are, where exactly to put

2:11:49

them, and to make sure that we incorporate them into the monitoring network to make sure that our

2:11:54

assumptions on fracture interconnectivity um are conservative and are protective

2:12:00

of the community. Um, one one other item to note is that

2:12:05

we looked at the effect of blasting on the fracture patterns and what we found out is that that blasting will only have

2:12:12

a radius of impact of about 15 ft uh around each detonation hole. So that's

2:12:19

not really enough to significantly change uh any of the transmissive nature

2:12:24

of the the water bearing units at the site. Um in order to make sure that we are not

2:12:33

affecting the community, Republic is prepared to um implement uh condition of

2:12:40

F uh OP uh 13A um which will include monitoring of

2:12:46

those sentry wells, construction of additional sentry wells beyond those if

2:12:51

we're seeing an effect, and even uh working with the community to monitor

2:12:56

their wells in the event that we think that there's some effect that could be transmitted into the community.

2:13:03

Um lastly, I'd like to talk about the issue of lie chemistry which came up in a number of the comments. Um what we've

2:13:11

done is we've looked at the uh the POS and heavy metals results in the the lee

2:13:16

to coffin but landfill and how did those actually compare with other municipal solid waste landfills and the result was

2:13:24

they're very similar. Municipal solid waste landfill lee is pretty much the

2:13:30

same at coffin but as we see throughout uh other landfills in the western United States. There's nothing unique about it.

2:13:37

Um and as a result uh I think the way that the site is managing the leech is

2:13:43

appropriate. It goes to the wastewater treatment plant. It constitutes approximately 0.058% 058%

2:13:51

of the total volume of liquids that are treated at the plant. And according to the city's own records, there's no

2:13:58

evidence of POS impact in uh their drinking water downstream of the

2:14:05

wastewater treatment. So we think that, you know, we're not having a significant impact or any measurable impact on water

2:14:14

quality associated with the the leate that's going to the treatment plant. Uh

2:14:19

finally there was an issue about the volume of leate uh being generated in

2:14:24

cell one which is the unline the very old cell that's part of the landfill. There was a concern that we were still

2:14:31

generating uh 2 million gallons of lee per year. In fact over time uh the leech

2:14:38

generation rate in cell one has decreased. Um this year we're projecting

2:14:43

to only generate about 1.2 million gallons. So far less than the asserted 2

2:14:49

million gallons and we expect that to to continue to decrease as the landfill

2:14:54

continues its operation. Uh so thank you for your time. Um look forward to your

2:15:00

questions. Thank you Ry. Uh now we're going to uh

2:15:06

turn to fire. And uh what we have done uh uh since the hearing is uh we've

2:15:13

addressed uh the public testimony by a dare fire. Uh we have uh agreed to

2:15:19

improve reporting of fire incidents. Uh we've uh corrected the record that there was a testimony the on-site truck

2:15:26

doesn't work. It's working fine. Uh and uh we clarified the type and number of

2:15:32

fires in our consultant report and proposed some additional mitigation measures. So, I'm going to turn it over

2:15:38

this over to Jim Walsh of SCES to uh uh discuss his updated report.

2:15:45

Thank you, Mr. Condit. And good evening, uh Mr. Chairman and and Commission members. Um my name is Jim Walsh. I'm

2:15:52

with SCES Engineers. It's good to be with you again. I was the one I've written two reports on this subject

2:15:57

going back a total of two years. Um thank you. and um I was the one who provided

2:16:04

testimony some two months ago uh before this group. Since that time we have reviewed the comments that have come in

2:16:10

from the public both in writing and orally I participated or I listen in on each one of the public comment periods

2:16:15

and we've listened to I've listened to the comments that came from this commission and from staff and we've

2:16:20

identified five comment areas some of which two of which Mr. K just addressed and I'll just briefly go through them

2:16:26

and what our position is on each one of them. First is a a comment from um from

2:16:32

the Adair Fire Department with regard to uh the uh concerns that property tax

2:16:39

revenue has not kept up with Adair Fire District growth and and um and

2:16:44

department responsibilities potentially limiting response gaps in records and

2:16:49

support of the landfill. Uh this is news to us. I guess the coffin but staff

2:16:54

along with a DSAC member had a meeting um with the um with a dair fire back in

2:17:00

March of 2025. There was discussion about how the two parties have worked together very cooperatively for a number

2:17:06

of years. A commitment by both parties to work cooperatively uh together on a go forward basis and it was on that

2:17:12

basis that uh we felt like we'd have the support of an air fire going forward and we're confident we hope that we still

2:17:18

have that. We very much appreciate the support we've had for the fire department in the past and hope that continues. There were some concerns

2:17:25

about um property tax demerit as a result of um the landfill perhaps

2:17:30

devaluing property, but the landfill has been around for a long time. This disposal site some 70 80 years as a

2:17:36

matter of fact and so the impact on a go forward basis shouldn't be a diminishment of property tax or

2:17:42

valuations going forward. Uh the next comment was with regard to a

2:17:47

FEMA report also from Adair Fire. Um FEMA wrote a report in 2001 uh that

2:17:53

talked about the risk of fire coming from debris piles um um associated with

2:17:59

their cleanup operations. And I'd point out that FEMA obviously has tremendous responsibilities with debris management

2:18:05

and in many cases they accumulate large piles of debris. Um

2:18:12

um and those um piles can accumulate for a number of months and they have the potential to uh to start a fire. Um

2:18:19

sometimes when they're done with their cleanup activities, they remove the pile or they um have an emergency fire um

2:18:26

clearance to do that or they may bury it. Um, and sometimes that's called a landfill. That's not a modern municipal

2:18:32

solid wasteway subtitle D landfill like we have at Coffen but

2:18:38

one observation was with regard to methane emissions that there's a potential for methane in the landfill to

2:18:44

contribute to fires. There's really no history of that at modern municipal solid waste landfills. So, we don't see

2:18:49

the connection. Next comment was with regard to coffin but um recording fires and keeping

2:18:56

incident logs of such fire events. Um past history has been incomplete in that regard, but we're committed as one of

2:19:03

the conditions of approval to keep a log of all fire incidents on a go forward basis.

2:19:09

Um and uh and to provide copies of those reports both to DESAC and Oregon DEEQ

2:19:15

DEEQ. Next up is that a comment that was made before that an on-site water truck

2:19:20

that's used for um extinguishing grass fires um does not work and is not

2:19:26

functioning. That's just factually untrue. There is a functioning 4,000galon water truck. It's used for

2:19:32

dust suppression. It's always filled and available for fire extinguishment and it has been used on multiple occasions and

2:19:38

one of the conditions is that we'll make sure that we keep it in working order going forward.

2:19:43

Um the last comment is with regard to um Coffin View not properly representing

2:19:49

the number of fires that have occurred at the landfill in the past nor their magnitude. Um and my report identified

2:19:56

five fires. That's not the number of land of landfill fires that has actually occurred at the landfill in the past.

2:20:02

We'd agree in that regard. My report was only to identify um significant fires that we thought and best represented the

2:20:09

kinds of fires mostly working face and grass fires that can and have occurred on occasion at the landfill. So and

2:20:16

those were meant to be representative we think of working face fires, grass fires and um um landfill gas extraction fires

2:20:24

which the three types of fires that have occurred. With regard to the magnitude of the landfill fires that have occurred

2:20:30

before, they've all been quite manageable in the past. There is one fire that is thought of a lot and that's

2:20:35

one from 1999. This is before Republic assumed operation of the landfill. Um and my

2:20:42

experience tells me that there must have been tens of acres of uncovered refues for a fire of that magnitude to develop.

2:20:48

And obviously that does not occur now as we cover the waste every single day and there's not the potential for a fire to

2:20:55

be created and to expand at that size. Thank you for the opportunity to

2:21:00

present. I look forward to your questions.

2:21:11

Well, maybe I'm wrong and that I'll learn how to use this by the end of my presentation. Uh so uh I am going to uh talk a little

2:21:19

bit about the three conditions of approval uh where we would like an uh some adjustments. We don't object to

2:21:25

them wholeheartedly, but we think uh uh some clarification is in order. Uh the

2:21:30

first one involves maximum elevation. Uh the proposed condition was that the

2:21:36

final grain of the new landfill cell shall not exceed 450 ft above mean sea level in elevation.

2:21:43

And what we had measured in our drawings was the uh top of the waist grade. So

2:21:49

the maximum amount where waste would fill. There will be as part of closure

2:21:55

of the cell a final three-foot cover over the top. So that means the maximum

2:22:01

height would be 453. So we're proposing a revised condition

2:22:08

that the top of the waist grade will not exceed 4550 ft above mean sea level and

2:22:13

the top of the final cover grade shall not exceed 453 feet above mean uh sea

2:22:20

level in elevation. And we don't think that you know that's a ne uh three feet is negligible and won't have any effect

2:22:26

on the visual um the visual uh impact of

2:22:32

the of the new cell and it also will not create any additional odor impacts because the odor interacts are measured

2:22:37

based upon the number amount of waste. So that's just a minor little um uh

2:22:44

revision that we're suggesting. Uh the other one is to uh operating condition

2:22:49

number 14. This is working phase. Uh that one says that the applicant shall

2:22:54

not deposit waste north of coffin but roar during the development areas operation. Only one working face shall

2:23:02

be uh main operated at a time. That's a correct statement. But there is a

2:23:07

transition period between moving from the north side to the south side where

2:23:12

we will have both sites open for a very limited amount of time about 3 months maximum. And uh the reason for that and

2:23:20

uh we have Brent Lurch here from uh the environmental uh who's the environmental manager who can talk to it. But

2:23:26

typically what you want to do when a when a cell is first lined is bring in kind of softer garbage and line it with

2:23:34

that before you bring in the heavy stuff like concrete and construction. And that just is an added layer of protection for

2:23:41

the liner system. So that's why we do it. It's three months. So, we've added a

2:23:47

a condition. We've added to that condition to say we could have a three-month transition period uh for

2:23:53

which we can which we can move uh the trash from north to south. And that doesn't in that's not going to increase

2:23:59

any any volume because what we're doing is diverting trips of municipal solid waste from the north side to the south

2:24:05

side. So, it'll be the same amount of trips. It'll just be both faces will be in operation for three months. So we

2:24:11

have uh uh asked for that as well. And then finally uh Jeff Shepard has already

2:24:18

talked about this. Uh this is in uh OP uh operating condition number 15 litter

2:24:23

control uh section E. Originally staff asked us to uh build a chain link fence

2:24:31

around the entire landfill north and south in order to protect against windb

2:24:36

blown waste. And uh it uh our our feeling about that is that's not going

2:24:43

to be as effective. I mean most of the wind bowden race is is generated from the working face and so if you have that

2:24:49

chain link fence around the working face area which is what is shown in the uh in

2:24:55

the slide that we presented that that will be provide better protection. It will also have less of a visual impact.

2:25:02

And we are also concerned that if you fence the entire landfill site, which is

2:25:07

many more acres than that, that's going to affect wildlife migration across the forest conservation zone. So, uh this

2:25:14

would just uh fence the area around the working face and would provide that fourth layer that Jeff Shepard was

2:25:21

talking about. So we've asked for that revision to that condition

2:25:27

and uh that is the end of our formal presentation. We have some additional

2:25:32

slides there we prepared in case of questions but uh we're we're going to turn it back over to you Mr. Chair for

2:25:39

any questions from Very well. Thank you Mr. Condit. And as with the uh revised staff report, we'll

2:25:46

offer time to each of the planning commissioners for some questions and then we'll have a roundrobin at the end.

2:25:53

And just to vary things, we'll do it in reverse alphabetical order starting with Commissioner Wilson.

2:26:01

Thank you, Chair Fowler, and and thank you to the applicant in your presentation. Um I do have one quick

2:26:07

question for our council. um SB726 was passed by the state

2:26:14

legislature which impacts the uh applicants um it may impact the

2:26:20

applicant in regards to their emissions monitoring and I just wanted to know if I can incorporate them my in my question

2:26:27

with regards to the odor. Okay. So I don't know how familiar you

2:26:33

are with the with SB7 uh26 which was uh enacted and I what I understand of the

2:26:41

of the bill is that it's imposing a uh a requirement on the owners of Valley Landfill and and Republic Service to

2:26:48

conduct uh ongoing emission uh monitoring. Um, do you see that as being
2:26:54
uh complementary uh to uh on conditions of approval of
2:27:00
the odor uh control for lack of a better word control uh of the landfill? Do you
2:27:06
see that working complimentary or do you see that working just on the existing and not the
expansion site?
2:27:14
Uh well I I'll give it my the old college try. I have read the bill. Um
2:27:19
you know the bill has been adopted. It requires a much uh greater level of
2:27:25
monitoring. Uh it requires DEEQ to adopt some administrative rules and doesn't go
2:27:31
into effect I think for two years. Uh so I you know with that proviso
2:27:37
um uh you know what what they will be using that for is taking it into taking
2:27:42
that information into account uh when we have to go in and apply for our um air
2:27:49
quality permit for the new cell. So it in the in the sense that it will provide
2:27:55
better information about exactly what the levels of methane are. I think that
2:28:01
will be overall helpful, but you know, the devil is in the details with these new state laws and uh
we won't really
2:28:08
know for sure how it's going to affect us until EQ gets through the rule making process.
2:28:13
Thank you. Um I'm going to move to noise. Um and my quick one quick
2:28:19
question is when if anybody knows um was the last time there was active blasting
2:28:25
at the existing site? I'm going to direct that one to um
2:28:33
Brent. Yeah. Uh Brent Lurch for public services. So um
2:28:40
this summer, our spring summer, uh we currently are doing blasting activities.
2:28:46
Um is that in cell six or? Yeah, within cell six. Okay. So there's current blasting and um
2:28:54
with regards to the water issue um you uh uh provide testimony that um the
2:29:02
effect of the blasting in the expansion area. I don't know. I assume is this the same for cell six
that it's about a 15t

2:29:09

radius and that there's no indication that the fracturing of the the existing

2:29:15

landscape uh changes the water uh flow uh in that in either the expansion site

2:29:21

or the existing site. Yes, that's correct. Okay. And with the disturb but with the

2:29:26

blasting uh as a noise issue um and uh and with the with the removal of the

2:29:33

material uh as water comes as the water flows through that material that is

2:29:40

being removed. Do you are you monitoring for increased ar it was arsenic that I think that you testified before that is

2:29:46

naturally occurring in the in the landscape in the materials at the landfill. Is that correct?

2:29:53

Uh yeah that's correct. Okay. And do do you anticipate any increased runoff

2:29:59

uh from the blasting activity of of that particular chemical or any other contaminants?

2:30:05

I would bring that more to John.

2:30:11

Yeah. So the arsenic concentrations are directly inversely proportional to the

2:30:17

dissolved oxygen content. When you're talking about runoff, you're in a high oxygenated environment. You're not

2:30:24

likely to increase the arsenic concentrations. Uh with that said, we

2:30:29

continue to monitor for it on a semiannual basis. Uh storm water more frequently.

2:30:36

Thank you. Um,

2:30:43

and this it's only because I if I didn't read it correctly in one of your exhibits um well, in fact, let me just

2:30:50

pull it up because um I can find it. Oh, yeah. In uh just

2:30:57

for your reference in exhibit 47, this is where you're talking about the construction phase of the expansion

2:31:02

zone. Just so that I have an understanding, when you're removing material from the expansion zone, you're

2:31:08

going to move that across Coffinbe Road to the existing site as

2:31:14

cover material. And it talks about the I I'm assuming this is the total amount of

2:31:19

material that would be removed from the expansion site. And I'm not So I'm assuming that when you say 2.2 2 million

2:31:25

cubic yards of material are going to be removed and potentially used for cover material at the existing landfill site.

2:31:32

You're you're moving it by truck obviously to the other side of the road.

2:31:38

And how how long is that operation supposed to go on? Do you know? Yeah, that's a good question. So, um,

2:31:48

with approval of this, um, we would begin excavation,

2:31:53

um, within the southern half, um, of Coffen But Road. And we would use

2:32:01

that for cover um, in kind of a step-wise approach, multiple years, so

2:32:07

we're not just moving 2.2 million yards in a summer. um we would you know slowly

2:32:13

eat away at that um so that by the time we are ready to finish up on you know

2:32:20

the north side of the road we have a large majority of everything excavated.

2:32:26

Then a contractor would finish up excavation may stockpile some material

2:32:31

south of the road for us to use for daily operations and and daily cover

2:32:37

south of the road. Um, but yeah, the the goal and and thought behind it is it

2:32:42

would be a multi-year process, so we're not, you know, just going through 2.2

2:32:48

million yards in in a summer. Okay, I think that concludes my

2:32:53

questions. Thank you, Chair Fowler. Thank you, Commissioner Wilson. Commissioner STS,

2:32:59

thank you, Chair. I think I have one question at the moment, and I'm trying to find the right way to ask this. Um so

2:33:07

in your presentation when you were talking about the your groundwater response um there was mention of doing um one of

2:33:15

the bullets is prior to development of expansion a detailed hydrogeologic investigation will be conducted and

2:33:22

keeping with what I heard from staff tonight they took a lot of your applica application and work those into the

2:33:29

conditional use of um conditions of approval. Thank you. Um would adding

2:33:37

would you be open to adding it essentially would be an 86 conditioned and and having that as one of the I

2:33:44

believe it's the prephase or that that that that phase before operations of the conditions just trying to keep in line

2:33:50

with what staff has been doing with that. So having that detailed hydraulic investigation done before operations

2:33:57

um conditions happen. Sorry. Does that that make sense?

2:34:04

It doesn't make sense in my head, but I know what I'm trying to ask. Yeah. Um,

2:34:10

it would need to be done before operations. Um, we would need to put in our monitoring wells before and in order

2:34:18

to understand where exactly those wells would be placed, how deep they would be,

2:34:23

what the design of the wells would be, we would need to conduct that hydrogeologic investigation. So yeah,

2:34:29

it would be a condition prior to development of the new excavation cell.

2:34:36

Mr. Sters, I'd say if you want to condition it as a formal condition of approval, we would be open to that. I,

2:34:43

you know, it's I think a prerequisite for us doing the job the right way in the first place. So either way, it will take place that way. But if if you feel

2:34:48

more comfort or if there was more comfort associated with adding an 87th, then uh we'd be open to that.

2:34:56

Thanks, Commissioner STS. Commissioner Lee,

2:35:02

thank you all. I have a lot of questions. I'll try to be rational here, but they're kind of not in in in

2:35:09

irrational order. Um, so there's a comment on page staff report page 55

2:35:16

that talks about uh construction activities are often not included as

2:35:24

um considerations for um COAs. So then I look at noise on page

2:35:33

31 and I'm wondering if the modeling that was done regarding noise included

2:35:41

noise from the blasting and all the activities during the construction phase.

2:35:50

Did the noise modeling that you did include noise from con during the construction

2:35:57

phase? I'm going to ask Adam to respond to that. Thank you for the question, Commissioner

2:36:02

Lee. Uh noise levels from construction were not specifically studied. Is it part of the

2:36:10

noise analysis for application? I would like to point out that sound levels from blasting are regulated under DEEQ or

2:36:18

Oregon administrative rules 34035035 sub 1 subd sub A. So there are some

2:36:27

regulatory requirements that do establish thresholds for blasting but no specific analysis of blasting or

2:36:34

construction was completed. What is the duration of the construction phase anticipated to be?

2:36:44

I I would say uh it would happen seasonally in in summer months from six

2:36:50

to 8 months approximately depending on weather. So your construction phase is going to

2:36:57

last 6 to 8 months uh each one it it will construction

2:37:03

phase take the whole construction how many years will it take you to get to operational?

2:37:09

So we would build this out into different phases. So we would likely

2:37:15

move the leech eight ponds and entrance road in one year. Um and that would be 6

2:37:23

to 8 months in in year one. Then the following year we would build the portion of the the southern expansion

2:37:31

area similar to you know what we're doing uh in cell six right now. kind of

2:37:37

uh putting those into smaller chunks. Um so

2:37:43

in year one we would build you know a portion of the the southern cell. Um and

2:37:49

then likely the year after that um may skip a year depending on uh tonnage that

2:37:57

comes in. If we have less tons we might be able to skip a year um and we would finish that out.

So um you could say it

2:38:05

would be likely 3 to four separate years with each year having 6 to 8 months of

2:38:12

construction. So 3 to four years with 6 to 8 months of noise that includes the noise of the

2:38:19

existing operation plus the construction.

2:38:25

Yes. Okay.

2:38:31

regarding odor. Um, on page 45,

2:38:37

this is once again my confusion or the confusion over the intake rates

2:38:43

and and my question, you know, you're talking about accepting

2:38:50

930,000 tons of organic waste. And so I believe

2:38:57

you've said that you have a way to determine or distinguish organic versus inorganic waste. And so

2:39:06

how are you how is it going to work? Could you are you I just still can't get

2:39:11

my head around it and I want to understand if you have a essentially it's not called a cap but a limit of

2:39:18

930,000 plus or minus 10% of organic waste but you're also take you can also

2:39:26

take an unlimited amount of inorganic waste. Is that is that what I'm

2:39:31

understanding? If the cap the cap goes away in your

2:39:36

franchise, this says you can take 930 plus tons of

2:39:41

organic waste, but then the cap on inorganic waste essentially goes away.

2:39:46

Do you have a way that you're you're um sorting waste? So you so this is this

2:39:53

is going to be operationally functional for you. How is it how does it really work on the land at the time? Yeah, I I

2:40:00

would add a point of clarification that the the current tonnage cap is at 1.1

2:40:07

u million tons of municipal solid waste a year. Um that's how it currently

2:40:14

stands. This new one would be that 930,000ish

2:40:19

tons of um of organic waste. But the t but the cap

2:40:25

goes away according to the franchise agreement if we pass this expansion. So my question is then this the language in

2:40:33

the staff report limits organic waste. It does not limit

2:40:39

inorganic waste. So theoretically what I'm trying to get at or understand is in

2:40:46

the future if we pass this expansion the

2:40:53

There will be an effective limit of 930,000

2:41:00

tons of organic waste, but no limit because the cap goes away to the

2:41:06

inorganic waste. Is is am I understanding that correctly? Um I I would say it's it's acting as

2:41:13

right now as it currently is. So with municipal solid waste would be an

2:41:19

organic waste. So very similar to this um currently right now if we take

2:41:28

non-municipal solid waste we do not count that towards the tonnage cap.

2:41:36

So it's so my my understanding is correct then. Okay

2:41:47

thank you. Okay. So,

2:41:52

uh,

2:41:58

so, excuse me, I'm thinking here. Page 108, uh, describes, uh, the forest

2:42:05

conservation zoned tax lot, 1200. It's the place where the gas to energy

2:42:12

plant exists. That gas to energy plant will stay there, right? Is it going to

2:42:18

change, expand? You're you're talking about capturing more of the gases and

2:42:23

methane. What's going to happen at that gas to energy plant? Yeah. Um and if I could touch on the

2:42:30

last question, I I do want to say um every truck that comes in, we do have a

2:42:36

specific code to track that, you know, this this truck has 15 tons of municipal

2:42:45

solid waste. This truck has two tons of construction and demolition debris. I'm

2:42:51

not sure if that helps clear it up, but we do track, you know, each truck bringing in each weight of 30 different

2:43:00

subp parts. Um to your question about uh what's going to happen to the landfill

2:43:06

gas to energy facility. Um right now PNGC is working on potentially

2:43:13

upgrading that plant to an RNG facility. Um it's very infancy stages right now.

2:43:21

So not a whole lot to go on that, but I believe that would um cause a cup for

2:43:28

you know changing of that. um and and is kind of on on their end to to complete.

2:43:35

Um, as we, you know, a as we continue to take more tons in, um, we will be

2:43:42

generating more landfill gas. And to address that, um, we will build

2:43:49

additional flares, um, upside or, you know, max out our current one and with

2:43:56

conjunction with PNG and us working to, you know, take that landfill gas and

2:44:02

have a beneficial reuse. Um, that that will also we're we're always looking to expand that.

2:44:12

Thank Thank you. Um, regarding the 4,000galon

2:44:19

uh truck. So, where do you get the water for that truck?

2:44:29

Is it on? Yeah. Okay. We get it from a Dare Village. There's a filling station on Campadare Road and so it's all I mean

2:44:36

it's like drinking water. Okay. Great. And the truck is brand new. It was re,

2:44:42

you know, we uh actually had an older truck that was taken to another facility and that truck's I think less than two

2:44:47

years old. Thank you. Um so I'm looking at your statement that

2:44:53

this truck is used used in hot weather for dust suppression.

2:44:58

So how I'm looking at a hot day with the need for dust suppression and a hot day

2:45:06

where there is a potential for fire. Is that truck kept full every day or how is

2:45:12

it actually operated? Yeah, during the summer months it's obviously kept full every day. During

2:45:18

the winter we don't need a lot of dust suppression, but in the summer months it's ran every day. It not only covers

2:45:25

uh coffin, but it covers Pacific region compost as well. So, it's constantly making routes uh around our facility.

2:45:33

That's great. But that means that there are times when it isn't really full at as you're using it. Sure. Sure. Yeah.

2:45:41

But there's times it's also not more than about 5 minutes from where it needs to be. I mean, as as the facilities are

2:45:48

maybe a mile apart, right? Good. Thank you.

2:45:55

So, um, I had a question that was left over from the prior hearing about mitigation

2:46:03

wetland and I wanted to get your feedback and comment there. You have a

2:46:08

mitigation wetland existing at the existing at the existing site, right? So, there

2:46:16

was a comment. So when when asked about it, you you talked about the

2:46:22

requirements for a mitigation wetland. There was public testimony that the

2:46:30

existing mitigation wetland is overgrown in invasive species and really not

2:46:35

functioning as a mitigation wetland anymore. And I would like you to have the opportunity since you haven't taken

2:46:42

it in writing here tonight to to discuss that.

2:46:48

What are the requirements that that qualify a space that's listed on a map

2:46:53

as a mitigation wetland to what are the requirements for that that mitigation

2:46:58

wetland? Well, going back to the original core permit for that mitigation wetland, we

2:47:04

the previous owners had to monitor it for 5 years to ensure that the growth

2:47:10

was there in the plants that they had u planted. that was all done and submitted

2:47:16

to the core of engineers and the core of engineers um sort of said, "Yep, it's

2:47:22

good." And then it sort of acts on its own at that point.

2:47:27

You could go in and do maintenance and remove the invasive species and things

2:47:33

of that nature, but as far as the the meeting the requirements of the core

2:47:38

permit for the mitigation property, it was they were met. Yes. So the requirements are met

2:47:45

in the past and in the present if it if someone looked at it, it probably

2:47:50

wouldn't meet those requirements. Is that what I'm understanding? Not necessarily. No.

2:47:56

Okay.

2:48:05

I'm sorry. I read this somewhere and I can't remember where, but it said that you have wetlands in the expansion area

2:48:12

and you and there are plans to mitigate those wetlands and are you planning to

2:48:19

do that in a separate space in the expansion area? I'm sorry if you

2:48:24

those would that the area that's impacted the the wetlands that are currently not part of the mitigation

2:48:32

wetlands are going to be impacted by the new entrance. So mitigation efforts would

2:48:38

either be offsite um i.e. towards uh down Soap Creek Road

2:48:46

that the intersection of Soap Creek and Coffen but there's a there's an area

2:48:51

where the uh the applicant could possibly do a mitigation area or there's

2:48:57

the opportunity to buy mitigation credits from a mitigation bank but that

2:49:03

bank has to occur in the same um uh watershed that the the the wetland is

2:49:11

being uh impacted. Okay. Thank you. So, I asked this

2:49:17

question at the last hearing and I now I'm confused again. You're using arsenic. You seem to be suggesting to

2:49:24

use arsenic as a an indicator of leate

2:49:31

uh uh leaking into the groundwater. And I

2:49:36

I guess what I'm hearing you're saying is you're talking about arsenic because the public talks about arsenic. And I'm

2:49:42

wondering if it wouldn't make more sense to use a different compound

2:49:48

to actually monitor for leech leaks because arsenic is already a variable

2:49:57

present in variable rates at variable times. So in my opinion, your condition of

2:50:03

approval about arsenic and monitoring your new wells

2:50:10

would I wouldn't use arsenic. I would use maybe arsenic plus something else. Yeah.

2:50:18

Does that make sense? That's a actually a really good question. And in fact, uh you're

2:50:23

correct. Arsenic's not a great monitoring parameter for this site because it does occur naturally and it

2:50:30

is goes into groundwater as a part of a natural condition. Um, in fact, our

2:50:37

monitoring program uses, I want to say somewhere about 100 monitoring

2:50:43

parameters when you include the suite of volatile organic compounds as well as the other heavy metals in the organic

2:50:50

constituents. So, we're looking at chloride, we're looking at nitrate, sulfate, bicarbonate, carbonate,

2:50:56

um, 14 other trace metals, 47 VOCC's every time we do the monitoring. Arsenic

2:51:03

is a concern because it occurs at very high concentrations. Again, it occurs so naturally. But yeah, the presence of

2:51:13

other monitoring parameters are better indicators of a leech release than the

2:51:18

presence of arsenic.

2:51:32

So I have a question about again I read it somewhere I can't remember exactly where you are proposing

2:51:40

um in the existing landfill you have um a war a open face a working

2:51:49

face of half an acre. Is that correct? That's

2:51:57

it it changes in geometry. It's anywhere from half an acre to 2 acres. So, the new one you've specified 2

2:52:04

acres. So, this I'm I'm hoping that I'm asking

2:52:10

an allowed question here. I understand you've asked for a new permit from DEEQ

2:52:15

to increase your methane emissions. Does that relate to this larger open working

2:52:21

phase or is it unrelated? Um I I would say

2:52:27

they're they're largely unrelated. The the title five permit is more about um

2:52:34

decomposition of of waste throughout the entire mass and not just the the two

2:52:40

acres. Okay. And this is I will ask this in an

2:52:47

understanding you may not be able to answer it but I would love to know the status of your title five permit and the

2:52:54

EPA investigations. Can anyone answer? I don't know what the an I don't have a clue what the status of each of those

2:53:00

is. Yeah. Um so regarding the EPA uh 114

2:53:07

letter um we submitted that to the EPA. have not heard back from them yet. Um,

2:53:13

which is pretty standard. Um, you know, with other 114 letters that we submit,

2:53:20

it has a lot of data. So, they're going through it right now and we submitted it

2:53:26

gosh maybe a month or two ago. So, um, you know, it it takes the amount of

2:53:32

information that we submit to them, it's going to take them some some time to get through it all.

Um, regarding the title

2:53:39

5 permit, um, we are still working with ODQ to get that finalized. Um, you know,

2:53:47

one of the the main things was when the original Title 5 permit was drafted, um,

2:53:54

versus when we had the public hearing, there was a change to AP42,

2:54:00

which is an an EPA standard. Um, so as we did all the calculations, we're

2:54:07

working with uh ODQ to get everything drafted. Um, we were working under the

2:54:15

old AP42 rules. Um, as we got to public hearing and and getting everything

2:54:21

through there, EPA submitted revised plans to AP42 and as part of public

2:54:28

comment, um, ODEQ thought it would would

2:54:33

be appropriate, even though we are kind of on either fence of approval versus when everything
2:54:40

was drafted and and calculated, um, it would make more sense to go with the the

2:54:46

most recent revised. So, we're working with them to get that completed. Um, and

2:54:51

and hope to get that here soon. So, you you don't have an up-to-date Title 5 permit from DEEQ.

Is that

2:54:58

correct? Uh, we are still underneath the historic one. And how long how long has that been?

2:55:06

Uh, we have I believe we've submitted um to get a new Title 5 permit three or

2:55:12

four times. Um, and the initial one was in the early 201s. Um, and continue to

2:55:20

work with them to get that finalized. Think I think that's all my questions. Thank you very much for your help.

2:55:27

Thank you, Commissioner Lee, Commissioner Fulford. Thank you, Chairman Fowler. Uh, have a

2:55:35

couple of questions. I'll be pretty quick. I know it's it's getting late. Uh, follow up on uh, Commissioner Lee's

2:55:42

comment. Uh Brent, uh you talked about codes, truck codes on the organic, uh waste thing.

2:55:48

Curious about that one. Um is that based on contract or who's whose truck uh is

2:55:54

getting filled or do you guys actually inspect the trucks when you sign those codes? Um yeah. So it obviously a lot easier

2:56:02

with our own trucks because we know, you know, where they're going and and can track those.

Um, a as far as third-p

2:56:10

partyy, yes, we do either a load inspection or, you know, when somebody

2:56:15

pulls up, question often gets asked what, you know, what's in the back of your truck. Um, so from there, we can

2:56:23

class it, whether it's, you know, um, I don't, you know,

2:56:29

concrete or Yeah. the, you know, just trash that public is dropping off,

2:56:36

whatever it is. So yeah, we we look at that, assign it. I I we have probably

2:56:42

what 30 some odd different codes depending on whether it's contaminated

2:56:48

soil, municipal solid waste, construction and demolition debris, sludge, what whatever it is.

2:56:55

Okay. Thank you. Um question for Mr. Jenkins on the you talked about testing

2:57:02

of of the gear, right? uh that works at the facility uh to figure out what was

2:57:09

quieter. Um can you tell me a little bit about what gear you actually tested and what those manufacturers were?

2:57:16

Yes, that information is included in our noise study that was dated 2023.

2:57:25

Let me see if I can pull up a copy of that.

2:57:35

And as you're looking that up, uh, what was the most I I think loudest, uh,

2:57:41

piece of, uh, suspect it's the engine, but that's the question.

2:57:54

The sound the equipment that we measured sound levels for in our 2023 noise study

2:57:59

is listed on table 5.3 which is PDF page 11. You'd like to go look at it after

2:58:06

this evening. Uh equipment included uh Caterpillar D9 dozer, Caterpillar D6

2:58:12

dozer, a Caterpillar 836G compactor, uh Columbia Industries tipper, a

2:58:19

Caterpillar 330 excavator, idling trucks on the site, and trucks traveling uphill

2:58:27

and trucks traveling downhill. Now, the noise uh reduction measures that are

2:58:33

discussed in the proposed condition of approval are for on-site equipment only.

2:58:38

So, only equipment that is stationed at the site. So, hall trucks coming in and out, private hall vehicles coming in and

2:58:43

out wouldn't wouldn't apply there. But for the dozers, the compactor, the tipper, the excavator, those would be

2:58:49

the pieces of equipment that uh per the proposed condition of approval would need to be 10 dB quieter than what's

2:58:56

shown in table 5.3. So, so follow up to that. Um I know

2:59:01

Caterpillar has electric industrial uh are any of those numbers that you

2:59:06

rattled off uh in that scope? No. All of the well all the measurements

2:59:12

that were made that are part of the noise study that served as the basis of our analysis,

2:59:18

none of those were electric or alternative vehicles. In fact, they were near the end of their service life. Uh

2:59:23

so we got a pretty super noisy, right? We got a a louder sampling. Yes. So we're anticipating that as you mentioned

2:59:30

uh Commissioner Fulford with the advancements of alternative fuel technologies and electric technologies

2:59:36

that those machines themselves may be quieter uh you know whenever the

2:59:42

operations do move to the expansion area. So that's one of the this the main

2:59:47

purpose of the first mitigation measure that I discussed that's also mentioned in the proposed condition of approval is

2:59:54

to allow for the applicant to capture those reductions in noise that if they're able to procure a piece of

3:00:01

equipment that is 10 dB quieter prior to the start of commercial service. They wouldn't then also have to do additional

3:00:07

noise mitigation measures but such as mufflers which wouldn't exist for electric but or local noise barriers but

3:00:15

only if quieter equipment isn't available. Then they have those two additional measures which would include

3:00:21

the muffler upgrades also potentially equipment shrouds. You asked about the

3:00:27

distribution between uh noise from engine exhaust versus mechanical noise.

3:00:32

It it varies depending on the piece of equipment, but there all alo all there are also other means to reduce noise

3:00:40

available from the manufacturer besides the motor exhaust. It could all be considered as a part of those equipment

3:00:46

upgrades. Okay. Um and as far as testing, you didn't do the any of the electric uh

3:00:51

stuff, but you would do that in the future. How does how does that work? Um well, yeah, go ahead.

3:00:57

It's a great question. So if the applicant were to procure electric equipment as replacing any of the number

3:01:05

of the pieces of equipment that I mentioned, that equipment would be measured at the site prior to the start

3:01:11

of commercial service to verify that the 10 minimum 10 decel reduction was achieved. Okay.

3:01:16

So it would be studied at at that likely in preparation of that date, right? But

3:01:23

it would be around that time that those measurements would be performed and validated. I suspect uh those factors

3:01:29

would be considered in the procurement plan for for equipment as that date

3:01:34

approaches. Yeah, if you're shooting for 10 dB less and you're you're getting a chunk that way, then let's do it, right? Um thank

3:01:42

you. Uh I guess the next one's for uh uh John Howard. Uh the hydrology and

3:01:48

groundwater piece. Uh, Republic Services committed to performing a focused hydro

3:01:54

geologic investigation of proposed expansion area. Uh, when will this

3:01:59

investigation begin? What specific methods will be used and uh, will be made public?

3:02:08

I think I already answered this um, by saying that we would do it before the

3:02:13

development of the of the uh, the expansion area. you need to do it in

3:02:19

order to build the the monitoring wells that we're proposing to do. So, it's a

3:02:24

it's pretty much putting the cart before the horse, so to speak. So, um what

3:02:30

would be involved? Uh it would be drilling test holes perhaps uh with temporary casings perhaps uh uh doing um

3:02:39

some 72-hour aquifer tests to measure the response of water levels and

3:02:44

adjacent wells so we can address the interconnectivity of the fractured uh

3:02:49

groundwater system out there. um again to better identify um the effect or

3:02:56

potential effect that the development of the expansion area might have on uh

3:03:02

water supply wells in the community. Um typically that's what we're looking at

3:03:08

um is just the overall movement of groundwater through the aquifer and in

3:03:13

this case it's fractured bedrock. All right. Thank you chairman Fowler.

3:03:19

Thank you Commissioner Fulford. Commissioner Cash.

3:03:25

Thank you, Chair. Um, my first question is just that I did

3:03:31

not hear something that was said that gentleman in the blazer

3:03:37

you mentioned at the end um, two leech amounts that were in the millions and I

3:03:43

did not hear what you said. Could you repeat that please? the very very end of your presentation.

3:03:52

That was you. No, you're right person. Yes, you

3:03:59

testing one. There we go. I covered landfill fire risk. I didn't say anything about me. Did you quote some millions amounts at

3:04:06

the end of your that was you? Okay. Sorry. Yeah. Uh what I was referring to is

3:04:12

there was a concern raised by the public that cell one which is the unlined

3:04:19

uh part of the landfill was still generating 2 million gallons of leech per year. Uh what I responded to that

3:04:27

was that in fact lee uh volumes have been decreasing over time. This year we

3:04:35

anticipate that the the leech is projecting to be about 1.2 2 million

3:04:40

gallons. So far below that \$2 million or 2 million gallon threshold uh that was

3:04:46

referenced in the comment. Thank you so much. Um

3:04:53

POS uh measured downstream

3:04:59

not evidencing. Could you talk more about the data gathering please?

3:05:05

What did those communities do? Were there lots of them? Did they do a lot of

3:05:10

testing? Uh the only information that we have about POS downstream is from the city of

3:05:17

Corvallis. Uh the only testing that we've done is

3:05:23

of the leech itself as it is exists on site.

3:05:29

So what we know is that we've transported leech to the wastewater

3:05:34

treatment facilities. They test their drinking water for POS and they've had

3:05:40

no detections of POS in the drinking water.

3:05:46

Thank you.

3:05:51

So this odor monitoring that would take place perhaps in the future. What I took

3:05:58

away from what was presented, I pictured three guys standing around at the

3:06:05

landfill saying trash doesn't stink or trash does stink

3:06:11

today. And I'm not trying to be sassy. I mean that's actually the image I took away from what was described. Could you

3:06:17

talk more about that? And do when this monitoring is

3:06:24

we're using words like verified, do you know do you go visit the neighbor's

3:06:29

place to see if it's stinky over there? That is that that certainly is the

3:06:35

potential. As written, what we're going to do is establish a network of survey

3:06:41

locations and we're going to have not just people standing around going, "Geez, does it smell?"

No, they're

3:06:46

actually going to have these crazy looking things on their faces called old factoters. And they are this device you

3:06:53

hold up and it's about this long and it powers air into it. And what you do is

3:07:00

you can rotate a dial and what that does is change your dilution to threshold

3:07:05

ratio. So all the way open, you're basically taking in fresh air, but then

3:07:11

you ratchet it back and some of the air is filtered and that tells you how diluted what you're smelling is. And

3:07:18

just to make sure they're doing the right job, they're going to be trained using a host of I call them, for lack of

3:07:26

a better term, pens, but they are pens that have different DTO values on them.

3:07:34

and the staff will be individually trained on how to use them. Now, the verification part, what happens next is

3:07:41

an independent third party comes in and they do a monitoring just to double

3:07:47

check that there's no, "Yeah, yeah, it doesn't smell going on." That's what the third party verification is for. They

3:07:54

have to get the same levels that the on-site staff is doing to validate the

3:08:00

process for the staff. Uhhuh. And that's on a regular schedule

3:08:05

or is it um when there are complaints? It is on a regular schedule and I can go

3:08:13

somebody has the condition in front of them. We can take a look. But yes, it is on a regular schedule. And does that ever happen in offsite

3:08:21

where the complaintants reside or

3:08:27

uh my understanding is that is going to be part of it. But again, I'd want to look at the specific condition, but

3:08:38

thank you. Sure. Thank you, chair. Thank you, Commissioner Cash.

3:08:44

Commissioner Bisco.

3:08:53

Thank you, Chair Fowler. Um, again, just uh testing you can hear me. We can. Very good. Um I have an

3:09:01

assortment of questions that have really come out of a number of the questions that have been asked and some of it is

3:09:06

is really leaning into just some um clarification. So I'll start with

3:09:13

Commissioner Cash's comments about the third party analysis of odors. I too am

3:09:19

curious about the scheduling of that. Uh, I know that the odor complaints that we've seen in the record and have been

3:09:25

um reported in the record aren't on a schedule, for example. Um, that's not to

3:09:30

say that scheduled, you know, third party analyses of these things won't be helpful, but they certainly are not

3:09:36

likely to cover all of those instances where we have somebody else reporting concerns. So, what does that look like

3:09:42

when we have, you know, one or two odor complaints that are happening that are outside of that schedule? is that third

3:09:49

party, you know, are they showing up daily? Are they showing up on, you know, on demand? What's the turnaround time?

3:09:56

Odors, of course, change with the winds, literally uh and are have appeared to be

3:10:02

somewhat elusive in the analysis that we've been provided from the applicant. Um any more detail that you have on that

3:10:09

third-party assurance, if you will, that odor concerns will be addressed, reported,

3:10:16

mitigated, confirmed. uh those types of words.

3:10:22

Yeah. So, um as as this uh condition of approval sits right now, um that that

3:10:29

independent third party would verify at least once every 30 days.

3:10:36

Um and then that would be documented and recorded. Um, I guess, you know, as a as

3:10:43

a monthly interval, um, seem, you know, seems fairly good as

3:10:51

like a jump off point. Um, and yeah, Commissioner Bisco, for the, you know,

3:10:57

times in between that month. Um, I I I guess

3:11:03

I if there was I we could maybe do something where if you know something we

3:11:12

got a call or or something was verified or or something like that. I I'm not I'd

3:11:18

have to lean on um either the commission or somebody else on how we would maybe

3:11:25

uh word that differently or or if we think that every 30 days is is

3:11:30

appropriate. Okay. And I'll I'll take that answer um without you know deliberating on what

3:11:37

that might be. But just to clarify then, we're looking at once every 30 days, a third part is going to come in and

3:11:43

really they're not probably going to be doing the same testing for all those instances that may have been reported.

3:11:48

They're going to be looking at a pattern of reporting, right? It's not likely they're going to be confirming an odor

3:11:54

complaint at that time that they come in more than just confirming that the process is occurring u
inhouse. Correct.

3:12:03

Yeah, they they would do the the testing um and if I guess if if we were to find,

3:12:10

you know, some a a variance from the, you know, all all the different stations

3:12:15

are are meant to encompass, you know, kind of 360°, but if you know, if we

3:12:22

needed to alter that for some reason, I think, you know, that would show in the data.

3:12:29

Okay. Um, another point of clarification. So, I'd like to go to the

3:12:36

onsite truck. Um, I if you can just confirm again, I thought I heard 4,000 gallons of water is on
site in that

3:12:42

vehicle. Correct. And And I'm sorry, I don't know the names of everybody that's here on staff.

3:12:48

It's just a little hard remotely. So, my apologies. I'm not sure who to ask that question to. Um,
yeah, I can verify. Yes, 4,000

3:12:56

gallons is correct. Okay. And is that a normal kind of a fire engine type 4,000galon

3:13:04

water tanker or is that a special piece of equipment um in the landfill

3:13:09

industry? That that's a good question. I I would say that's that a fairly standard size.

3:13:18

Okay. Yeah. And with that Oh, is there somebody else

3:13:23

that was looking to comment there? It sprays out the front and the back and

3:13:29

it has a hose and you could use it to to spray in a a specific spot.

3:13:36

Okay. So, to be clear, this is not a fire, you know, water truck. It's not

3:13:42

got a pounds per square inch that we're managing, for example. Is that when we say spray, are we
talking a normal hose?

3:13:49

Not a fire hose. More than a normal hose, but maybe less than a fire hose.

3:13:54

Okay. And with that, for the capacity that it has to

3:13:59

um to pump out water, how long is that 4,000 gallons good for in the case of a

3:14:06

more than average, you know, small grass fire or something that just started that's the size of a wheelbarrow or, you

3:14:12

know, a tractor bucket, for example. Well, I don't think that the truck is

3:14:17

meant to be the only means of fire suppression. We, you know, use the truck

3:14:23

uh to control and also we use heavy equipment. We use our cats, our compactors to push dirt.

And then as

3:14:30

any, you know, normal situation, if it was something that we couldn't handle, then we would call a dare. But again,

3:14:36

it's it's not meant to be the end all of beall. It's it's uh it's one tool of many tools that we use.

3:14:43

Okay, that's helpful. Um to the point of methane related fire events, just

3:14:49

looking for some clarification. So I heard that when we talked about in the prior application

3:14:57

um that we were talking about kind of a five general types of events um not a

3:15:02

specific number of events if I remember that correctly. also asking the question then of I heard

3:15:09

that methane gas fires historically I don't think inaccurate was the word but not

3:15:15

happening is kind of how I interpreted it but in the same kind of sets of of comments I also heard that you do look

3:15:23

at methane related fires um yes or no

3:15:28

are we talking about you know I hear that there you know in one sentence I'm hearing that there wasn't really any consideration given to that in another

3:15:34

sentence I'm hearing that that was you one of the scenarios that you've looked at as far as fire suppression. Can you

3:15:40

clarify that please? Sure. Um, first with regard to the numbers, there were five specific fires

3:15:48

that were cited in our report and they were not meant to be a complete listing of all landfill fires that have occurred

3:15:53

at Coffin over any given period of time. They were meant to be more memorable, perhaps bigger and representative of the

3:16:00

kinds of fires that have occurred out there. There have been more than five. Then we identified three types, three

3:16:07

general classifications that we think are all-encompassing of the kinds of fires that happen at any landfill

3:16:13

including coffin uh but um and those fires were working face fires which are

3:16:19

more prevalent than the other two. The second are grass fires. They've occurred as well at Coffenbute. And the third

3:16:24

type of fire that can occur is an overdrawn gas extraction well that induces oxygen down the sidewall of the

3:16:31

well and creates spontaneous combustion and can create a fire. There's no record of any of that latter category having

3:16:38

occurred at the site. And then commissioner, could you remind me of the second part of your question, please?

3:16:44

Actually, no. I think you might have answered it. um you helped now and I found my notes on that too because it it

3:16:49

was what you were saying of no history of that in I have it written down. It says modern landfills. So just to

3:16:54

clarify because methane um the explosivity of methane gas um and the

3:17:01

concern over fires was such a a a recurring theme with some of our testimony. I just want to be very clear

3:17:07

on on where you're at with this. So a spontaneous combustion fire and that overdrawn grass gas extraction well

3:17:14

scenario. Has that happened in other landfills? Not at this site, I hear you now saying. Um, so thank you for that

3:17:20

clarification, but has that happened in other landfill instances? Yes, it has

3:17:26

happened. And just a point of reference, the Clean Air Act new source performance standards for municipal solid waste

3:17:31

landfills. Uh, one of the aspects they look at very carefully is the temperature at the wellhead of a gas

3:17:37

extraction well. And that temperature is monitored specifically to see if temperatures are rising as a result of

3:17:44

rising temperatures headed towards a possible spontaneous combustion. So there is monitoring that's performed

3:17:50

monthly to observe whether the well is operating properly and not over being overdrawn and not developing a symptom

3:17:56

associated with that. Okay. And that was part of the Clean Air Act you said, right? Yes. Clean Air Act

3:18:02

standards. And is that monitoring done by then the EPA or is that monitoring done by the landfill and your staff?

3:18:09

In this case, it's done by an outside contractor that mobilizes the site every month to check every well.

3:18:16

Okay. And that's occurring at Coffen then? Absolutely. Okay. Very good. Um that's very helpful.

3:18:24

Um from that topic then I do have just a point of clarification. I wasn't sure and this goes it was about Adair Fire

3:18:31

District and also the coffin but folks meeting with a member of DESAC. Um I

3:18:37

wasn't clear was that um and it wasn't recent. I'm sorry I don't have the time right here up in front of me in my

3:18:43

notes. It wasn't a recent meeting. Was that a public meeting? Was that some other? And it and it goes to you'd

3:18:49

mentioned the point of collabor you know continuing to collaborate with DESAC at the county. Um

3:18:55

yeah this is Brett Davis. Um, so yeah. Um, I think how it started was through

3:19:01

DESAC. Um, one of the members, uh, Jeez, remind me of his name. Yeah, David

3:19:08

Hackleman, who's a who's a a property owner to the north, uh, had requested

3:19:14

that we get together and talk about just the neighbors concerns. And so, uh, the

3:19:20

So, your question on it, was it a public meeting? Uh, I mean it was public in that we had the Adair Fire Chief and

3:19:27

another member of the Adair Fire Department, myself, Bailey Payne, Julie Jackson, and Mr. Hackleman and Paul

3:19:36

Coer. And so it was just a conversation about what are the real concerns here.

3:19:43

And the, you know, what we got out of that meeting was that we uh, you know, I

3:19:48

felt we walked away. I I I provided a summary as Mr. Hackleman did, but we

3:19:53

walked away with a dare saying that they had always partnered well with our team

3:19:59

and our operations manager. Uh we did have to clarify some information as far

3:20:04

as um you know, there had been some changes with Ian McNab leaving and Paul coming on. So, we had to update some

3:20:10

emergency contact information. uh made sure that they had all the access to all of our gates and we gave them full full

3:20:17

permission that if they ever have to show up and they have to cut a chain just to cut the chain.

We're not worried about that. Um and they were very

3:20:24

cooperative. We were cooperative. But ultimately what it came down to was the concern during fire season and uh

3:20:31

specifically like red flag days when uh the temperatures are just perfect and the winds are just perfect where we've

3:20:38

got you know low humidity and a high fire risk and the concern was you know

3:20:43

or the question to us was are we willing to have some after hours fire watch you know when operations is gone just to

3:20:50

make sure that nothing flares up. And um so we walked away with with with with

3:20:56

some things and we committed to meeting more regularly which I'll admit we need to get some things on the schedule to

3:21:01

meet like probably quarterly but it was a great conversation and uh that's how we walked away.

3:21:08

Okay, that's that's helpful and I appreciate that kind of anecdotal you know not in your application but it does

3:21:13

show to that cooperation with um your regional partners. I am going to circle back to my 4,000galon uh the water

3:21:22

truck. Um in the event of a um a gas well fire the fire truck that water the

3:21:29

water is not an effective is it suppression for a gas fire just just for clarification.

3:21:37

Um typically in those scenarios, um what you would want to do is generally use
3:21:43
soil to smother that area and then also um you know look at surrounding wells
3:21:50
within that area and cut off vacuums so that you're you're not stopping the spread of that. um
3:21:57
could be an instance where water would be helpful, but in that instance the the
3:22:03
best option would be soil and and to cut off vacuum from around that that area or
3:22:09
or pulling it, you know, further into the waste mass. Okay. And in that case, big equipment,
3:22:16
your cats and such, do they have access to all of those gas wells?
3:22:23
Uh yes and and definitely in in the sense of a a fire it would we would make
3:22:31
sure that you know either an excavator or a dozer could could get to that and
3:22:36
that is possible. Okay. Um let's see here. Um just confirmation.
3:22:43
So this was a question I had and Commissioner Lee asked this question about the length of
construction. Couple
3:22:48
questions here actually. Did the So the construction now we've confirmed could be as as much as
you know rough estimate
3:22:55
of maybe 32 months over a course of up to four years. Um so up to six months
3:23:02
up to three times I think is how I heard it. Is that correct?
3:23:08
Yeah. Gen generally speaking, I mean that that we would need to go through um
3:23:13
you know getting everything approved by Oregon DEEQ first to kind of you know
3:23:19
that that would be the next step in this process to really get that figured out. But um just trying to
set you know the
3:23:28
the goalpost that that is what will likely happen. Yeah. Okay. And in that development process
3:23:35
that's going to occur simultaneously as the operations on the operating phase of the landfill. Um
like everything I see
3:23:43
is is that's what we're talking about. We still have an operational landfill and we're going to be
developing this new expansion location. Um so those two
3:23:50
things will be happening simultaneously. Correct. Although maybe intermittently, but they

3:23:55

will be happening concurrently. Yes, at least for um getting the ponds

3:24:01

and then doing that that first subsection of the southern area. Um as we expand more into the southern area,

3:24:09

we would have full operations to the south. So they would overlap.

3:24:15

They would overlap. Um so with that was the road the the road litter the

3:24:22

trucking I I hear that the odor was not odor um noise was not considered in the

3:24:29

construction portion of this process is the truck traffic was that considered

3:24:36

in the traffic analysis update.

3:24:44

Good evening commissioner. For the record, Joe Bestman, Transite Consulting. So, the traffic study looked at the impact of operating the current

3:24:50

or the the former Knife River um quarry site along with the landfill. So, we we

3:24:56

think it'd be about the same intensity having having this ongoing effectively a Corey site and a landfill. So, it's it's

3:25:03

accounted for, but it wasn't directly accounted for because we didn't know those specific timelines and all all the

3:25:10

details about where exactly these construction activities might occur. Okay. And that's that's a fair

3:25:16

consideration. Um, cell six then is where Knife River's been working in that. Corey, can you give me a rough

3:25:22

estimate, someone in the room, of the acreage of that cell that we're talking

3:25:28

about as compared to this expansion location?

3:25:35

Yeah. Um, cell 6 is approximately 25 acres. Um, and

3:25:44

let me flip to the page.

3:25:51

Yeah. Um, the the southern area in total would be about 41.5 acres,

3:25:58

but yeah. Yeah, we wouldn't, as I was saying, how we would sparse it out into

3:26:04

multiple years. That 41.5 would likely be subsectioned out into 8

3:26:10

to 10. eight to 10 acres each time. Okay. Again, helpful. Um, and then just

3:26:17

to clarify, cell six is sitting on that northerly end of the current operations.

3:26:22

Are there buffer lands just to the outside of that, the north side of that or across the road there?

Or is that

3:26:28

residential in the same way that the southern expansion areas is more surrounded by residential?

Is that

3:26:34

similar? Um

3:26:40

that is I I believe that is in buffer land. It it is a permitted um footprint

3:26:48

with ODQ. So it that has passed all you know local sighting approvals.

3:26:54

Yeah I that was that's helpful that my question really was what's the residential um profile look like around

3:27:01

that that northern footprint there where Knife River's been operating?

3:27:13

Yeah, there there might be a handful of houses around that area. Um

3:27:20

I I would have to get back to you on that, but it's not there there aren't really neighborhoods in that area.

3:27:27

Okay. Thank you. Uh another question was the impact of

3:27:33

the blasting. Um what I believe I heard was that we were looking at approximate 15 foot. Is

3:27:40

that the concussion impact? Is that the fracture impact in the basalt? When we say 15 ft, which is the number I recall

3:27:47

hearing, what are we actually meaning by that? Is it water related only? Is it riskrelated?

3:27:53

Um and and what kind of equipment is only a 15 foot blasting impact I guess would be another question.

3:28:00

Yeah, the 15 ft is related to the fracturing associated with the blasting.

3:28:05

Uh so that's a a radius surrounding the the bore hole uh used to detonate the

3:28:12

explosive.

3:28:17

Okay. And not related. So is there any variation in that where you know oops

3:28:24

gosh it went a little further than 15 feet because we thought it was a basalt bridge and maybe there's a fluctuation

3:28:30

in that I you know how do you sure that how do you manage risk I guess in this space

3:28:35

that's the higherend value uh given to us by the mining experts based on the

3:28:42

geology of the site so they they quoted a range from 3 to 15 feet so we used the

3:28:48

15 foot as a conservative estimate of the area of impact.

3:28:54

Okay. And then as I heard you and again because this came up quite quite frequently in testimony was the risk to

3:28:59

local groundwater wells there. Um the the after the blasting period then you

3:29:05

will be analyzing that impact and footprint and that will all kind of come into play with that groundwater testing

3:29:12

um where you're going to set those groundwater well testing sites. Is that part of that process or you know what's

3:29:18

that after we've blasted we stop and we take a look around and see what we've done what's the impact

3:29:24

so we will have already yeah we will have already built the groundwater monitoring wells at that point um and we

3:29:32

will be monitoring them you know at the frequency agreed upon by the EEQ um

3:29:40

probably semianually or thereabouts and if we see an effect in the

3:29:45

groundwater monitoring network associated with the blasting. Then we'll

3:29:50

will'll evaluate that and take appropriate steps whether that's, you know, changing the wells or uh putting

3:29:58

in new wells. But we don't anticipate that's going to happen based on the blast radius. We're not going to be that

3:30:05

close to where they're blasting uh for that probability to be very high.

3:30:11

Okay. Um and then I think my last uh questions center around really the you

3:30:17

know the landfill liner conversation. Um we have an existing landfill that has

3:30:24

existing impacts that are recognized in in this process. We'll just say um

3:30:31

certainly there's a fair amount of testimony of concerns of those impacts and expansion will expand

3:30:38

those impacts. Not all of them but some of them. And this goes to the liners specifically. So cell one, I believe,

3:30:44

and cell 1A are unlined. You mentioned them this evening. Um member of your team mentioned that, you know, 2 million

3:30:51

gallons were reported in the testimony, but correcting that back to 1.1 million,

3:30:57

which is still a lot of gallons of of lie, no matter how you look at it. Um,

3:31:03

but I want to go to the point of could you explain um there's no liners in this

3:31:11

in cell one and cell 1 A. What is the material used for the collection

3:31:19

of lee for example in cell one and cell 1 A and it does go to every cell but in

3:31:25

this case this is one that doesn't happen to be lined um but we are managing some measure of leate and

3:31:32

documenting it. How are we collecting that? Um yeah, so as as part of that um sumps

3:31:40

were were installed um to collect that looking at how you know I I believe both

3:31:47

of them are are clay line. They're not subtitle D. Um so we do have sumps um

3:31:54

that are extracting that leate within the waste mass. Um

3:32:01

so that and then it gets pumped to our pond. So that's the that's the

3:32:06

difference where um you know the the more modern I guess our our new you know

3:32:13

double liner system that we have for subsequent cells um have leak detection

3:32:18

and and some other items with that. Okay. And again because this is an

3:32:24

ongoing concern let's go to that those those more modern you know the double liner system for example. Um what's that

3:32:32

leak detection mechanism look like? Like let's take cell to cell two for example.

3:32:38

Can you just hip shot the size? So we're talking a familiar size. How many acres is cell 2? And what does that liner

3:32:45

system or that leech detection system look like?

3:32:50

Yeah. Um off the top of my head, I can't comment on acreage of cell 2. Um I I

3:32:57

would imagine it's somewhere in the ballpark of 20ish acres. Um but it has

3:33:05

uh 12 in of gravel and then a a perforated pipe on the you know lowest

3:33:12

portion or or you know the yeah low lowest portion of it. Um and then

3:33:17

there's a stand pipe that comes up that we can extract

3:33:23

um a leak if it were to occur or um we can also verify that there's no liquid

3:33:30

um within that rock and perforated pipe section.

3:33:36

Okay. So is the liner then under that rock just so I understand like water water would go through rock which is

3:33:42

porous theoretically. So, is the liner theoretically catching that leech? Yep. Yeah, it's it's liner that rock and

3:33:50

pipe section, liner, and then um another rock section and then and then waste.

3:33:57

Okay. And and I for those that didn't go on the landfill tour, I do remember that and I appreciate the refresh because

3:34:04

again, this this is coming up in testimony. So, on that 20 acres approximately, how many pipes do you

3:34:10

have that might detect a leak? Um, so for cell 2, I I believe it's

3:34:20

we call it like uh like V-shaped or herring bone. Um, so everything, you

3:34:27

know, whatever on on this side goes to one pipe and then on this side it kind

3:34:33

of drains towards one one local pipe in. But um it it's graded on the on the

3:34:39

base. So everything would fall to that that lowest point. Okay. And then just to clarify then this

3:34:46

is what we have in existence from not cell one and cell 1A but to cell 2 moving into what will be cell six.

3:34:53

Correct. It's it's the same model. Yes. Yep. All of them are similar.

3:34:58

And the expansion will it be the same technology? Yep. Okay. I I applaud you for the complexity

3:35:06

of that process and I know that efforts had been made here. I'm going to just ask for this question. In the industry,

3:35:13

what we've heard in testimony is that liners will fail. Eventually, they will

3:35:18

fail. Is that correct? Um, yeah. I I don't think I've seen any

3:35:25

conclusive evidence that shows that. I you know pre- subtitle D I think

3:35:32

there has been some but with you know subtitle D um and use of synthetics

3:35:39

um I don't you know unless a puncture has happened um there hasn't been any

3:35:45

failure okay and so in the industry then we can

3:35:51

confirm that liners do not fail that they have a a lifetime that ensures that

3:35:56

we don't have that leakage which is again that risk factor that continues to kind of percolate up in testimony.

3:36:02

Correct. Yeah. And like I said, unless you know something

3:36:07

injured or or punctured that liner. So conditional. Um okay, that's helpful.

3:36:13

And then just to clarify the leech 8. Um I was unaware. It sounds like what I

3:36:19

heard anyhow is that there is no PAS showing up in Corvalis's leech eight

3:36:24

that's being treated. Has Corvalis updated to treat PAS at their water

3:36:31

treatment plant? I I was not aware of that. So,

3:36:36

no, I I believe that is data found from Corvalis's drinking water.

3:36:43

Okay. So, not from the effluent from the treated lee, just in the drinking water.

3:36:48

Correct. Correct. Okay. And do you know then what mechanism they're using to treat for PAS? because my understanding is most

3:36:55

municipalities do not have including Corvalis do not have the capability to remove PAS just

3:37:02

commissioner Commissioner Bisco I' I'd suggest that's a a question outside the domain expertise of uh the applicant

3:37:10

okay uh thank you chair Fowler I'm just trying to clarify the statement that was made so um that's the last question I

3:37:16

have then thank you um thank you

3:37:22

thank you commissioner Bisco vice chair Heymon. Um, I have no additional questions.

3:37:29

Thank you. Uh, I just wanted to follow up on my question of the the staff

3:37:34

report in terms of trying to validate and verify the odor model. And if we

3:37:41

know the amount of organic debris going into an existing uh landfill site, now

3:37:48

we have a model, we have measurement of odor. Does does the model get verified

3:37:56

with empirical data with operations today? And I would guess that's a Mr.

3:38:01

Hoff question.

3:38:06

Yeah, I'm certainly Can you guys hear me? Certainly happy to give it a try, but my good friend Greg is here too. Um,

3:38:13

as far as the model goes, we use the empirical data that the site has that they're looking at their waste profile

3:38:20

and what it is that they have. And that's what we used. Like we said, we used the 2023 values that they had for

3:38:27

tonnage and the that was the amount of organics that they had. So that is the

3:38:32

empirical data. We didn't theorize the amount that would come in. We actually took measured values.

3:38:38

Thank you. Sure. Now open it uh to the final round of

3:38:44

roundroin questions. Be Commissioner STS.

3:38:50

I will make it quick. Um I never thought I would be asking about a water truck

3:38:55

related to a landfill, but I'm going to follow up on the on on a question I that's sort of came from Commissioner

3:39:02

Lee um and sort of building off of one of her questions, I believe. Um, is the

3:39:09

water truck considered sort of like a fire um tender water truck? No. No. Um,

3:39:15

and the reason I'm asking is because what I heard was when it needs to get filled, if it goes into an air village, so offsite to get water for say there is

3:39:24

a lo and behold, there's an emergency on at the landfill. Are there sirens or lights on the water truck so it can get

3:39:30

back in in a hurry? You know, like like an emergency vehicle would happen.

3:39:37

Okay. I just want to make sure from from this I was just curious um just from

3:39:43

listening from the from the discussion of what we were having here. Um my last

3:39:48

question actually goes back to Commissioner Cash and Commissioner Bisco

3:39:54

related to ground or related to water and PAS. Um

3:40:00

I I heard that you know there's no that Corvalis test their drinking water and

3:40:05

there's no PAS in that and understanding that would happen because of where their um where their drinking water comes from

3:40:11

both up upstream on the lamp river and then the Rock Creek wershed up on Mary's Peak. So it's coming from a different

3:40:17

source away from the landfill. But was there any testing or um information provided by Adair Village related to PAS

3:40:24

testing? Uh I I can't confirm that, but we have

3:40:31

had conversations with Pat Hair and he has told us that they have no issues with their drinking water quality that's

3:40:38

taken from the Wama River. Okay. Thank you,

3:40:43

Commissioner Lee. Thank you. I'll try to be brief. Also,

3:40:48

um regarding Lee, your contract with City of Corvalis ends at the end of this

3:40:53

year. are I'm looking for information about scenarios for that termination of

3:41:00

that contract. Do you have a replacement contract?

3:41:06

Um we have identified um a a couple outside sources um to but to potentially

3:41:15

take um that you know loss in in city of Corvallis and continue to look around the

3:41:22

area as well. Um but I think the important thing to note is uh regarding

3:41:28

this expansion or not um we will have to handle our leech um till the close of

3:41:34

this landfill and then you know 30 plus years into postclosure.

3:41:39

Thank you. When I'm I'm looking at a scenario in which you don't have a place to take the leate for treatment

3:41:46

potentially during a rainy season and you might have to store it and your leeate ponds get full.

What what is

3:41:52

there a is that a reasonable scenario? Is that a concern? Um

3:41:59

somewhat of a concern, but we you know we can't have um our leech ponds over

3:42:06

top. Um so we would have to find a a disposal outlet for that.

3:42:12

Thank you. Um, regarding fire, um,

3:42:18

I was, so the past questions led me to try to remember, wasn't there a fire on the

3:42:25

forest conservation land? There is a gas to energy plant. Weren't there two fires

3:42:30

at that gas to energy plant?

3:42:37

They were both uh, grass fires due to the open flame. Uh it was during farm

3:42:42

season when those fields had been cut and we believe some wind went up and the

3:42:48

grass uh got ignited by the flame, but those uh both of those burners are gone and we have an enclosed flame now. So

3:42:54

that's not possible to happen because the flame is inside. Thank you. Um,

3:43:01

okay. So, I didn't spend a lot of time on the

3:43:07

con um on the um conditions of approval because I thought we would be discussing

3:43:13

them a lot next on the 22nd, but and now I'm seeing that lot there have been lots

3:43:19

of questions about them. So, I'll ask one specific question. Why is

3:43:26

BCC Title 31 only for operating um operations and not for the preliminary

3:43:32

steps?

3:43:40

Page 145 or 141. No, no, wait. Yeah. 141 starts the preliminary conditions of

3:43:47

approval. Page 145, operational conditions of approval. monitoring of

3:43:53

operational COAs will be subject to BCC Title 31 enforcement. But that suggests

3:43:58

to me that apparently preliminary conditions of approval would not be

3:44:04

subject to Title 31. Maybe we can address that to uh the

3:44:11

planning staff.

3:44:23

[Laughter] Commissioner Lee, if you could ask your question uh again. I believe it's a a

3:44:30

question most appropriate to planning staff. Oh, thank you. I'm sorry.

3:44:36

Do you hear my question, Petra? Oh, certainly. On page 145

3:44:45

uh for operational condition conditions of approval, it refers to monitoring of

3:44:51

operating operating COAs being subject to BCC title 31 enforcement.

3:44:58

That suggests to me that preliminary conditions of approval would not be subject to title 31. Is that is that

3:45:05

true? Yes. Okay. Um thank you. I guess I won't ask any

3:45:12

more questions tonight. I'm looking back and forth seeing no

3:45:20

questions. So, I will thank the applicant for your revised presentation

3:45:25

and all the answers to our many questions. Uh, as predicted, we have gone late and I would expect that Oh,

3:45:34

Commissioner Bisco, do you have a your hand is up. Do you have a question?

3:45:49

Is Commissioner Bisco on mute? Oops. Can you hear me? There we go. Yes,

3:45:54

we can. Okay. Sorry about that. Um, just one question related to the 900,000 ton

3:46:02

limit, not tonnage cap, but the limit on organic waste. Um, I heard something in the

3:46:09

applicant's testimony that made me wonder, how do we define organic waste

3:46:16

versus non-organic waste for the purposes of this application?

3:46:26

Yeah, I I would kind of go towards uh regulations either uh through the EP or

3:46:34

likely EPA and just say that it would be a a protrusible waste or or a waste

3:46:40

that's you know decomposable and

3:46:45

perhaps I would paraphrase anticipating perhaps what Commissioner Bisco's

3:46:50

question is organic waste synonymous with municipal waste

3:46:56

roughly. I Yeah, I would say organic waste is the

3:47:02

big circle. Municipal solid waste is a smaller circle within that. And Commissioner Bisco, does that get to

3:47:09

your question? I think it largely does get to my question. uh that doesn't address like

3:47:15

natural materials um things that maybe they were maybe they're going to our

3:47:20

compostable sites. But when we talk about timbers and and wood materials, are they not um do they not also

3:47:27

decompose and potentially create methane in an anorobic environment?

3:47:34

that that would be considered um an organic waste, but um large majority of

3:47:40

that is composted. Okay. And yes, Cheryl, that did help get

3:47:46

to my question. Thank you. That's all I have. Very well. So, again, thank you to the

3:47:53

applicant and all of the experts. Thank you to the planning staff and their experts. Uh we went long this evening.

3:48:00

And I anticipate we'll go long again tomorrow evening in order to get uh all

3:48:06

of the public testimony on record. Uh but with that having been said, without

3:48:11

objection, we are in recess until tomorrow at 6 pm.

3:48:17

That's good.

2 / 20

Day 7 Republic Services Conditional Use Permit Application Regarding Coffin Butte Landfill Expansion



Benton County

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Transcript

Day 7 Republic Services Conditional Use Permit Application Regarding Coffin Butte Landfill Expansion

Benton County

0:11

Thank you very much. Uh welcome everyone to uh this public

0:18

hearing. Uh it is focused this evening on taking public uh testimony. Um by our

0:24

counts, most recent count, we have roughly uh 54 maybe 55 uh signed up,

0:33

which suggests something approximating three hours if uh if each uh individual

0:40

either seeds their full three minutes to somebody else or uses their full three minutes. So again, we'll we'll need to

0:47

be uh efficient to get us out before my bedtime anyway. Um, and I understand

0:54

that there are some uh supplemental written materials that some of you may

1:00

have to support your oral testimony. Uh, if you do have uh such and copies for

1:08

everyone, please be sure that you check in with uh Ms. Quittowski and the floral

1:15

print. she is our recorder and that will ensure that it gets entered into the

1:20

written record. Uh and we'll obviously we won't be able to read it

1:25

simultaneously with uh with your oral testimony but we will have it in our in our hands.

1:32

Um so with that I get to read a bunch of things again. Many of you could probably

1:39

recite this from from memory by now. This is the time and place for the

1:44

continued public hearing in the matter of LU-24-027.

1:50

The subject of this continued public hearing is an application for a conditional use permit to expand an

1:55

existing landfill. The applicant is Republic Services and the property owner is Valley Landfills.

Oregon law requires

2:03

that I make several preliminary announcements for this hearing. This is a continuation of the quai judicial

2:10

hearings previously held on April 29th, May 1st, May 6th, May 8th, and July 8,

2:17

and it will be conducted pursuant to Benton County Development Code sections 51.705

2:24

through 51.725. The purpose of the continued hearing is

2:29

for persons to present and rebut evidence and arguments not previously presented to the commission. Evidence

2:35

means facts, documents, data, or other information offered to demonstrate compliance or non-compliance

2:42

with the standards relevant to the decision. Argument means assertions and analysis regarding the satisfaction or

2:48

violation of legal standards or policy relevant to a decision. Argument does

2:53

not include facts. In a quasi judicial proceeding such as this, it is the commission's duty to apply the law, not

3:01

revise it. The commission must determine whether the applicant has met all of the applicable criteria in the Benton County

3:08

Development Code. The commission will consider the record as presented and will also consider any new evidence or

3:14

argument that is submitted into the record. Please do not communicate verbally or in writing with any

3:20

commissioners outside of this hearing process. A supplemental staff report has been prepared for this application and

3:28

the supplemental staff report was available 13 days before tonight's hearing. The supplemental staff report

3:34

identifies the approval criteria that apply to the applicant's proposed development and analyzes those criteria

3:41

along with new evidence submitted during and after the initial public hearings. Evidence and argument presented during

3:48

these continued public hearings should be directed toward the new evidence included in or described or evaluated in

3:55

the supplemental staff report and the applicant's new materials. Any person may present or rebut any new written

4:02

evidence, arguments, or testimony while the public record is open on the application. Any written materials

4:08

received by the county staff during the time period in which the record is open will be placed in the record. Written

4:15

materials submitted during the public hearing must be presented to the county staff in order to become part of the

4:20

record except planning staff and the applicant. No screen presentations are allowed. If a person intends oversized

4:27

poster boards, reports, or pictures used in their oral testimony to be placed in the record. Copies must be submitted to

4:34

county staff while the record is open. If they are not given to staff, they will not be included in the record.

4:41

Question to the planning commissioners. Does any member of the commission wish to declare an exparte contact

4:48

since yesterday evening? I will now go through the hearing

4:53

procedure for tonight. The procedure is as follows. We've already heard the revised staff report presented by the

5:00

staff planning planners. The applicant has presented its case in support of the

5:05

application. We'll then go to testimony from proponents of the application limited to three minutes per person.

5:13

Then uh testimony from opponents of the application also limited to 3 minutes.

5:19

Uh finally, the applicant's rebuttal. The commissioners may ask questions of

5:24

persons providing testimony. However, the purpose of the public testimony is to provide information for the

5:30

commissioners to consider. The public is not permitted to ask questions of the staff, the applicant, or the

5:36

commissioners. Prior to the conclusion of the continued hearing, any person may request that the record be left open for

5:43

7 days for the limited purpose of responding in writing to new evidence submitted at this continued hearing.

5:51

Following applicant's rebuttal, I will ask whether any person requests that the record be left open for this limited

5:58

purpose of responding to the new written evidence submitted at this continued hearing. Upon such a request, the

6:05

commission will determine whether new written evidence was submitted at the continued hearing. And if it concludes

6:10

that it was, the commission will leave the record open for 7 days for the limited purpose of responding to the new

6:17

written evidence submitted at the continued hearing. If there is no request for an open record period, the

6:23

record will be closed and the applicant will be entitled to submit final written argument prior to the commission's

6:29

deliberations. If you are a participant in this hearing, the commission expects you to abide by the following rules. All

6:36

testimony and evidence must be directed toward the applicable criteria in the Benton County Development Code or other

6:42

criteria which the person believes applies to the decision. Please be respectful of all participants both when

6:48

you are speaking and when you are not speaking. Speak only in the order of the proceedings or when recognized by the

6:55

chair. In testifying, please do not repeat previous testimony made at the previous hearings. Be advised the chair

7:02

may halt testimony if it has become irrelevant, abusive, or clearly intended to harass or intimidate the participants

7:08

in this hearing. Verbal testimony is limited to 3 minutes total per person.

7:13

Please respect these time limits so others have the opportunity to testify. Any written exhibits you want included

7:20

in the record need to be handed to the commission's recorder. Remark prior to being presented to the commission for

7:26

consideration. Any multimedia testimony is considered written testimony and should be submitted in the same manner

7:32

as written testimony. To have standing to appeal the decision of the planning commission, you must present oral or

7:38

written testimony to the planning commission prior to the closing of the record. Failure to raise an issue in

7:45

this continued hearing accompanied by statements or evidence sufficient to afford the commission an opportunity to

7:51

respond precludes appeal to Luba, the land use board of appeals on that issue.

7:57

the failure to raise constitutional or other issues related relating to the proposed conditions

8:04

of approval with sufficient specificity to allow the commission to respond precludes any action for damages in

8:10

circuit court. The continued public hearing is now open

8:15

and I realize I did not take a roll call. I was just about to ask about that

8:21

so I need to rewind and take a roll call. Uh, Commissioner Bisco,

8:32

I am present. Chair Fowler. Oh. Yep. We heard you. Thank you. Commissioner Cash

8:39

here. Commissioner Fulford here. Commissioner Lee here. Commissioner STS

8:45

here. Commissioner Wilson here. Vice Chair Haymon, he was going to participate potentially

8:52

virtually as he logged in.

9:00

don't see him but I will note for the record that we do have a valid quorum.

9:08

Okay. So we will begin with testimony from proponents of the

9:14

application and if you participated in our May's uh public hearing you kind of

9:21

understand the process. We have an on deck area for uh the person waiting

9:26

their chance to testify. I'll call out the current person and the name of the

9:32

person to go on deck. So beginning with uh Ms. Brewer. Uh you are next with Mr.

9:40

Simpkins on deck.

9:52

Please begin. Good evening. I appreciate this opportunity to address the planning commission.

I'm Linda Brewer, a Benton

9:59

County resident of 38 years and a certified professional soil scientist.

10:05

I'm here to speak in favor of the expansion of coffin but landfill. I

10:10

served for more than 10 years on the Benton County Solid Waste Advisory Council. In addition, I have lived and

10:17

worked in the developing world in a city of two million without a waste management plan.

10:24

Many of my neighbors do not value the landfill resource we have in Benton County. They are seemingly unaware that

10:32

Coffenbute landfill is not our landfill, but rather was designated as a regional
10:38
landfill more than 50 years ago. nor are they aware that trash originating in
10:44
Benton County receives the preferred tipping rate at the landfill. I expect to see the cost of trash
10:51
services in Benton County to double or triple when the waist stream currently going into coffin
but is hauled out the
10:59
Columbia Gorge to Arlington and that preferred rate disappears. This
11:05
gives rise to at least three concerns. Uh first, county residents who cannot or
11:11
will not afford the increased waste management fees. We can expect to see
11:17
more illegal dumping and a tax increase to go along with that for cleanup.
11:23
There's the concern of the inevitable litter loading of the scenic gorge. Um
11:28
also the increased carbon footprint of Benton County trash. At this time, the
11:35
Republic fleet clocks in about a million miles in Lyn and Benton County for waste
11:40
each year. Waste and hauling. Each round trip to Arlington adds about 450 miles
11:48
to that footprint. I would like to redress a falsehood which has been repeated throughout this
process. I have
11:56
reviewed 10 years of groundwater quality reports of samples collected from under
12:02
the landfill and seen a downward trend in compounds of concern. The landfill is
12:08
cited in a very difficult climate and the management by Republic Services has been
commensurate with the challenges
12:15
here. The landfill was not a hidden flaw of the properties purchased by the
12:22
original complaintants at the time of purchase. The site has been a landfill since
12:28
before World War II. These land owners have benefited from reduced property
12:34
taxes for years. What I don't hear from them is a commitment to change their
12:40
standards of living so as to reduce their environmental footprint. I am
12:46
encouraged to understand that the county has developed a list of conditions under

12:51

which the landfill may be expanded rather than seeding to the nimi demands of two years ago that the land be closed

12:58

immediately. Thank you. Thank you, Miss Brewer,

13:04

Mr. Simpkins. And Mr. Gelatley is uh on deck. And

13:10

again, I will apologize as I did in May. I am very likely to butcher some some names, so I am apologizing for my

13:18

pronunciation of of names. Mr. Simpkins. Uh, good evening. My name is John

13:23

Simpkins and I've lived at 5812 Northwest Dumbbeck Avenue for 26 years.

13:30

Our property is 3.86 Line of Sight.

13:35

Hello. Okay. Sorry. Sorry about that. Um, I've

13:41

lived at 5812 Northwest Dumbbeck Avenue for 26 years. My property is 3.86 line

13:49

of sight miles from the top of cell 5 in the eastsoutheast direction. I've served

13:55

on SWAC for 16 years, 2006 through 2021,

14:01

and then was term limited out. SWAC supported the 2021 CUP. I'm here tonight

14:08

to strongly support the current CU. This is due in part to the extensive infrastructure and operational

14:15

improvements undertaken at the landfill since Republic Services acquired Coffen

14:20

but in 2008 and those improvements have directly improved my life at my property.

14:27

Much of the public testimony given during the two CUP applications has been

14:33

in opposition. Citations include fugitive emissions, noise, traffic, groundwater impacts, wildlife impacts,

14:40

and litter, etc. However, these complaints actually strike to the very existence of the landfill itself rather

14:48

than specifically pertain to either of the landfill expansion procedures. Two of the fundamental

14:55

questions that the planning commission and ultimately the board of commissioners must address are one, does

15:02

Benton County want to continue to host a landfill within the county boundaries?

15:07

Two, does Benton County believe that it has the power to force Republic Services

15:12

to retain Coffin But past the point of economic viability?

15:17

If the county government believes that the landfill's benefits outweigh its detriments, then it must take the

15:24

politically unpalatable choice to support public services in keeping the

15:29

landfill open for as long as possible. Conversely, if the county government

15:34

believes that the landfill's detriments outweigh its benefits, then it must make the economically and techn

15:41

technologically unpalatable choice to permanently close the landfill and begin

15:47

sending its waste to central Oregon as soon as possible. Again, I strongly

15:52

support this cup. Thank you. Thank you, Mr. Simkins.

15:58

Uh, next is Mr. Gilatley.

16:10

So, uh, when I went to register, I found that there was no neutral button.

16:18

And what that leads to is that if you have a neutral position or one that really encompasses the views of

16:24

everybody in the room, it's hard to put up a neutral. So I did chose at actually

16:30

the recommendation and conversation with the county staff to be a proponent and I

16:36

hope you'll believe that I'm acting to do that in a way that uh so it may take me a bit more than my three minutes but

16:43

I beg your a bit of an indulgence here. only witness I would like to really have be here is my grandfather

16:50

and he he knows this county one of his sons by the way is going to enter into

16:56

my story here with that I would like to proceed and uh

17:02

let timer start and I beg your indulgence as necessary

17:09

I'm Bill Gatley my address is 2923 Northwest 13th place and uh that's just

17:17

north of Walnut up right up above three churches so you can get a real pinpoint on it. It's almost

17:24

Mr. Gatley could Mr. Gladly could you please focus your comments towards the planning commission? I will I will certainly try to do that.

17:31

I want to be as inclusive of everyone. I'll I'll do that.

17:40

After 10 years of consulting, I had to figure out what were the most

17:46

important things that could make a difference here tonight. And part of it

17:51

came from a guy who encouraged me to open my own consulting business after 37

17:56

years in the corporate world and six years working with Habitat for Humanity.

18:04

What do I need to know? And is there anything that I in and what

18:10

I know that can help? And the best example we might start and

18:15

I'll get right into the matter here. What's the weather like at Coffen but

18:20

primary thing you need to know is that the weather at Coffen but

18:26

contains 38% more rainfall than you get at Corvallis airport.

18:32

That's 50 over 36. Those are the two everybody knows those

18:37

rainfall numbers and initially I didn't know that there

18:43

were two kinds of substances that were at coffin but so I had to talk to some

18:48

specialists and on page four I believe it is of my testimony which I hope you

18:54

have copies of now uh you'll find a list of experts that I talked to and I put

18:59

together an informal team of people because I don't know enough about this stuff, but I found people that do.

19:10

What I was starting to mention about uh some of the chemicals is we've got some that are considered hazardous. They're

19:18

medically untested and we have a number of regulated chemicals. You're all very

19:23

familiar with those, how those balance out. I'm a paro guy. So instead of worrying about the 67 compounds that are

19:31

in the uh foyer request from the city testing of water coming out of the

19:38

processing plant, I focused on what are the top concentrations. What do they

19:45

represent in the volume of this little cube we call a liter and how many nanogs

19:50

or micrograms are in there? And I said, "You probably ought to start

19:56

with the one that has 41,000 parts per minute." Oh, no. Excuse me. I got that a

20:02

speed thing, didn't I? The what I wanted to say was 41,000

20:09

nanogs per meter. I know I know my time is up. I will get

20:15

to my point. Let me try. Yeah. And we we do need to respect the other uh speakers this evening so you

20:21

could get to your point. I do understand that. Um,

20:27

and I'm going to just mention that if you want to

20:32

understand the geology of an area, it's really important to not only get people who are

20:40

qualified in the field. But if you want to get the equivalent of microclimate

20:45

information, you ought to talk to a well driller.

20:52

What are my wall builder's names? My cousin has wall builder has his name

20:57

on probably more wells than than any other in this county. If you Mr. Mr. Gatling uh

21:05

we do have to move on. All right. So we do have your I give you my conclusions here,

21:11

please. I'm asking the county to consider a 10-year plan that may start now or

21:21

sometime in another few years that ceases the thought the use of the

21:27

landfill and that will assure the least risk

21:33

based on the all the unknowns of the PAS chemicals which come out in larger

21:38

numbers here because of the amount of rainfall and the difference in rainfall between here

21:45

and Arlington everyone knows is really dramatic. The transportation costs are that are

21:51

being compared respectfully do not include sensible and best use of rails.

21:57

So I would ask that a rail facility be put in to avert traffic on 99. I have

22:04

one more quick point I'd like to make. I'm I'm very sorry. We we have to respect the other speakers and and their

22:10

time. I would invite any questions. Well, I very much appreciate your testimony and also that we have written

22:18

copies of it so we can consider it uh offline. So, I will assure you that I'll answer my

22:24

phone and be glad to talk with any of you in more detail at any time. Thank you very much, Mr. Glattley. We

22:31

will now move to the testimony from opponents of the application.

22:38

And uh first speaking in opposition is Mr. Crockett who I understand from my

22:44

sheet is seating his time to and I hope to get it right this time. Mr. Guyire.

22:51

Oh, I have it. Okay. Thank you. And if you could remind us Mr. guy whose

22:59

time you are using in addition to Mr. Crockett's. Yeah, the um so it's Joe Crockett who's

23:06

number one on the list I think and then number 19 is Rose Holddorf and number 20

23:12

Janet Omen. Thanks Rose, Joe and Janet. Um and

23:19

um yeah, so should I start? Okay. Um yeah, so I'm going to start my own

23:26

little timer here. I use it for bird counts because that way hopefully this will remind me before I get past my time. Um yeah, good evening chair and

23:34

members of the plan commission. My name is Joel Guyer. Um my address is 38566 Highway 99W Corllis

23:42

97330. Thank you for yet another opportunity to provide new information on this

23:48

application. Um I've mentioned the people who seated their time and thank you again. Um, someone told me I should

23:55

say a little more about my qualifications. I came from a working-class farming background. I don't like to toot my own horn that

24:00

much, but I do work as an internationally recognized expert on the topic of fractured rock hydrogel. In

24:06

other words, in simpler terms, groundwater flowing through cracks. I've listed a few recent projects in my

24:13

testimony, written testimony, which is I've submitted separately if you want to take a look at that. Um, tonight I'll

24:19

speak on four topics where we have new information. First, groundwater impacts

24:24

including arsenic. Second, PAS impacts on rivers. Third,

24:30

the applicants explanation of why they're slow so slow to close complete

24:36

completed cells. Sorry, that was a tongue twister. I shouldn't have put it on here. Why they're so slow to close completed cells. And finally, wildlife,

24:44

including herand. But before I get rolling here, I'd like to thank uh Commissioner STS for being on the ball

24:51

last night and noting that the Corvelis um drinking water plant is actually

24:56

upstream of the wastewater treatment plant. That was super helpful information for the discussion. It's

25:02

good to have a city councilor that shows up for these things. Former. Yeah. Yeah.

25:07

You can't do two hats at once. Um um I'd also like to thank Mr. Winterroad. I

25:13

don't think he's here tonight, but I appreciate that he said out loud that this is a new landfill. I It might have

25:19

been a slip of the tongue, but it has the ring of truth. And it does raise a significant question for you as

25:25

commissioners. Do you know for sure if Oregon DEEQ will treat this as an

25:30

expansion, as it's titled, or will they treat it as a brand new landfill? Has

25:36

anyone asked DEEQ? There is a precedent in Baker County where DEEQ has agreed to

25:42

treat two landfill units separated only by a road as in this case as separate

25:47

landfills for regulatory purposes specifically for monitoring methane. Mr.

25:53

Winterroad also expressed surprise that most of the comments on this application came from areas south of the landfill

25:59

site. This is a little less surprising if you know that the county staff unfortunately did very little to inform

26:05

Pulk County residents. Despite all the good talk that came out of the BCT process about notifying residents for

26:13

five or 10 miles in all directions, it seems this didn't really happen. Public notice was only placed in the Corllis

26:19

paper, not the Poke County Idmiser Observer or the States Salem states Journal. So people in Monmouth and

26:25

Independence were notified and sever and so on. The lesson is

26:31

members of the public are only likely to participate if they're invited to participate. Benton County unfortunately

26:37

forgot to invite our neighbors to the north, even though many of them live closer to the landfill than where we're meeting tonight. Regarding groundwater,

26:44

I'll try to be really brief here. It's not exactly rocket science, but it's not tidly winks either. I've submitted my

26:51

technical comments in written form. The applicant has provided new arguments on groundwater, but not much in the way of

26:57

new data. What they have done is to plot old data in ways that tend to obfuscate the issues of concern. On the issue of

27:05

how construction of the new landfill could impact wells on nearby farms and residential properties, they've really

27:11

tossed you a red herring with this business about limited radius of blast induced fractures. That led to a whole

27:17

lot of discussion last night, very little of which has to do with the real concerns. No one is seriously thinking

27:23

that a blast is going to cause a a fracture to run a/4 mile through the bedrock. There is concern that seismic

27:30

waves from blasting could rattle windows. There's a resident on the north side of coffin but who has reported

27:35

damage to concrete slabs on an outbuilding which he believes were the result of blasting in the coffin but

27:40

quarry. Such things aren't unheard of around mining operations. But the real question is whether in the process of

27:47

excavating this huge hole on the north end of Tampico Ridge will cut into a

27:53

water bearing fracture zone that is also tapped into nearby wells. Groundwater flow in fractured rock isn't uniform

28:00

like what a hydrologist likes to call porous medium. From decades of research,

28:06

we know that it's more like a network of pipes in the ground. Imagine that you're out in your backyard digging a hole just

28:11

for the fun of it and you slice through a rusty old pipe that you didn't know was there. If that pipe is connected to

28:17

someone's faucet down the block, they're going to have problems. Well, you might have some problems, too. But no worry,

28:23

you have a drainage plan. They're not going to be too impressed if you say, "Well, you're open to discussions about

28:28

how to fix the problem, at least if they can prove that you caused it." These are the types of issues that people in Tampa

28:35

Ridge are worried about. Yes, there are some fancier things that could happen if seismic waves cause fractures to slip

28:40

and so on. Um, I I I go into those a little bit in my written testimony, but really the realistic risks aren't that

28:47

fancy. Turning to arsenic, it seems that the applicant really wants to make this is question go away. They even went to

28:54

the effort to try to cast doubts on a US Geological Survey study, Hinckle and Polette, that shows that naturally

29:00

occurring arsenic is very rare in wells in the mid Wamid Valley. I printed out a

29:06

map. I don't know if you folks wound up with this yet. Okay, excellent. Um, yeah, on it's on the first page of your

29:13

packet. I'm sorry, it's small. Um, but each of those red or black symbols on the map is where they did have data.

29:19

They did admit there were large areas where data were sparse but where high arsenic might occur. Vli's consultants

29:27

seized on this thread as if it undercut the main conclusions. But look at the map. Those areas with sparse data are

29:32

mainly in the blue shaded areas which are up in the Cascades of Lane and Glenn counties. Maybe also a bit out in the

29:39

coast range but they had plenty of data from our area. I counted 50 wells that

29:44

they sampled from within a 10 mile radius of coffin but that's a lot. VI's consultants also ceased in the idea

29:51

that arsenic could come out of volcanic rock, but Henkle and Poet didn't say

29:57

just any volcanic rock. They said rock of riolytic to intermediate composition.

30:03

I know that sounds like Greek if you're not a rockhound, but as volcanic rocks go, riolyte is the opposite of basaltt.

30:11

Helen Poet specifically stated that basalt is unlikely to be a source of

30:16

arsenic. The volcanic rocks on coffin but are mainly basalts, not rioly. So that

30:22

argument fizzles. Another red herring. If county staff if county staff had

30:28

independent geological experts who could help them to review the applicant's latest filings, they could have flagged

30:34

that red herring right at the get-go. That might have saved us some time last night. The county does did have a couple

30:40

of experts like that right under their noses, but they didn't make use of them. I'm pretty sure Tony Sperling knows the

30:46

difference between Basult and Riyolite and so does Dave Livce currently serving on DESAC.

But the county missed that

30:53

opportunity to tap into their expertise and that makes your jobs unfortunately a little bit harder.

Um I also have a my

31:01

second little sheet here is is sort of hot off the press. The second page is um RiverKeeper has just released a um study

31:08

on PAS downstream of wastewater treatment plants. And what I'd like you

31:13

to see in there is that the um the Rock Creek, the Twolithan River comes up as a

31:18

site. They didn't look at anything on the Wamtt River, but the Twolton River um there's the Rock Creek water

31:24

treatment site um in Hillsboro um which accepts landfill waste from their own

31:31

Hillsboro landfill and until recently at least um from the Riverbend landfill. um

31:36

it shows up as one of the 10 worst sites in um the nation out of those that were tested in terms of having PAS show up

31:44

just downstream of the water treatment plant. Upstream clean downstream lots of PAS.

31:50

My third topic is something that was let slip um on day four of this hearing

31:56

which shed light the sorry the applicant let slip um perhaps inadvertently and I

32:02

think it might have shed some light on their intentions regarding coffin but road at the 233 mark of that hearing

32:08

commissioner Bisco raised the question has there been any reclamation that occurred on any of the cells 1 through

32:14

five Mr. RP responded, "No, those aren't final capped yet." Commissioner Bisco

32:20

repeated the question and Mr. RP deferred to Brent Lurch, Republic's area environmental manager. Mr. Lurch gave a

32:26

long answer which you can review in the transcript, but here's an abbreviated version. As far as reclamation, really,

32:32

you don't go into postclosure until everything is final closed and it's not an active facility. One thing we do want

32:38

to make sure prior to that is that we have hit our final grades and we're at a point where we don't have to ruin that

32:43

area if we had additional operations. Let that sink in. We don't have to ruin

32:49

that area if we had additional operations. Additional operations in this business

32:54

means piling on more garbage. As long as they haven't started the final closure process, they're still keeping the door

33:00

open for more expansions in the adjoining airspace. Elsewhere in the record of previously

33:06

submitted evidence, you've learned of an email exchange between Republic's local representative, Julie Jackson, and

33:11

county council, which also pointed towards additional future expansions. In the application before you now, the

33:18

applicant claims that they've scaled back their plans and no longer intend to pile garbage across the top of C from

33:24

Road, but Mr. Lurch's comment makes it clear that they're still keeping the door open. This is why Benton County

33:30

residents up to 5 miles away have to look out on the visual blight of a mountain of tarps every day because the

33:37

company doesn't want to ruin that area for additional operations. Approval of this permit would not just add visual

33:43

blight from the new smaller landfill. It would virtually ensure that the visual blight of the existing landfill is

33:49

extended indefinitely and it creates a loophole by which Coffenbe Road could be closed in the future without any need to

33:55

consult you as the planning commission. Please don't fall for this ruse. Denying this application is the only way to

34:01

prevent indefinite expansions that bring further adverse impacts on the community. And lastly, I'd like to say a

34:07

few words about great blue herand. One of the big concerns in 2021 was that the expansion scheme by changing the

34:14

topography would block a flyway currently used by herand to travel from their nests to foraging areas in the

34:20

upper soap creek valley. That is still a risk. VLI's wildlife consultant has

34:25

recently acknowledged that the herand are still nesting close to the development area in a grove of Oregon ash trees ac just across the highway.

34:33

They now suggest that the herand might be better off in the new location in part because I'll quote the new roar

34:39

location is in a mixed conifer deciduous stand farther from landfill operations.

34:44

Okay, I can believe that the landfill operations are in fact a threat and proximity is a problem, but there's not

34:50

a single canopy forming conifer in that stand. It's nearly a pure stand of organ ash with a few odd cottonwoods. You

34:58

might have heard of the emerald ashborer. This is an invasive species which is a major threat to trees in our region,

35:05

particularly Oregon ash. There's no type of tree more in peril. So yes, the

35:10

herand might need to recolonize the palpers where they nested successfully for many years up until the odd events

35:16

of 2022. I was planning to comment on one more issue which was the staff's idea to run

35:22

a chain link fence all the way around for his conservation lands, but I was happy actually to hear from Mr. Pandit

35:28

that he and I agree on one thing. This is a bad idea and that would impact wildlife. And um thank you for your

35:36

attention and I'll be happy to answer any questions. Commissioner Lee,

35:49

thank you. I got confused about your discussion of arsenic in basalt versus

35:54

riolyte. Where does the arsenic come out of most

36:00

basalt versus riolyte? Yeah, the um Henko and Plette um they determined that

36:07

it came mostly from it could all be attributed to formations with riolyte

36:13

not from basalt and they also cited um other past work by other um scientists

36:19

who had shown that um arsenic was very unlikely to come out of basalt.

36:24

um where it does occur in combination with basalt in some places in the south um lamp valley it can als it can be

36:31

shown that those areas probably are drawing water from um riolytic formation. So riolyte riolyte is the

36:38

source specifically they talked about glass like you remember obsidian so in in in riolyte

36:43

so the the basult around or the the rocks around coffin but are they basalt or are they riolyte

36:50

yeah the rocks at coffin but are basaltt so they're not the type of rocks where at least according to this USGS study

36:57

you would expect arsenic to come out of the rocks so therefore if you're saying it's more

37:02

likely that any arsenic being detected in wells is coming from the landfill

37:08

rather than the uh deterioration or the oxidation or whatever of the salt.

37:14

Yeah. I think what I would say as a scientist on this issue is that we don't really know what's going on with the

37:20

arsenic there and I don't think the applicant knows. Um it's the explanation

37:25

they've offered doesn't hold water and um I I really think it should be investigated more thoroughly. Um there

37:32

are options to do that and that's what I think should be done. But I I personally don't think that it's credible that it's

37:38

coming out of the salt. So another question I had was regarding the fractured rock because I live in an

37:44

area where the geology has um fractured

37:50

marine sediment, not fractured basalt. And I we got a whole bunch of training

37:55

on, you know, why our wells behave the way they do. And the fractures are

38:00

random, unpredictable. And yet this report uses the word um

38:07

that there's there's something I can't remember. It gave the impression that the fractures are predictable or

38:12

homogeneous or some sort of not the same as in fractured marine

38:17

sediment. But can you can you talk about that for a second?

38:23

Yeah. Um they didn't quite go that far. They what they said was that um they were just going to assume that even

38:29

though they don't really know where all the fractures are and how they're distributed and how they're connected,

38:35

they were going to assume they were all connected. And if all the fractures are

38:40

connected sort of everywhere, you end up with something that's kind of more like sandstone or something that where water flows more regularly through

38:46

it. Um they said that was a conservative assumption, but it's not necessarily conservative for people who have worked

38:52

in this type of rock. So, um, but but they actually what they did is sort of a common thing that people try to do when

38:59

they're trying to deal with fractured rock without having very complicated models, but but it's Yeah,

39:04

thank you. I see that Commissioner Bisco has a question.

39:12

Thank you, Chair Fowler. Can you hear me? Yes. Very good. Uh, Mr. Guyer, thank you for

39:18

your testimony. This is Commissioner uh Bisco attending virtually this evening. Um, I just was curious, you referenced a

39:26

landfill example, I believe it was in Baker County, where a road actually served as a division towards what DEEQ

39:33

then recognized as two separate landfills. I think I'm paraphrasing that. Um, do you have that information

39:39

in your written testimony that you are submitting this evening um as a reference beyond what you shared with us

39:45

in your your verbal testimony? Yeah, unfortunately I don't have that in my um

39:51

written testimony. Um it came up during um the discussion of Senate Bill 726 and

40:00

it turned out that um DEEQ had given special consideration to Baker County

40:05

for their I think it's the Baker County I if it's a municipal landfill or county landfill um allowing them to um treat

40:13

those two landfills separately in terms of methane emissions and not let them

40:19

get out from under some criteria for the type of monitoring they have to do. Um

40:24

it's a matter of state record, but not on this record, I don't think. And again, that was House Bill or Senate

40:31

Bill uh 726. SB 726. SB 726. This 2025 legislature or

40:39

legislative session. Correct. Yeah, that's right. And I don't I don't know, it's not referenced, this isn't

40:44

referenced in the bill, but it came up in in the discussions around this bill. Very good. Thank you, Mr. for your very

40:51

um lot of information you provided. Uh thank you.

40:57

Nothing further. Excuse me, Chair Fowler. Thank you, Chair Fowler. Thank you, Mr.

41:04

Guyer. Again, I didn't hear well enough tonight. What do the colored dots

41:10

represent on the map that you submitted? Yeah, those um um they're unsure is

41:17

supposed to be printed on like double the size of page. Absolutely understand. So the the black dots are wells that had

41:24

um arsenic readings that were under 10 micrograms per liter or you can think of

41:30

it as parts per billion. I think um the red dots are wells that had if they're

41:37

hollow red dots they are wells that had between 10 and 50 micrograms per liter.

41:45

If they're solid red dots, that's the bad stuff. That's where it's over 50

41:50

micrograms per liter. Um, which does has occurred at least temporarily at Coffin

41:56

But, but otherwise it's it's really only seen for instance up by Sodaville. Yeah. So,

42:01

and I don't believe that I have Mr. Guyer's written testimony. I don't know if other commissioners do.

42:09

Yeah, I just I just turned it in here. I've been working on it all day. What does it look like on the front or

42:14

Well, it it has not been uh Oh, we don't we don't have the written one. No, it it is posted to the u document

42:22

system that we have access to. Uh Commissioner Strothers.

42:28

Oh, I see. Commissioner Wilson, thank you, Chair Fowler. Uh Mr. Guyer, thank you for your testimony tonight.

42:33

Last night I asked the applicant about uh the disturbances that would occur in the blasting in the new in the new site

42:41

and I guess there are two things happening here. One is that the applicant has presented that they

42:47

believe they know the water flows on the Tampo ridge. But what I'm curious about is that in

42:54

your discussion about the um the rock formation there, would it be safe to say that any disturbance at the new site

43:02

either with blasting or or removal of of material would impact the the water that

43:08

is flowing through Tampico Ridge and that it could uh increase the the levels of pollution of whatever kind uh arsenic

43:16

or other uh contaminants that may exist uh in that site. Yeah, I I wouldn't

43:22

agree that they know the water flow under Tempa Ridge, but they've what they've done is they've taken a map and

43:27

they've drawn arrows to show the downhill direction basically, which is how water would run off the ridge, but

43:33

not how water would move through the ridge. Um big big difference. I did submit a a paper earlier in um written

43:41

testimony which describes a study of Oak the Oak Creek watershed which gets into some of this issue in detail. Um the

43:48

investigators there who are based at OSU found that um the flows in the Oak Creek

43:54

watershed which is very similar to what we have just north of here um did not conform with the type of simple picture

44:00

that you you've seen in the application. A and to the second part that any

44:06

disturbance or removal of materials would it substantially impact those water flows and the contaminants that

44:13

could be released in that process? Oh yeah, sorry I didn't get back to that. I I I think the biggest issue is actually that the disturbance of removal

44:19

of materials is going to sort of create a drainage place where where water can drain to out of the the ridge. Um we're

44:26

more worried about water contaminants moving in the other direction actually which is more downhill and towards the

44:32

valley. Okay. Thank you. Thank you, Chair F. Thank you, Mr. Guyire. Appreciate it. Uh

44:38

next up is Mr. Kleinman. And I've got some notes that you are also using

44:46

some time seated by others and so if Mr. Kleinman, you could uh he's virtual.

44:54

Okay. Uh if if you could um articulate whose time you are using in addition to

45:00

your own. Uh thank you, Chair Fowler. Jeff

45:05

Kleinman for Valley Neighbor for Environmental Quality and Safety. Um, the time that was yielded to me uh was

45:13

from Ken Edwardson, Kent Fields, Mary Braraw, and Carol Mlen Fields.

45:30

Please proceed. Thank you very much. Uh, thank you, chair, and members of the commission. My

45:36

name is Jeff Kleinman. um really appreciate the opportunity to testify

45:42

and having watched the proceeding last night. Uh and I say this not to flatter,

45:48

but I admire your endurance. Um in watching that proceeding, I really

45:55

thought I had seen a performance uh by Cir D Sole. Uh it was beautifully

46:00

orchestrated and coordinated with an armada of consultants all aiming to get

46:06

this commission to yes. um having been before your pred excuse me predecessor

46:13

commission on republic's application in 2021 and having observed the county's process

46:20

since I would say that all the intervening machinations have been intended by republic and its county

46:27

advocates to the same end in other words getting to yes first we saw the extended

46:34

and very expensive BCTT process that a lot of folks put a lot of time

46:40

into and that did not get the applicant or the county where they wanted to be.

46:46

Uh, and as I've said, the resulting recommendations aren't binding on the

46:52

planning commission in any event. Uh, next we had the elimination by the board

46:57

of county commissioners of that darned pesky swack. um and the substitution of ENRACH as a

47:05

preliminary reviewing uh committee. Well, that didn't work out too well either. Uh ENRACH rebelled at the

47:13

blindness placed upon its process by county officials and it unloaded big

47:18

time on this proposal and now we're here. Uh I know be I know from my

47:24

experience before the 2021 commission and before you this past spring that the

47:30

commissioners actually read everything before deliberating. Uh very much

47:35

appreciated. Uh I have filed a memorandum with your staff and will not bel you tonight with all the contents.

47:43

Instead I'll try to hit a few high points and touch on some of the questions that commission members asked

47:50

last night. Um the major theme of the presentations last night uh from staff

47:57

and the various consultants was that the application could not be approved in the

48:02

spring because there were a few impacts insufficiently addressed by conditions of approval. But now we've got 85

48:10

conditions. Imagine that. So we're good. The problem is that under the law, those

48:16

conditions do not serve to satisfy the applicant's burden of proof or achieve

48:22

compliance with the county's approval standards. They do not serve as a

48:27

restraint on Republic, but as more of a pinata uh for Republic

48:34

to whack at uh now and then over the ensuing years.

48:40

Under the law, as discussed in our memo, if present compliance with the approval

48:45

standards is not proven, an applicant can try to prove that compliance would be feasible by means of imposed

48:53

conditions. And what does that what does feasibility mean in this context? Uh the law

49:01

requires that there must be substantial evidence supporting a finding that solutions to certain problems are

49:08

possible, likely, and reasonably certain to succeed. And in almost every

49:14

instance, that is not the case here. That has not been demonstrated on the

49:20

record before you. Let's talk a little bit about the

49:26

ostensible effort to resolve noise and odor impacts through conditions involving monitoring. Monitoring doesn't

49:34

resolve anything unless the operation is required to shut down immediately in the

49:40

event county standards are violated. Otherwise, what's the point? Monitoring

49:46

is otherwise an idle act, a fiction or fantasy of compliance

49:51

achieving nothing whatsoever. The conditions imposing monitoring do not demonstrate the likelihood of

49:58

achieving compliance. They only demonstrate that republic itself will learn of its own violations assuming

50:05

that adequate parameters are applied. And guess what? They will already know

50:11

they were in violation. So, what's the point? Under no circumstances can compliance

50:17

rely on county enforcement, whether now or two years from now when the county

50:22

may fund some sort of countywide code enforcement provision or position uh or

50:29

adopt new regulations as was referred to by staff last night. Um, I'm sorry to

50:35

offend. I apologize for this, but at the same time, I mean it. Um, if there is a

50:40

single word to describe the county's position visav this landfill, it's

50:46

complicit. There is too much revenue at stake for

50:52

the county to look in any other direction than away.

50:58

The applicant and the site have a history. And you would think the applicant has cleaned up its act in the

51:05

past 5 years or so with its pending applications.

51:10

And uh in light of the testimony you've received from the community and will

51:16

receive, is this really the best they can do when they're trying to minimize

51:22

their impacts? And that is just with a 0.5 acre 1/2

51:27

acre working face right now according to the testimony last night uh directly

51:33

north across Coffen Road. That is highly uh relevant evidence. Excuse me. Uh let

51:40

me say first um now the proposal is to take the working face to the south

51:48

toward all these properties within Benton County

51:54

and instead of having a .5 acre working face to have a multitude of consecutive

52:01

2 acre working faces and they contend that that's a sort of mitigation or

52:06

control. Um so

52:13

we have cited uh one of the stop the dump cases, the initial luba case and

52:19

the subsequent court of appeals case in our memorandum to you. Um but what they

52:26

what the case was cited for is that

52:33

where you have an operating landfill and there is a proposal to extend or

52:42

move part or all of the operation to a new location. In that case it was also a bit to the south.

52:50

Then number one, the impacts of the existing operation are highly relevant

52:57

and predictive of what they're going to be on the more affected properties to

53:02

the south. And number two, you can use that evidence to determine

53:11

the effects of the proposal. you don't get to

53:17

ignore it, much less are you're required to ignore it as some folks said last

53:22

night. I I was somewhat dumbfounded uh by that assertion. Um you know, there's

53:30

been an effort um both with with respect to uh the impacts on adjacent properties

53:38

and with respect to the interference with the character of the area. uh to say that

53:44

the existing operation to the north is somehow grandfathered in and it doesn't

53:50

count and it certainly counts as evidence of what happens on

53:57

Republic's landfill. And now the movement to the south

54:04

affects different properties more radically and changes the character

54:10

of the area to the south. uh as we argue in our memorandum uh if you're going to

54:15

apply this grandfathering notion basically, hey, we already ruined the character of the area. So, so what? They

54:23

could continue to go south south over the years um without worrying about

54:30

compliance because as they move they've already ruined the character of the next

54:35

area. Doesn't work, but that's the assertion. Um there were questions from

54:41

commissioners about the role of state agencies in assuring compliance to the extent permits are required. That's one

54:48

matter and those need to be required to be obtained prior to the commencement of

54:56

any operation on the site including site preparation because the blasting etc

55:03

will have an awful lot of impact. But that is a totally separate question from

55:09

the question of subsequent enforcement because for all practical purposes there

55:16

is none and will be none and let's not delude ourselves. Reliance upon state

55:22

agency enforcement will not prove up the feasibility of compliance through conditions of approval especially as the

55:29

state does not deal with noise or odor in the first place. enforcement is not the issue. Actual

55:36

compliance is and the applicant has not met its burden in this regard. Um

55:42

there's nothing to enforce and the folks who would enforce don't enforce and you

55:49

can't achieve compliance by non-enforcement. Uh there seems to have been some confusion and I touched on this short

55:56

while ago or at least overlap in questions and answers last night about the applicant's past acts and omissions.

56:04

I really want to emphasize this to you. Um this is not an enforcement proceeding

56:11

which brings in uh you know for past code violations that would implicate

56:17

anybody's due process rights. If that were the case, you would have

56:23

seen quite a bit of cross-examination last night, and I would have been happy to engage in it. But that's not the case. What you have before you is actual

56:31

evidence of serious interference, impacts, and effects, and explanations of how they will worsen if this

56:39

application is approved. It is not quote anecdotes.

56:46

That was a regrettably dismissive characterization.

56:54

It is relevant evidence in every case, including this case. And I explained the

57:01

role of that evidence in stop the dump. The county's conditional use criteria,

57:06

especially as to noise, odor, and litter, are not objectively set government standards. Rather, they are

57:14

plain English standards under code section 53215

57:19

sub1. The proposed use does not seriously interfere with uses on adjacent property or with the character

57:26

of the area. That's the standard, not some elucory weird um stinkle

57:34

um uh provisions that somebody came up with uh without even a means to travel

57:41

and measure that odor at various affected properties. People smell the

57:48

existing operation 9 miles away in Coral. Okay, so

57:56

the numerical standards do not get us there and the code does not invoke them.

58:03

Uh regardless of what Republic's uh sniffers detect under the conditions,
58:08
for example, the question is the actual interference actually experienced by the
58:14
actual owners or users of property. The evidence on that is compelling. that
58:19
can't be sniffed or wished away or addressed at all by third-party monitoring of who knows what
by who
58:26
knows whom once a month and if the operation in fact reeks in violation of
58:32
the approval standard there will be no way to mitigate that. So let me uh run
58:40
through a few other considerations here as to the movement of noise and odor.
58:45
The actual evidence shows there is no way to account for variations in wind,
58:50
temperature, humidity, and other atmospheric conditions. Uh as to the noise control measures, let
me really
58:57
emphasize this. The proposed conditions address only the equipment operating for
59:05
the applicant on the applicant site. So the cats uh and related equipment
59:14
moving Phil around. Um there are no noise control measures imposed on the
59:21
hall trucks whether Republiclix's or others uh on or off the site.
59:27
And and so we have the motors, we have the brakes, we have the dumping, we have
59:33
the slamming tailgates, and we have their horrendous backup beepers, proximity beepers,
absolutely
59:40
uncontrolled. And in addition, they contend that the years of blasting and sight prep,
59:46
roughly four years, um are not part of the use. But they're wrong. As to the
59:52
proposed fencing to prevent um dispersal of litter, uh there is no evidence that
59:58
this caner will succeed in containing lightweight windb blown trash or trash
1:00:03
blowing off of hall trucks on or off the site. That's simply not addressed. Um,
1:00:11
the applicant and its consultancy, many members of whom have just nibbled around the edges of
the county's approval
1:00:17

standards, have not sustained their burden of proof in this case. In the end, what can Republic say to the

1:00:25

community? To use an old expression, who are you going to believe? Our smoothtalking team of paid consultants

1:00:32

or your own lion eyes, ears, and noses? Well, I I know who people believe and I

1:00:38

know who this commission should believe and I'd be happy to answer any questions you may have.

1:00:45

Wilson. Uh, thank you, Mr. Kleman. Thank you for your testimony. And I guess if we were

1:00:51

to summarize your position that you're representing yourself and the group, what was the name again?

1:00:58

Well, I'm not representing myself because I'm a lawyer. Uh my the the

1:01:03

group that I represent many of whose members are before you is Valley

1:01:09

Neighbors for Environmental Quality and Safety. Uh they were heavily involved in

1:01:15

the 2021 case and were again activated in this case.

1:01:21

And so would it be to summarize your testimony, would it be safe to say that

1:01:26

you're finding that the 83 conditions of approval that the county has suggested

1:01:32

as a condition of approval um are not satisfactory to

1:01:40

the consideration of the application. I don't know if I'm posing the question properly, but

1:01:46

Well, I I think you're you're very close. I they do not

1:01:52

achieve and will not achieve compliance with the county's approval standards.

1:01:57

That's our position. Thank you, Mr. Kleinman. Chair Fowler.

1:02:04

Thank you, Mr. Kleinman. The uh next person is uh Mr. Levit

1:02:13

and I see some notes that uh he is also

1:02:19

taking um some time seated by Miss Thacker and Miss Castle. Is that

1:02:24

correct? That is correct. I also um can quickly answer one of Commissioner Bisco's earlier questions

1:02:30

regarding whether or not Baker Sanitary Landfills uh information is in the record. you. Yeah, if you could put your

1:02:38

mouth closer to the microphone and if you want to incorporate that into your testimony, that's that's fine. It uh it

1:02:46

will be the the same time limitations. I will do that if I have time. I am happy

1:02:51

to answer it also at the end.

1:03:01

Chair Fowler, Vice Chair Haymon, and members of the planning commission. Thank you for making time for members of the community to speak here again today,

1:03:07

and we all appreciate your continued service through this thoroughly complex application. My name is Mason Levit, and

1:03:14

I am a GIS analyst and programs coordinator for Beyond Toxics, an environmental justice organization that

1:03:20

works to address air, water, and soil quality concerns throughout the state of Oregon. We have worked at the residents

1:03:25

of Soap Creek Valley in Adair Village for three years now regarding the operations of the applicant. I would

1:03:31

like to speak to two items generally this evening. First, I wish to briefly raise novel concerns over the

1:03:37

applicant's ability to make to meet COP criteria for forest conservation zones.

1:03:42

And second, I wish to respond to Republic Services supplemental odor study and some of the discussion points

1:03:48

raised last night as well as the related conditions of approval. First, Benson County Code 60220B

1:03:56

states that a CUP must be found that it will not significantly increase fire hazard or significantly increase fire

1:04:03

suppression costs or significantly increase risk to fire fire suppression

1:04:08

personnel in regards to CUP criteria for forest conservation zones. The findings

1:04:13

and evidence in the record do not support that the proposed use will not significantly increase fire hazard or

1:04:19

suppression costs and risks. The findings do not sufficiently address the Adair Rural Fire Protection District's

1:04:25

recommendation to deny the application, including because the proposal may increase traffic and associated

1:04:31

emergency response demands and present elevated fire risk, burdening the volunteer-based fire department. As

1:04:38

discussed in detail last evening, exhibit 20 is primarily based on landfill staff interviews, not a

1:04:45

systematic review or record of fire events at the landfill site. The applicant's consultant stated last night

1:04:52

that the landfill operators do not have and have not kept a record of site incidents related to fire. While this

1:04:59

conditions of operations conditions of approval related to fire would require them to do so, that allows

1:05:06

the operator to build the plane as they fly it. Benton County Code clearly states that they must show the new

1:05:12

operations would not increase fire risk and the applicant has stated they have failed to construct an accurate,

1:05:18

complete and representative database of fire incidents at the landfill.

1:05:25

Now turning to odor. In May, I began my testimony with the quote, "All models are wrong, but some are useful." And

1:05:31

today I will begin with two quotes from the applicant's odor consultants. Quote, "Models are not great at modeling

1:05:37

surfaces that have complex topography." End quote. They also stated, quote,

1:05:42

"Models like this in reference to Airmod are not such that they perfectly track what we measure." End quote. All three

1:05:50

of these quotes nail a fundamental limitation of models. They do not reflect reality. Hence why the saying,

1:05:57

"All models are wrong." And it is important to remember that tonight. Last night, both county staff and the

1:06:02

applicant's consultants suggested the revised model is a substantial improvement from the first study since

1:06:08

it now demonstrates levels of hydrogen sulfide that would constitute a nuisance at the fence line of the applicant's

1:06:13

property. I agree with their assessment that this is an improvement, but I would assert here tonight that the model still

1:06:20

does not reflect what hundreds of residents in the Soap Creek Valley and Adair Village experience. You have seen

1:06:26

and heard numerous testimonies that clearly demonstrate folks smell levels of landfill gas that constitute a

1:06:32

nuisance up to four miles away from the fence line of the facility. This means that the applicant's model is still not

1:06:38

an adequate reflection of reality and still does not meet the burden of proof that it is not a significant burden um

1:06:44

occurring on adjacent properties and ones further away. Remember it is their burden of proof and if they cannot prove

1:06:50

that then the application should be rejected. Recall the applicant's model is based on weather inputs, an assumed

1:06:56

input of 930,000 tons of organic waste and a fugitive emission rate of 25%.

1:07:03

Based on third party satellite data and ongoing investigations in the EPA, which have not been disputed, it is more than

1:07:08

likely that coffin but has an emission rate higher than 25%. In a hearing in

1:07:14

late May on coffin but's title 5 air permit conducted by Oregon Department of Environmental Quality, DEEQ outright

1:07:22

stated that they do not have the expertise or staff capacity to evaluate if that 25% assumption is valid or

1:07:29

invalid even if they uh and they had tried specifically the expertise to

1:07:34

validate this assumption does not exist in the state of Oregon. And we have many reasons to doubt that assumption that

1:07:40

the applicant has not disputed or responded to. Next, I would like to address the input way of 930,000 tons of

1:07:47

organic waste. Last night, the consultants hired by Benton County Planning staff stated that the annual

1:07:53

reports submitted to Oregon Department of Environmental Quality corroborate the applicant's assumption of 930,000 tons

1:08:00

of organic waste. I have submitted tonight to the written record three of those annual reports.

They do not

1:08:08

distinguish between inorganic and organic waste intake. Instead, they distinguish between municipal solid

1:08:14

waste and construction and demolition waste, as well as a few special projects. Based on the statements from

1:08:20

planning staff and the applicant, it appears there was an equation of municipal solid waste and organic waste.

1:08:27

However, the conditions of approval put forth by county staff and the applicant state that there ought to be a limit of

1:08:33

930,000 tons of organic waste as a condition of approval. I want to note

1:08:39

that there was no clear definition put forth by the applicant of what constituted organic waste and that

1:08:45

seemed to differ from the earlier discussion of what constituted organic waste in the model's input.

1:08:51

Second, in the same hearing for Title 5 air contamination discharge permit with Oregon Department of Environmental

1:08:57

Quality I mentioned earlier and in the planning documents submitted to Benton County, the applicant stated they

1:09:03

estimate they will have an intake of 1.5 million tons of waste per year. Note

1:09:08

this contradicts what we had heard in May when the applicant stated they did not plan to increase waste intake beyond

1:09:15

the 1.1 million ton limit. The applicant has offered no clarity on how they plan

1:09:20

to document organic waste versus inorganic waste. And they have offered no explanation on how the 930,000 ton

1:09:27

input for the model is corroborated by reports submitted to Benton County and Oregon

Department of Environmental

1:09:33

Quality. And that complete inflation of the terms during last night's hearing does not instill a solid plan moving

1:09:41

into this. The lack of clarity obstructs the parameters of the odor model and how they plan to

1:09:47

comply with conditions of approval. Finally, I want to observe that the applicant has chosen not to deploy air

1:09:54

monitoring as a technique for corroborating the findings of their odor study. The applicant has even submitted

1:10:00

two other studies done at landfills experiencing other odor problems which they used actual air monitoring

1:10:07

equipment to measure the level of pollutants in the air and they have declined to do so for this landfill. SCS

1:10:14

engineers, one of the consultants hired by the applicant, even strongly suggests on their website using air monitors and

1:10:20

drones as an assured method to prevent odor nuisances. Ironically, one of the conditions of

1:10:26

approval requires that the applicant deploy a hydrogen sulfide monitor as part of their operations.

1:10:33

Additionally, as discussed last night, Senate Bill 726 might require the use of drones depending on how DEEQ structures

1:10:40

the rules, but again, this would not start until 2027. This seems to be placing the cart before

1:10:46

the horse. Instead of the applicant clearly demonstrating they are keeping hydrogen sulfide levels at adequate

1:10:51

concentrations to prevent odor nuisances, they are allowed to expand their operations and then do so.

1:10:57

Additionally, the applicant and county staff made it very clear last night that these conditions of approval are only related to the quote new landfill. How

1:11:05

will we know if the hydrogen sulfide levels measured on these air monitors

1:11:11

come from the old landfill versus the new landfill? Beyond Toxics has decades of experience with this exact conundrum,

1:11:18

and I can tell you it is next to impossible to meet an evident Jerry's standard that a multi-billion dollar

1:11:23

corporation wouldn't be able to have dismissed. This means that the applicant will have the ability to blame high

1:11:29

levels of hydrogen sulfide on the old landfill and claim they are still operating in conditions of approval.

1:11:34

This conundrum makes many of these conditions unenforceable and this problem extends beyond odor. Additionally, the other conditions

1:11:40

related to odor are based on someone smelling the air and then smelling a concentration of hydrogen sulfide and making a subjective determination that

1:11:47

this constitutes a nuisance. This means that we will be stuck in a he smells she smells conundrum constantly. Even if the

1:11:55

county chose to invest in COA enforcement, meeting the evidentiary standard would be impossible. As one

1:12:01

last note, ending my testimony, some additional comments in the written record. The planning commission has two

1:12:08

different sets of data in front of them that lead to different conclusions on the uh issues of odor.

1:12:14

It is your decision and your discretion by Benson County Code which set of data you choose to value and choose to use in

1:12:22

your decision. So with that, I can answer some questions.

1:12:27

Commissioner Sts, um just one quick clarifying question. So we got this document from you. That's one I'm

1:12:34

assuming there's a bunch of documents that just haven't been made it to our way. You mentioned that you submitted some annual reports for the 930,000. Is

1:12:40

that in this one or is that additional documents? It will be in another one that I just submitted tonight. Um that one was

1:12:46

drafted up before I heard last. Perfect. Thank you. Thank you, Mr. Levit. appreciate it. Oh,

1:12:54

uh, yes, Commissioner Lee. So, I'm sorry. I would like to have clarification on the model that used 1.5

1:13:02

million tons per year. I'm sorry, I couldn't hear which which model I saw I

1:13:07

thought I read that somewhere, but I would be happy if you would point it out. Yeah. So, none of the models put forth

1:13:13

by the applicant use 1.5 million tons. um they have stated in their application

1:13:19

that that it will be their waste intake and when applying for their air contamination discharge permit title 5

1:13:26

permit by DEEQ they stated an intake rate of 1.5 million tons and that is in

1:13:33

the record that I just submitted that you don't have yet. Thank you

1:13:39

Commissioner Cash. Thank you Chair Fowler. Thank you Mr.

1:13:44

Levit. Could you say slowly the name of your organization, please? Beyond Toxics.

1:13:50

Beyond Toxics. And is that organization here in Benton County? It's based in Eugene.

1:13:58

Thank you. Thank you. Thank you, Mr. Levit. Okay. Now, um I'm a little confused, but

1:14:06

I think I've got it straight. Next on the uh next up is Ms. uh Mia but seating

1:14:13

time to Miss Bradley and then following

1:14:19

uh that presentation is Mr. Leblanc uh who is seated time to McKenna Bradley I

1:14:26

believe and after the uh Bradley's provide their oral testimony we will

1:14:33

take a break. I also have um James Redell's time as well. Number 23.

1:14:40

Thank you.

1:14:48

Please proceed. My name is Aaron Bradley, 38578 Highway

1:14:54

99W, Corvallis 97330. Like to thank you for the opportunity to

1:14:59

get up and speak again. Our farm is one of the closest neighbors to Republic Services proposed expansion on two

1:15:05

borders. There's a few things I think you should hear about that have happened in the last few weeks.

1:15:14

There we go. Is that better? That is Thank you. Since we last gathered here, there's a

1:15:20

few things I think you should be aware of. McCillum Rock Drilling called on May 28th at 10:49 a.m. from an unknown and

1:15:26

blocked number. They may left a message saying the blasting would occur on May 29th between

1:15:33

12 and 4 p.m. If we had any questions or concerns, please call Republic Services.

1:15:39

They did not leave a phone number to call and I could not return the calls to the number. I was unable to find a phone

1:15:45

number online where someone would answer. I finally left a a voicemail at Valley Landfills and hope for the best.

1:15:52

This is around noon at this point. I did not see receive a phone call back that day. The next morning at 8:00 a.m., I

1:16:00

drove around the corner and went into Republic's office. I asked that somebody please return my call.

1:16:06

I did have a call back and it was pretty prompt and it was from Republic's environmental person. He did answer my

1:16:13

questions. I wanted to know the location of the blast and why they were blasting again because under I was under the

1:16:18

impression that we were done with the blasting. I explained what we did and the services

1:16:24

we provide for Benton County and mentioned the stress on the animals and clients. He said he would call back the

1:16:31

following day and follow up with me. We did not receive a phone call. The blast was extremely loud.

1:16:39

On June 10th at 9:20 a.m. I received a phone call from Emily at McCollum Rock

1:16:45

Drilling. The voicemail said they would be blasting that day between 12:00 and 5. She mentioned that she had tried to

1:16:52

leave a voicemail the late the day before and reach out. I called her back

1:16:57

and let her know I did not receive a call and there was no number or record of it on my phone or no caller ID.

1:17:05

She nicely apologized and said that it might have been a problem on their end.

1:17:12

I asked her nicely to um see if they could please change the blasting days to Fridays as they were more flexible for

1:17:18

us. She left me on hold and came back quickly and said that they could, but it

1:17:24

was up to Republic Services to change the day. I then hung up and called

1:17:30

Republic Services environmental person and he second he did promptly call me

1:17:39

back. I left a voicemail. He promptly called me back and I let him know we definitely heard and felt the blast on

1:17:45

May 29th and June 1st. I let him know that we did not receive 24 hours notice

1:17:50

of the blast and the impact on our clients and animals. I mentioned the drilling company could change the days

1:17:57

to Fridays. He said he would ask his people again. The blasts were never changed to Fridays.

And you can see the

1:18:03

relationship we've had in the last few weeks. The blast uh caused additional stress on

1:18:09

the animals and scared one of her volunteers even though she knew it was probably going to happen between certain

1:18:15

animals or certain hours. I did manage to record the blast on June

1:18:20

10th on the northwest corner of my property. I have printed out for you to see. You should have a copy. The first

1:18:29

slide is a semi-truck going south on 99W passing in front of our property. The

1:18:35

second is the blast. There's quite a difference in decibb

1:18:41

for a blast that we may not have heard or felt. I disagree.

1:18:51

Republic services has increasingly affected the use of my land, placed stress again on my livestock,

1:18:57

volunteers, clients, and affected a service to the community. Last testimony, I mentioned the groups we

1:19:03

serve. I failed to mention we are a provider for the state of Oregon GH DHS

1:19:10

child welfare. We are often contracted by them upon need and currently have

1:19:16

clients of theirs writing. We are a service. We are a farm. We are a service

1:19:21

and we are an adjacent property. The proposed facility cannot be operated

1:19:26

without noise and odor that will affect our business and other agricultural activities on the property. There are no

1:19:32

conditions of approval or other mitigation measures that will resolve these issues. The proposed landfill is a

1:19:40

massive industrial complex that cannot be mitigated and must not be approved.

1:19:45

If approved, we may lose the ability to operate entirely. The land would become

1:19:51

uninhabitable, most likely for our program and for our animals. After seeing the last staff

1:19:58

report and seeing the recommendation for approval and conditions, I called a real

1:20:03

estate broker. She said that due to everything we are experiencing and the conditions we are living with and the

1:20:10

location, it would be a hard sell. We looked at properties comparable to what

1:20:16

we had and none were affordable. We request you reject LU24027

1:20:23

and ensure our continued service to the community. The proposed expansion would seriously interfere with the uses on our

1:20:30

adjacent property and violate section 53.215

1:20:37

parentheses 1. Thank you,

1:20:42

Commissioner Cash. Thank you, Chair. How close are you again, please? Where's your property

1:20:49

located? We border We are just south of Coffen but Landfill. We border their um I guess

1:20:57

it's they have the forest land and they have the 10 acre parcel that wraps

1:21:03

around. So when we look north, we see their property. When we look to the

1:21:09

west, we see their property. I could throw a stick over. That's how close we are currently.

1:21:15

But you're looking onto their forest barrier, the acreage. That's the barrier. Correct.

1:21:20

Thank you. Thank you, chair.

1:21:25

Uh, Commissioner Bisco. Thank you, Chair Fowler. um the visuals

1:21:34

of the sound. Uh, is that part of a testimony that's been submitted or is

1:21:41

that um so I saw just a flash of the first one and and then the blast um

1:21:48

whatever that that diagram or that that visual is that something that we will

1:21:55

have access to or can it be submitted so that we do have access for this record?

1:22:01

Yes, Commissioner Bisco. It's been marked in the record uh by our reporter and so it will be posted to the document

1:22:08

management system. Very good here in in the room.

1:22:14

Thank you uh Chair Fowler for that clarification.

1:22:21

Thank you Miss Bradley. Thank you. Uh Mr. Leblanc has seated his time to

1:22:28

Miss Bradley. I also have 24.

1:22:36

Thank you. Please speak closely to the mic. Thank you.

1:22:44

My name is McKenna Bradley and I live at 3578 highway 99W Corvalis Snack 7330

1:22:52

and I post a land use application LU24-26.

1:23:02

My home is south of Corvalis but Corval Coffen but landfill road and it shares

1:23:09

two borders with the proposed expansion. I am 17 year old 17 years old and a

1:23:15

senior at Crescent Valley High School. I am also entering my freshman year at LBCC to complete college credits during

1:23:23

high school. I'm also highly involved in 4 and am in

1:23:29

three different 4 clubs. I am as well as uh in the clubs, I'm also the

1:23:38

president of two different clubs. I competitively raised high dollar show

1:23:45

cattle at regional and state level. I have a cow potato that has won

1:23:52

multiple supreme championships when she was a heer. Her calf Paisley I bred and

1:23:57

raised and now is 11 months old and beginning her show and jackpot career.

1:24:03

On top of all that, I breed and show Nigerian dwarfs and I show horses.

1:24:09

I want to share with you my lived experience of being next to the landfill and on the bordering property.

1:24:20

I have collected bags of trash from my property to give to you guys. On the

1:24:26

bag, there is causes of what this could do to my animals because it was found on

1:24:32

my land. These are found mostly right behind my property. They have flown above the

1:24:39

trees of our property onto the ground and almost into my animal pens. on the

1:24:46

side of the road. They have flown into my pastures.

1:24:51

For years, this h trash has been accumulating and is now embedded in my

1:24:57

property. And it is a hazard when the roots are

1:25:03

pulled up by my grazing livestock, the ones I have worked so hard to breed

1:25:09

and raise. Did you know it doesn't take a whole bag

1:25:15

of trash to kill an animal? Did you know all these animals can have

1:25:21

reproductive issues because of this trash?

1:25:27

If you didn't, I provided two different studies that are both peer-reviewed and

1:25:33

fact checked. As you know, um, when things aren't peer reviewed,

1:25:42

they often have mistakes found in them and are not almost factually correct.

1:25:51

My cattle have been purchased by the profits of animals I have sold off of my

1:25:57

property. All of them sold during 4 auction.

1:26:05

I put over 3,000 hours into each animal I raise.

1:26:12

I can't use my pastures anymore to put my livestock out to Rome right now because I can't risk my animals dying.

1:26:20

Because of this, I have to handw walk my cattle daily instead of leaving them out to roam halfway outside.

1:26:28

This increases the cost of my hay bill and and has my fields to be manually cut

1:26:34

which increases the virus in the summer. Another reason I can't put my livestock

1:26:40

out is if I lose my lo livestock or they remain undue bred to fertility problems,

1:26:48

it affects my funds away preol. I plan to join the LBCC nationally

1:26:54

ranked livestock judging team after I graduate high school. I also plan to go

1:27:00

go into a 4-year university and get my degree ultimately receive my master's in

1:27:07

PhD in animal nutrition. If I miss one piece of a debris similar

1:27:13

to what is in these bags, I may lose a lot of livestock and profits.

1:27:21

This would be a big loss for my schooling fund and also the loss of one of my friends.

1:27:29

The landfill's recent blasting has left my cattle stress and on edge after word

1:27:36

like dogs like animals first time experiencing fireworks. This is similar to what my

1:27:43

animals experience. All in all, LU24.027

1:27:51

land use application needs to be denied entirely, not just under conditions.

1:27:57

Not just for the safe future safety of my animals, but for the next generation of kids that will inherit land near the

1:28:05

landfill. Thank you. Thank you, Miss uh Bradley. Any

1:28:13

questions for Miss Bradley?

1:28:20

I'm okay. Thank you. And as indicated, we will take a break

1:28:27

and we will reconvene at uh 7:40 promptly at 7:40. Thank you.

1:31:21

ulation we have been uh we've gone through I

1:31:28

believe 20 u uh members so far and that

1:31:35

puts us a little behind time uh and So, we'll need to be very mindful of uh of

1:31:42

time to keep on track. And we will resume with uh speaker number seven, Ms.

1:31:50

Hall, with speaker number eight, uh Mr. Sarlos on deck.

1:31:59

Good evening, Chair Fowler and commissioners. I'm Camille Hall. I live at 7175 Northwest Mountain View Drive,

1:32:06

Corvallis, and I oppose LU24027, expansion of Coffinbe Landfill. Um,

1:32:12

thank you for the long hours and time you've put into this review. Um, the CUP is really the only chance

1:32:21

that Benton County has to protect the rights of residents in the properties that would be profoundly impacted by

1:32:28

this expansion. Once the CUP is approved, not only will the tonnage cap be lifted, but valley landfill will be

1:32:35

free to operate Coffin But Landfill with insufficient state and federal

1:32:41

regulatory support and lack of county resources to develop the roles and expertise to effectively monitor this

1:32:47

privately owned landfill. Republic services, a \$75 mill billion

1:32:52

dollar corporation with 200 active landfill sites nationwide, is not focused on the needs of this community.

1:32:58

That's our job as a county. The COP is the only place the county has the power

1:33:03

and authority to protect adjacent property owners and their ability to live and work on their property. The

1:33:10

primary thing I will address is groundwater protection for properties adjacent to the expansion site. The

1:33:17

applicant supplemental response concerns our groundwater concerns state that

1:33:23

focused hydrogeologic investigation will occur after the cup as part of the

1:33:28

site development permit. This information is necessary now to prove that there is no serious adverse impact

1:33:36

on those properties. We need to know in sight specific terms how the blasting

1:33:41

and excavation might affect groundwater and wells on those properties. The applicant's plan relies on test wells in

1:33:47

mitigation in response to perceived damage. This after the effect approach
1:33:53
meets the need of the landfill operator, but it completely fails to protect the adjacent property owners from serious
1:34:00
and irreversible damage if groundwater is diverted, if well levels drop or are
1:34:06
contaminated. The discussion and map on page 56 of the
1:34:12
supplemental staff report deals with groundwater flow internal to the
1:34:17
expansion site. Republic services asserts that there will be no crossover
1:34:22
of groundwater from the landfill onto adjacent properties as a result of blasting and they fail to discuss the
1:34:29
direction of groundwater flow from the top of Tampico Ridge and the blasting zone onto those adjacent properties.
1:34:39
The overarching problem is the highly technical
1:34:46
nature of this application. This says through the review staff and agency comments specifically defer to the
1:34:52
applicant on topics where in the course of the regular duties staff does not
1:34:57
have the authority or expertise to comment. We cannot let these issues
1:35:02
slide. In these cases, we ask that the appropriate agencies and unbiased topic
1:35:08
experts be called upon to evaluate the applicant's work. In the case of
1:35:13
groundwater protection, we specifically request Oregon Water Resources Department be notified of this expansion
1:35:20
application and the water quality issues raised by the community.
1:35:26
From 2010 to 2016, Coffen View took in 500 to 600,000 tons of trash per year.
1:35:34
Beginning in 2017, annual tonnage doubled. We know firsthand the impacts
1:35:39
of these tonnage and activity increases. The decision to approve the COP enables
1:35:46
Republic Services to continue this trend to fill space quickly and come back for another expansion.
1:35:53

I urge you to deny this application. Through the cup, the applicant has finally offered some remedies to the

1:36:00

worst long-standing operational problems that have plagued this site. They could have done that sooner, and they didn't.

1:36:07

It was only because they had to that they did that, you know, dealt with

1:36:13

litter, odor, and noise. There is more work to do. and denial of the cup is the

1:36:19

only leverage you have to protect groundwater and adjacent property owners

1:36:26

um rights. Thank you for your time and um I

1:36:32

encourage you to not deny this. Thank you, Miss Hall. Uh Miss Sarlo

1:36:40

with uh Miss Foster on deck.

1:36:48

I have seated time from Laura Hansen, number 27. My name is Jenny Sarlos

1:36:57

and and I live at 390 Northwest Maxine Avenue, Corvallis, Oregon.

1:37:04

I urge the planning commission to deny the landfill expansion. The proposed expansion would seriously

1:37:12

interfere with the character of the surrounding area in violation of Benton

1:37:17

County Code 53.215. It would jeopardize the air and water

1:37:23

quality. Traffic will increase, odor and noise will increase. There will be

1:37:30

potential long-term climate and environmental consequences.

1:37:35

This alone is a solid basis for denying the expansion.

1:37:41

We can't continue to bring garbage from all over Oregon and even other states

1:37:46

and not change the character of the surrounding areas. We absolutely need to deal with our

1:37:53

garbage, but other places do also. When it comes to taking in garbage,

1:38:00

Benton County has more than done its fair share under the current agreement.

1:38:07

I would like to add that this expansion would cause a serious burden on the many

1:38:12

properties that surround the landfill for miles. I am aware that the potential

1:38:18

harm will not be limited to these areas, but I do feel that these residents of

1:38:23

our county face an even more terrible burden if this expansion is passed. It is bad

1:38:32

enough to smell an odor, but then one wonders what kind of toxins they might

1:38:37

be breathing in. Wonders if the leech will reach the wellwater. Wonders what

1:38:43

will happen to the property value. wonders what way the wind may blow. This

1:38:49

is no way to live. Please put a cap on this problem. No

1:38:55

amount of monitoring will make this expansion bearable.

1:39:01

Promises can be made to keep the leech from getting into the groundwater.

1:39:06

Can you hear me? But there is no way to guarantee that

1:39:12

promises can be made to contain odors and contain garbage.

1:39:19

But that is not always possible. Garbage stinks. Accidents happen even under the

1:39:26

best of circumstances. Fires happen. And can we really ask a

1:39:31

volunteer fire department to be on the ready for a fire at the expanding landfill?

1:39:38

The Benton County 2040 Thriving Communities Core Values Initiative has

1:39:45

at its very center equity and health. Please uphold these values.

1:39:52

We cannot have equity if the concerns of the surrounding area are invalidated.

1:39:59

And by that I mean saying things like that odor is not a nuisance, it is a

1:40:05

mere annoyance. Who gets to decide these things? The Benton County Core values goes on to

1:40:12

state that we recognize and will address the well-being of our people by

1:40:18

including health considerations in all policies, practices, activities,

1:40:24

and operations. The burden imposed by the expansion of the landfill to residents of the

1:40:31

surrounding area are a threat to their mental and physical health. Please

1:40:37

uphold our core values and preserve the character of this beautiful place and deny the landfill expansion.

1:40:46

Thank you. Uh questions. [Music] Thank you, Miss Ms. uh Sarus. Appreciate

1:40:53

it. Thank you. Uh next is uh Ms. Foster. M Mr or Ms.

1:41:01

Foster number 10.

1:41:08

Oh, thank you. Uh then Ms. Palmer

1:41:15

number 12 and then uh Mr. Higgins will be next.

1:41:24

Miss Palmer. Hi there. Uh, my assigned number is 12

1:41:29

and the people seating time to me are Andrew Ool, number 28, and Martha Trininger, number 39.

1:41:40

Chair Fowler, Vice Chair Haymon, members of the planning commission. My name is Debbie Palmer and I live at 37340

1:41:47

Moss Rock Drive in Soap Creek Valley about 4 and a half miles south of the landfill.

1:41:54

I second everyone else's gratitude for all the careful time and attention you are putting into this. And if I

1:42:00

understand correctly, you plan on extending tonight's meeting time if needed in order to hear all the public

1:42:06

comment instead of cutting us off at 8:45 p.m. like you could have. We really appreciate that. We appreciate you

1:42:13

granting us the same consideration as you granted Republic Services and County staff. So, thank you very much.

1:42:19

My testimony tonight will be in response to information presented at last night's meeting from both staff and the

1:42:25

applicant and in no particular order. For starters, this may seem a bit minor,

1:42:32

but have you noticed how Republic's visual presentations never actually show pictures of the dump itself? They'll

1:42:39

show you nice pictures of the surrounding area, beautiful grasslands, rolling hills, etc. Dare I say pictures

1:42:45

of the character of the area. I hope this is not lost upon you. They

1:42:51

will never show you pictures of the dump because it is ugly. Who would want to look at that?

1:42:59

Exactly. Another thing, this is regarding fire.

1:43:04

Republic's fire consultants consultant has never once mentioned evaluating the

1:43:10

impact of wildfire in nearby forests. I.e. he has studiously avoided

1:43:15

investigating how it is how likely it is that a major landfill fire could be

1:43:21

started due to windblown embers from a wildfire landing on this methane super emitter. Does that not sound like

1:43:28

something that should have at least been considered? It sounds apocalyptic to me. Frankly, this is just another example of

1:43:36

Republic's failing the burden of proof test. Moving on, Chair Fowler, you were on the

1:43:42

planning commission in 2021 when Republic's last expansion application was soundly and unanimously denied. Do

1:43:49

you happen to notice how this current application is uncannily similar to the first phase of that one?

1:43:56

Everything points to Republic's intention to continue to expand this monstrosity that this is just the first

1:44:02

step in what will be a series of applications to expand. Why would they be spending all this

1:44:08

money and taking 3 to four years to construct something that will only add six more years of landfill life? They're

1:44:16

not going to stop there. Soon as this phase is largely underway and as cell

1:44:21

six the quarry rapidly fills thanks to the cap being lifted, they're going to apply again.

1:44:28

In an email exchange between county council Vance Crony and Republic's Julie Jackson during the 2020 landfill

1:44:34

franchise agreement negotiations, information we got via public records request. Mr. Crony says, quote, I want

1:44:42

to be sure I'm correct when I'm discussing with the BOC ramifications of lifting a tonnage cap.

And Miss Jackson

1:44:50

replies, quote, we have many acres that could hold waste, and that will likely

1:44:55

be a future discussion with the county. So, they're definitely intending to continue to expand.

1:45:02

Actually, I'll amend what I said about this being the first step in a series of applications to expand. We are actually

1:45:10

extremely concerned that if you grant this expansion and Republic now owns a

1:45:15

landfill on both sides of Coffen but Road that they could under Oregon

1:45:21

statute OS368.351 vacating without a hearing get Coffen

1:45:28

but Road vacated by the county i.e. permanently closed and build their landfill across it without a public

1:45:35

hearing, possibly even without having to notify the public or in other words, without

1:45:43

having to be held accountable via a formal public application process like the one we're going through right now

1:45:49

because that is our biggest fear and Republic's dream scenario.

1:45:55

Moving on, one more once more regarding compliance with past conditions of approval.

1:46:01

Outside council me Ryan states it's the county's legal obligation to monitor the conditions and there is a legal process

1:46:09

for enforcing conditions should the county have the budget to do so. And planning official Petrautz says until

1:46:17

adjudicated we don't have any evidence that those conditions were not followed.

1:46:23

So apparently all our filed complaints and photographs and such are not sufficient evidence.

1:46:29

what what we all can see with the naked eye and smell with our noses is not sufficient evidence.

1:46:36

It sounds like what they are both saying is that someone would actually have to sue in a court of law in order to prove

1:46:44

past conditions were not met. That is what adjudicated means, right?

1:46:50

We know the county would not do that even if they had the budget. So that means some member of the public or

1:46:56

organization would have to sue. Does that sound like a level playing field to you?

1:47:03

Next, Republic's fire consultant attempt Republic's fire consultants attempt to

1:47:09

claim that because this dump has been around 70 to 80 years and hasn't impacted nearby properties thus far and

1:47:17

therefore would somehow on a go forward basis not diminish them is feeble and specious.

1:47:23

15 to 20 years ago, let alone 70 to 80, the landfill was a fraction of the size

1:47:28

it is now. Its collective impacts are a huge question mark on nearby property

1:47:34

values going forward. Lastly, I wish to remind you that your decision is ultimately discretionary.

1:47:41

That's in the code. So, under your quasi judicial authority, you have the leeway to judge this application as you see

1:47:47

fit. If you feel a concern is valid, then it is valid. I hear a number of you

1:47:52

expressing concerns about what you can and cannot consider when judging the application,

1:47:58

such as past performance of Republic at their landfill across the road from the proposed new dump. Past behavior is

1:48:06

absolutely a valid consideration when judging future behavior. Please use your

1:48:11

power of discretion and deny this application unconditionally. I thank you for your time and relinquish

1:48:18

any leftover time on my clock to the next speaker or if that's not allowed, let it expire.

1:48:25

Thank you, Ms. Palmer. Uh, next on the list is Mr. Higgins. Uh,

1:48:32

followed on deck by Mr. Kanaga.

1:48:38

And Mr. Higgins, if you can uh remind us whose time is um within your uh budget

1:48:47

of time. I've got uh Marge Pop number 13, Josh

1:48:53

Dodson 25. Thank you,

1:49:01

Chair Fowler and commissioners. I appreciate the opportunity to speak tonight. Um,

1:49:08

my name is Kevin Higgins. I'm a retired fire captain from Adair Fire with active

1:49:13

over 20 years in the service there, retiring in 2022. I'm also the former

1:49:18

emergency manager for Benton County. Still work at the county, but I moved on

1:49:23

to become special services manager for the sheriff's office. I was asked to speak uh on my accounts of fighting

1:49:30

fires at the landfill. When I started in a dare fire, uh we we

1:49:38

were still having routine fires at the dump. Some of them very big, multiple alarms and many agencies needed to fight

1:49:47

these fires. One particular fire, it's been talked about several times, was big

1:49:52

enough to make the Associated Press. That was the fire of 1999. Some of those fires took all night. That

1:49:59

one was one of them. Uh took all night to get out since the fire would be deep

1:50:04

into the trash and would often require us to bring in dozers and excavators to move the trash so we

1:50:11

could get to the seat of the fire. Fires um use a huge amount of u of water

1:50:21

to fight. And the landfill folks, I understand, they hate it when we use tens of thousands of gallons of water to

1:50:28

put out their fire. Throws off their leech. And I know the fuel load is is enormous

1:50:35

at landfill. That's why the the fires require so much

1:50:40

uh so many resources to fight. Fighting a fire there is one of the worst locations to fight a fire due to the

1:50:46

unknown substances burning. It is so toxic that you basically have to fight

1:50:51

the fire on air the whole time. You're wearing an SCBA pack on air for hours,

1:50:57

but if you don't go on air, you usually cough and feel sick for days. Who knows what uh what that has done to each of us

1:51:04

that have fought fires and not being on air. I often wonder what kind of toxins

1:51:10

were released into the air that not only we were breathing but may have affected the environment.

1:51:16

Excuse me. My son was also a firefighter for over 10 years at a dear fire.

1:51:22

Although he did not experience the 1999 fire, we both had similar physical effects after fighting fires at the

1:51:28

landfill. We both experienced our eyes got sticky and goopy and both had

1:51:33

burning in our lungs. Um, if we weren't on air the whole time, our lungs would

1:51:39

burn for days. We'd feel lethargic and sick. Uh the smoke was

1:51:44

thick, black, and heavy, and you just never knew what was going to be burning next. I imagine a scenario where we had

1:51:51

a large wildfire uh that included the dump.

1:51:56

We would have a toxic mess on our hands. A typical wildland crew

1:52:03

uh wouldn't have the equipment or the experience to fight a fire at the land at the dump. and a structure crew would

1:52:10

prioritize working on exposures. Um, protecting homes and buildings that

1:52:15

doesn't leave many resources to actually fight the fire that's at the dump

1:52:22

with all of its toxins. Over the years, they did start doing

1:52:27

something different because fires started to decrease in frequency. The

1:52:32

last few I went to started in equipment operating at the at the dump and then

1:52:37

sometimes would spread to the nox trash. So we had an equipment fire and a trash

1:52:43

fire to deal with at the same time. This often required mutual aid from Corvallis, Albany, and possibly Pulk

1:52:51

County fire to assist. In the early days of tarping, I can

1:52:57

personally remember fires that were under the tarp, feeling the methane explosions under my feet. Back then, I

1:53:05

had to personally make large cuts in the tarp themselves to release the methane buildup so it didn't explode on our

1:53:12

crew. I have heard representatives from the landfill say, "This never happened."

1:53:17

I can tell you it did. I was there. I cut the tarps and burped that methane

1:53:23

out. So, if you weren't there, you can't say it didn't happen. And they weren't there.

1:53:30

It was an eerie sensation to feel the weight of the dump exploding under your feet. My son, Levi, had also experienced

1:53:37

the explosion under the tarp and and said it was terrifying watching and feeling the fire hitting so many

1:53:42

hazardous materials and seeing the color of fire change, which is inherent to

1:53:48

toxics. Different toxics have burned differently.

1:53:56

I've heard I've heard testimony from supposed experts that say, excuse me,

1:54:02

they say since 19 the 1999 fire, we've there's only been a few fires. And I

1:54:08

realized that the expert last night kind of backpedalled and changed that to that's the only ones he was referring

1:54:14

to, but in his earlier testimony, he said there was only a few. I'm also reporting that is not true.

1:54:22

I don't remember seeing those experts up there. I have no idea where they got their information, but we had no less

1:54:28

than two fires uh per year for many years, and that's being very conservative.

1:54:35

Um, and every fire is dangerous because you have no idea what's burning and

1:54:40

what's going to burn next. Now, granted, there were fires uh that were in the equipment that didn't spread to the

1:54:46

trash in the or the in the dump itself. That was mostly because we were able, we being the local fire, local volunteer

1:54:54

fire department, uh were able to get there in a timely response and quickly contain the fire to the equipment.

1:55:03

The Higgins family moved uh to Soap Creek in the early 70s. That's where I

1:55:08

was raised and have memories of going to the dump as a kid looking for treasures.

1:55:13

It was almost flat in the 70s. You could walk up there, rumage through, pick out

1:55:19

speakers out of TVs, make a cool stereo system. I did it. That was fun.

1:55:25

I was a young inventor and the dump was a lot of different was a lot different then. My wife and I decided to move back

1:55:31

to the Soap Creek Valley in the late 90s to raise our family. Now our our son and

1:55:37

his wife are considering this as well with their kids. That would be four generations. And so for our family, the

1:55:45

stakes are high. We want to protect and preserve the beauty and health of the Soap Creek Valley and Benton County.

1:55:54

The whole landfill issue is frustrating and expansion seems to be about greed. I

1:55:59

hope the county commissioners that are smart enough to fulfill the commitment made many previous commissioners ago to

1:56:06

wind down the landfill, not expand it. Yet again, what a disaster it would be

1:56:11

for them to overrule basically 100% opposition to the landfill

1:56:17

with only a couple of supportive voices. And those are all money driven. Republic

1:56:23

service, the county itself, and trash hauling companies from outside counties. Nobody else seems to be in support.

1:56:31

In closing, two things. To be clear, I am 100% opposition of any expo expansion

1:56:37

to the dump. And second, I looked online for Benton County's commitment to the environment.

This is what I found should

1:56:44

help in your decision-making process. Benton County, Oregon, demonstrates a strong commitment to environmental

1:56:50

sustainability through various initiatives and plans. The county aims to reduce greenhouse gas emissions,

1:56:56

protect natural resources, and promote sustainable practice in the area like waste management and land use. Thank you

1:57:03

for my your time. And I also realize I didn't give you my address. still want it.

1:57:09

I think you may have provided it when you checked in. Is that okay? Uh, Commissioner Wilson.

1:57:15

Uh, thank you for your testimony this evening. U, the question I have is as it

1:57:21

relates to firefighting when you encountered or dealt with and suppressed fires at the landfill.

Um, did you find

1:57:28

any evidence that there might have been subterranean fires? You talked about um the potential the explosions of the

1:57:35

methane were just subsurface, but did you see any potential for subterranean

1:57:41

or deeper smoldering burning? Yes. So there would be times we would be digging 6 8 10 ft down and I and it

1:57:48

might you know I'm I've been retired for three years now. So I haven't fought a fire in that time. I don't know if it's

1:57:54

changed since then but I kind of doubt it based on the fuel load. So if you want to consider eight or 10 feet

1:58:01

subterranean that that's true now you know there was there's way back in the day there was uh

1:58:08

metals buried in that in I think in probably the first section that are are water reactive. So if you course core

1:58:15

drilled that and hit water they can actually have very bad consequences of

1:58:20

hitting water reactive materials that are still buried in there. So, we didn't ever get that deep, of course, but um

1:58:27

yeah. Yeah. Thank you, Mr. Higgins. Appreciate it.

1:58:32

And I see that uh Mr. Kaga has seated his time to Mr. Joerger. So, Mr. Joerger

1:58:39

is uh is next. And uh if you could uh help us, Mr. Jagger

1:58:46

to um inventory the time that you'll be using from others.

1:58:59

Yes, I will do that. Let me see here. So, the list I have

1:59:04

as I have uh Kevin Kaneas, um Becky Lrand,

1:59:11

Jennifer Johnson, Susan uh I think this is Dormfeld,

1:59:18

uh Roxanna Cafferly, and Anne Weinstein.

1:59:27

Uh let's see. I also have Joel Weinstein. Is that accurate? No, I'm sorry. Uh Joel has been moved to uh Kate

1:59:35

Harris and we've worked that out with the front desk. So um so Kate Harris will have uh Virginia Scott and Joel's

1:59:43

time. Thank you. I'll try to keep track of all that. Thank you.

1:59:54

Let's see. What do I have? 21. Okay. Um good evening everybody. Chair Fowler,

2:00:00

members of the commission, my name is Mark Jagger and I live at 37269 Helm Drive in Corvallis.

2:00:08

I want to thank the members of the planning commission for their work on this application. I know that your work has been difficult

2:00:15

and we appreciate your service. I also want to thank and express my gratitude

2:00:21

to the community that has come out to engage in this process. A small group

2:00:27

that was once characterized by the county as a bunch of nimbies has become

2:00:32

a regionwide movement to demand a new way forward for waste management in Oregon.

2:00:40

The figure 8 graphic in the staff report and the more than 1300 petition

2:00:45

signatures show a broad base of support to stop this landfill expansion.

2:00:52

I want to talk a little bit about prior conditions of approval. I served on the BCTT subcommittee that

2:00:59

reviewed the entire record of every prior land use decision regarding the landfill site. Eight months worth of

2:01:06

work. At the conclusion of our review of all prior land use proceedings, the

2:01:13

public members of our subcommittee developed key findings that can be found beginning on page 98 of the BCTT report,

2:01:20

which has been entered into the record. The BCTT report that the applicant and

2:01:27

staff rely on heavily for their definitions to craft their proposal also

2:01:33

discusses landfill compliance and prior conditions of approval.

2:01:39

Key finding F2 states, and I quote, "Benton County has not and does not

2:01:46

actively monitor compliance with many conditions of approval, nor does it

2:01:51

proactively act to enforce compliance. This finding was adopted unanimously by
2:01:58
the voting members of the BCT. A thorough review of the coffin but
2:02:03
landfill's historical land use conditions as documented in the BCT past
2:02:08
land use conditions uh committee's report and appendices reveals a pattern of non-compliance by
2:02:15
landfill operators and a systemic failure by Benton County staff to
2:02:21
enforce conditions of approval and ensure accountability. The county readily admits that it does
2:02:28
not have a system in place to monitor compliance with conditions of approval
2:02:33
and that they have no staff or resources to enforce compliance.
2:02:38
More key findings from the BCTT report. F3 Benton County relies on complaints to
2:02:45
initiate action to enforce conditions of approval.
2:02:50
Benton County did not, excuse me, this is F10. Benton County did not and does
2:02:56
not have a readily accessible, transparent, compliant tracking complaint tracking system. Sorry
for my
2:03:01
voice. I've got a little bit of a cold. Known to the public in place to receive and record land use
complaints for
2:03:09
documentation, investigation, and resolution. Both of those findings were also adopted
2:03:16
unanimously by the D BCT. Has the county done anything toward
2:03:21
implementing the recommendations that came out of the BCT in this area? The
2:03:26
answer to that is no. Two specific and measurable examples of
2:03:32
non-compliance with prior conditions of approval include the screening requirement in the in the
order for
2:03:40
PC8307. Item number 10 states, "Screen the
2:03:46
landfill operation with fencing or BMS so it cannot be seen from the county
2:03:52
road or adjacent properties." That is clearly not the case today. And
2:03:59
as noted in a recent newsletter from Senator uh Gelser Bluan,

2:04:04

quote, "Driving through the countryside, the mountain of waste is impossible to miss because it towers above the fields

2:04:12

and trees around it." A second example of explicit non-compliance comes from PC0207

2:04:21

wherein condition of approval number 10 states that the landfill activity is to

2:04:26

be required to be limited to 600 ft contour elevation.

2:04:32

The applicant submits and drawings for this proposal

2:04:37

on page 64 of the of the supplemental staff report clearly show the elevation

2:04:43

of the existing landfill is 25 ft.

2:04:49

A clear violation of a prior condition of approval. The landfill operator

2:04:55

unilaterally exceeded the height limitation on the existing dump and the

2:05:00

county has done nothing about it. To my knowledge and to the knowledge of the committee that worked on the BCTT to

2:05:07

review these issues, the county has never taken any enforcement action

2:05:13

against the landfill operators in response to non-compliance with conditions of approval.

2:05:19

Based on recent staff testimony, the new code enforcement person will

2:05:24

have no role in monitoring or enforcing landfill conditions of approval.

2:05:30

So conditions of approval are required when proposed development is incompatible with surrounding land uses

2:05:37

and may have an adverse effect on nearby properties. Those conditions of approval have been

2:05:43

determined to be necessary to mitigate adverse impacts. But if the conditions

2:05:49

are not implemented and not enforced, they are worthless. The landfill

2:05:55

operator's consistent disregard for land use conditions paired with Benton County's non-existent oversight has

2:06:02

undermined the integrity of the land use process. The county's unwillingness to

2:06:08

challenge non-compliance through penalties or corrective actions has allowed Republic Services to operate

2:06:14

without meaningful accountability contrary to the public interest and

2:06:19

intent of conditional use permits. want to talk a little bit about the bias

2:06:25

in these proceedings. Since 2020, with the adoption of the renewed

2:06:31

franchise agreement between the county and valley landfills, the history in this case is a sorted one. The county

2:06:39

staff and the developer have been exclusive partners in attempting to force this expansion upon the residents

2:06:45

of the county. Their efforts to disenfranchise residents have been numerous. Yet, the understanding of the

2:06:53

short and long-term impacts of becoming Oregon's trash depot has filtered

2:06:58

throughout the community, and the outrage has continued to grow. The NIMBY

2:07:04

moniker applies now to many residents of Benton County. We don't want to become

2:07:10

Western Oregon's trash can. The county will be paid a minimum of a

2:07:16

million dollars per year in exchange for approval of this conditional use permit.

2:07:24

I refer you to section 4 generally of the franchise agreement which is also in the record and sections 4C1 and 4C2

2:07:33

specifically in the 2020 franchise agreement. We have been told by county staff and

2:07:41

others it's not about the money, but what else could it be?

2:07:47

Do you know of any previous land use proceeding where the applicant guaranteed to pay the county money in

2:07:54

exchange for approval of a development proposal? I don't know of any. Following the

2:08:00

county's failure to get its planning commission to approve the 2021 expansion

2:08:05

application, which was denied unanimously on a 6 to zero vote, four of the six commissioners left or were not

2:08:13

invited back. Shortly thereafter, the county adopted a massive appeal fee

2:08:20

increase that requires a \$5,000 deposit and assigned blank check to cover all

2:08:27

costs incurred by the county to handle an appeal. And it only applies to

2:08:33

landfill conditional use permit applications, no others. Talk about

2:08:39

disenfranchisement of the residents. I want to talk a little bit about

2:08:44

litter. You have received testimony from numerous um commenters about widespread

2:08:50

presence and impacts of windblown trash from the dump on nearby properties. The

2:08:56

proposed mitigation measures will have little or no effect on the litter situation and moving the dump closer to

2:09:03

the impacted properties will only make the problem worse. I'm entering testimony of Angela Krueger and Ryan

2:09:11

Wilson into the record this evening and that's been turned in up front.

2:09:16

They have many, many pictures of windblown trash on their property where

2:09:21

they graze their cattle. They also have a video of a cow munching on a piece of

2:09:26

plastic just from the other day. But I there's doesn't seem to be any way

2:09:33

to submit videos in this process. Like the Bradley's, the litter from the

2:09:38

proposed dump operation will seriously interfere with use of their adjacent

2:09:43

property and threaten their livelihood. Moving on to storm water and water

2:09:49

quality impacts. The proposed drainage plan submitted by the applicant through their consultant CEC directs runoff from

2:09:56

the LS property through an outfall from the southernmost storm water basin onto

2:10:02

rural residential property. This is not allowed. The wheels on trucks exiting

2:10:08

the dump, particularly during the winter, are often covered with contaminated mud from the working face.

2:10:16

This mud is tracked onto the surface of nearby uh paved roads. Coffen Road,

2:10:21

Highway 99, Campadare Road, and either washes off into roadside ditches or the

2:10:27

dump water truck is used to spray the mud out off the road into the ditches.

2:10:32

This storm water is contaminated. The practice must be prohibited. A tire a

2:10:38

truck tire washing station should be installed just prior to the exit onto paved roads. Moving on to noise. The app

2:10:48

the applicant proposed mitigation measures for noise reduction

2:10:54

neglect the many instances of sharp noises that come from activities near

2:10:59

the working face. These include the clanging tracks from the bulldozers

2:11:04

working in and around the working face, the banging of garbage truck doors when

2:11:10

the drivers go forward and quickly stop to encourage trash to fall out of the bed, and the horn blowing that is used

2:11:17

to communicate between trucks that are work on the working face.

2:11:23

Managing noise from the on-site vehicles, which is what they're proposing, touches a very small fraction

2:11:30

of the vehicles entering the site and will do very little to reduce overall sound levels.

2:11:36

Noise levels from the proposed expansion will be closer to many properties and will seriously interfere with uses on

2:11:43

adjacent properties. The proposed hours of operation will allow the dump to start internal

2:11:49

activities at 4:00 a.m. and extended till 6:00 p.m. 6 days a week,

2:11:57

14 hours a day. And now they're proposing to be open on Sundays as well.

2:12:03

This is unacceptable and represents serious interference with uses on adjacent property.

2:12:10

Moving to odor. Either the folks that are doing the odor studies don't actually get what is

2:12:16

happening or maybe they think the public is naive. The odors from the dump do not

2:12:21

emanate in a uniform fashion or get transported off site in some simplified

2:12:27

pattern. I live 5 miles south of the dump and I regularly smell it so strongly that I must limit my outdoor

2:12:33

activities such as running or biking. Further, on numerous occasions, I've smelled the landfill uh odor in North

2:12:41

Corvalis on Ninth Street, more than nine miles away. Also, as a bicycle and motorcycle rider,

2:12:49

I know how pockets of air settle in different areas and contain different temperatures and odors.

2:12:56

This regularly happens with landfill odors. further going out with sniffer devices

2:13:02

and logging instances of odor detection and measurement. It doesn't do anything

2:13:07

to control the odors. The proposal of a self-established limit

2:13:12

of 930 or 934,000 tons of organic waste annually is a non-starter.

2:13:20

First, since organic waste generally makes up 40 to 50% of municipal solid

2:13:25

waste, 930 t annual tons of organic waste will

2:13:31

mean that they'll be bringing in 1.8 to 2 million tons of waste a year.

2:13:38

A dramatic increase over their current tonnage of 1.1 million tons.

2:13:43

And having spent many, many hours observing landfill activities at the working face, I have never seen a single

2:13:52

instance of a garbage truck audit like they were talking about yesterday.

2:13:58

Like someone's going through the garbage. This is all self-reported. People come in, they say, "Oh, that's

2:14:03

what I have in my that's what I have in my truck." And the pictures of the uh in the record, there's pictures in the

2:14:09

record of illegal material going into the dumpsters around Albany and Corvalis tell you that Republic does nothing to

2:14:16

manage trash going into the dump, TVs, uh monitors,

2:14:22

uh all kinds of different things. To assert that somehow they're going to limit the amount of organic waste coming

2:14:28

into the dump, it's not believable. Also, the annual limit is meaningless in

2:14:34

terms of consistent uh loading. They're talking about odors.

2:14:40

They could bring in 750,000 tons of organic waste in four or five months in the summer, causing massive increases in

2:14:48

odor emissions. The odor impacts from the existing facility seriously interfere with

2:14:55

activities and property uses over a wide swath of Benton and Pulk counties.

2:15:00

Adding more waste by expanding the dump and increasing the annual tonnage will

2:15:06

make matters worse. Talking about review criteria, after the lengthy and contentious expansion

2:15:13

application in 2021, the county moved quickly to erect a huge barrier to

2:15:18

landfill related appeals of any planning commission decision by members of the public. And with all the hand ringing

2:15:25

about the qualitative nature of conditional use permit review criteria, Benton County still uses a

2:15:31

one-size-fits-all for any conditional use permit. They did nothing to modify the

2:15:36

criteria as it applies to landfills, unlike what they did for the appeal

2:15:41

fees. So, they're using the same criteria for a landfill that they would use for a dog grooming shop in a

2:15:48

residential area. It doesn't make any sense. and they have done that to allow

2:15:53

themselves leeway to approve this application. They're not interested in protecting the

2:15:59

people or the environment. I find it disgraceful. Just a little bit of history. 1974

2:16:07

there was a there was significant resistance to the designation of Coffen

2:16:12

Landfill as a site to serve a small portion of a few adjacent counties. I

2:16:18

had a letter in my last piece that I gave to you from a gentleman who wrote

2:16:24

during that time frame in 1983. During the reasoning process, county residents

2:16:29

once again sounded the alarm about this dump and were steadfast that no trash

2:16:35

should ever be placed south of Coffen Road. Again, in 1994, there were dozens

2:16:42

of letters submitted against the proposal to expand the landfill site into the rural residential zone, and

2:16:48

that expansion effort was defeated. But this effort will just not die. In 2021,

2:16:57

a unanimous planning commission decision denied a similar expansion request to

2:17:02

the one that's being proposed now. But here we are again in 2025.

2:17:09

With all that we know now about landfilling in general and this landfill's operations, more

2:17:15

specifically, we must have the courage to deny this application and demand a new way

2:17:21

forward. The evidence in the record to deny this application is overwhelming.

2:17:27

The burden of proof has not been met. This proposal does CA cannot and does

2:17:32

not meet the review criteria for a conditional use permit. The evidence in

2:17:37

this case clearly demonstrates that the proposed new landfill will seriously interfere with uses on adjacent property

2:17:43

and the character of the area. In addition, public facilities such as E Wilson Wildlife Area, the Wamtt River,

2:17:50

McDonald Dun Forest will bear an undue burden from the impacts of the proposed

2:17:56

development. Please deny this application. Thank you for your time.

2:18:04

Thank you, Mr. Joerger. Any questions for Mr. Joerger? Thank you very much, Mr. Joerger. Uh,

2:18:11

the next on the list is M. Scott, who I see has seated her time to Miss Harris.

2:18:32

Please proceed. Good evening, Chair Fowler and commissioners. My name is Kate Harris. I reside at 37268 Moss Rock Drive, four

2:18:40

miles due south of Coffen Landfill. I have a degree in civil engineering from University of Portland, in which I

2:18:45

studied water treatment plants, wastewater treatment plants, and solid waste management, including Coffen

2:18:50

Landfill specifically. Thank you for the long hours you've put into this process and your thoughtful consideration of

2:18:56

this matter. The future of our county and our neighbors rests upon your shoulders. I do not envy your current

2:19:02

task. Thank you to Virginia Scott for her time. Please refer to her written

2:19:07

testimony submitted today regarding a rebuttal about fire considerations, including this quote.
Self monitoring by

2:19:14

Republic Services is like the fox guarding the hen house. Thus, approval with conditions is exactly the same as

2:19:21

approval without conditions. These conditions will never be met. No monitoring will be done.
No

2:19:27

repercussions to public services will occur. All bad current behavior will continue unabated on a larger scale and

2:19:33

the community, environment, businesses, forest, land, people, health, air,

2:19:40

water, wildlife, etc. will suffer, i.e. dead hens in the hen house. This is the

2:19:45

very definition of undue burden. Going off script a little bit, we have a

2:19:51

document in the record submitted by Joel Guyire from the center of for health, environment, and justice titled landfill

2:19:58

failures, the buried truth. You can refer to that document and the first

2:20:04

piece of it stating being titled the basics of landfills, how they are

2:20:10

constructed and why they fail. You are assured last night by Republic that the liners do not fail.

Please refer to this

2:20:17

document to learn for yourselves uh from research data as to how and when they do fail. We know that plastics do break

2:20:23

down over time and there are different components to that. So there's some um research document for you there.

2:20:30

I am here this evening to discuss the impact of coffin but's current and future operation on waterways the

2:20:35

environment and drinking water. My points are relevant to this expansion discussion because any expansion will

2:20:41

only exacerbate the issues I will raise. To quote the Brochovich report publications article, no surprise, PAS

2:20:48

found near wastewater treatment plants and bioolid applied lands. Quote, a new

2:20:53

analysis from waterkeeper Alliance warns that 98% of tested waterways across 19

2:20:59

states contain toxic PAS and in particular downstream from wastewater treatment plants and sites where

2:21:05

bioolids have been applied. The researchers connected this finding to the disproportionate sighting of

2:21:11

sources of environmental pollution, including PAS contamination such as major manufacturers, airports, military

2:21:17

bases, wastewater treatment plants, and landfills that are typically located near watersheds serving these communities.

2:21:24

Listen, we know we've had a huge PAS problem and now we have more data to prove it. That's a good thing. American

2:21:30

communities are exposed daily, often unknowingly, and many face serious, disproportionate health risks. The tools

2:21:36

to address the crisis exist, but the political will is lacking. We cannot afford more watered down regulations and

2:21:42

loopholes for industrial source polluters. The science is clear. EPA and lawmakers must act decisively and with

2:21:49

urgency in the public's interest. If you get your drinking water from a private well, you may want to test your water to

2:21:55

find out exactly what's in it. You can contact a state certified lab for professional analysis. Some counties may

2:22:01

offer free or discounted tests, so check with local authorities first. End quote.

2:22:07

Does Republic or the county offer these free tests to residents? Republic testimony yesterday stated that

2:22:13

an official from Adair village said there was not a problem with PAS contamination. That is most likely true

2:22:19

as it is apparently never been tested or the very least never been reported to the public. The 2024 water test report

2:22:26

is available on the Adair Village website and is submitted along with the uh Brochovich report in my written

2:22:32

testimony tonight for reference to clarify discussion yesterday about Adair Village. Pat hair is the city

2:22:38

administrator for the city of Adair Village and I believe he may be the entity referenced by Petra yesterday as

2:22:44

the one who was contacted twice but chose to give no input. I do not know if his city council or mayor was privy to

2:22:50

that discussion or their ability to provide input. Adair Rural Fire Protection District is a separate and

2:22:56

unrelated organization which was never contacted by the county regarding this expansion application, although did

2:23:02

voluntarily submit testimony in May. The county did not seek interested party information from the fire district. Back

2:23:09

to the discussion of Adair Village's drinking water. Pat her and his family live in Scio and therefore he doesn't

2:23:14

seem to have any specific family safety concerns with the quality of water in Adair Village. He has done a lot of

2:23:19

amazing work for the water system in recent years and should be very proud of the work he has done. That does not guarantee safety. I personally sent an

2:23:26

email to him, Adair's mayor, the head of their planning commission, and the superintendent for the school in Adair

2:23:31

village in 2021 regarding concerns for drinking water safety and air quality. I

2:23:36

received no replies. I was told third-hand Pat's method for dealing with concerns like this is to simply ignore

2:23:42

the emails. Perhaps that is also what he did with requests sent from the county. That's speculation.

2:23:48

When I lived on the Adair Village water system from 2014 to 2017, many of us had concerns of extremely high chlorine.

2:23:54

Those concerns were dealt with inappropriately by the same staff that is currently working the water system based on my studies in my civil

2:24:01

engineering degree. I would not rely on Republic's statement last night that Pat said his water is fine. Where are the

2:24:08

tests? If they wanted to prove it was fine, why did Republic not fund PAS testing for Dare Village drinking water?

2:24:14

Isn't that what a good neighbor would do? What about all the neighboring private wells? Where are those test results? Adair water quality won't be a

2:24:21

player in this discussion if Corvalis really stops taking leech at the end of the year. But as we heard yesterday,

2:24:27

Republic does not have a plan, so it is worth still discussing. Pat Hair just received confirmation of

2:24:33

\$4 million from the state for his new wastewater treatment plant in a Dair village. Past discussions have include

2:24:39

included Republic adding funding for that new plant so they could treat Lee there. Again, speculation, no plans that

2:24:45

I know of in the uh currently that discharge is reported to be

2:24:50

upstream of the dair water intake in the Wamtt River. So, a dair water quality really should be part of this discussion

2:24:55

moving forward until we have binding contracts in place stating Lee will not end up in local drinking water sources.

2:25:02

But where will it end up? Perhaps the discussion should be redirected to what constitutes an undue burden. Any

2:25:08

landfill in the Wamut Valley creates an undue burden on the population and waterways in the valley and thereby on

2:25:14

the character of the area. Republic's own corporate website discusses that landfills in aid locations produce very

2:25:20

little leech often so little that it can be used for dust control on top of the landfill thereby containing the the

2:25:26

toxins to the lined cells themselves not impacting any population nearby waterway

2:25:32

or character of the area. So perhaps this discussion should be less about what drinking water or well tests have

2:25:37

or have not been funded by Republic as a good neighbor and whether or not this landfill should be to whether or not

2:25:43

this landfill should be here at all. Expanding the amount of leech produced by coffin but is in and of itself an

2:25:49

undue burden to the character of the area namely the environment and the entire population of western Oregon.

2:25:55

While we're on that topic, please let's ask the county to produce the documentation that shows that the expansion into cell 6 the quarry is

2:26:02

actually approved by permit. Operations in the quarry may also be an unapproved undue burden to the local population and

2:26:08

population of western Oregon. Republic does have the ability to transport and dispose of this waste in aid locations

2:26:14

east of the Cascades via rail, ultimately reducing their truck trips and carbon footprint. Counter the testimon

2:26:20

counter to the testimony by Linda Brewer earlier this evening. We have seen examples in other counties of waste

2:26:26

disposal costs going down with a loss of monopoly and introduction of alternative disposal options also countered to Miss

2:26:32

Brewer's testimony. This discussion of expansion here in the Wamtt Valley needs to stop and we need to start discussing

2:26:38

how to move waste disposal out of the Wamut Valley. Thank you for your time over all of these months. We really do

2:26:44

appreciate all of your efforts. Thank you, Miss Harris. Appreciate it.

2:26:51

I need to pause just for a moment for a procedural issue. Um, we have public

2:26:59

publicized that public testimony would end in 10 minutes at 8:45.

2:27:05

Uh, so for the record, I would like to entertain a motion from the planning

2:27:10

commission to extend the time for public testimony. Commissioner Strers,

2:27:16

I move to extend the time to complete the list that has been submitted to us for tonight.

2:27:22

I'll second. We have a duly made and seconded motion to expand the time necessary to

2:27:28

accommodate the uh speakers who have signed in. Any discussion on the motion?

2:27:35

Commissioner Strers? Just for everyone's knowledge, I I informed um staff and the

2:27:40

chair prior tonight that I do have to leave around 9 9:15 um as my wife has to go to work at 9:30.

So I will be joining

2:27:47

from Zoom and once I leave. Any further discussion? I will then call

2:27:53

for the vote. All those in favor signify by I. I. I.

2:27:59

Thank you very much. Motion passes and we can continue with the uh public

2:28:04

testimony with uh speaker uh 16

2:28:11

uh who appears to have seated their time to Mr. Henles.

2:28:16

Chair Fowler, do you mind uh having uh uh the Commissioner Haymon came in at

2:28:23

7:45? Do you mind adding that to the record? I think you just did. Thank you.

2:28:28

Thank you for that reminder.

2:28:34

Thank you very much and thank you very much for properly recognizing the public's interest in this hearing. Um my

2:28:42

name is Mark Henles. I'm a citizen of Benton County. I live at 7540 Northeast

2:28:47

Petty Bone Drive uh in the Lewisburg area. I'm speaking today in opposition

2:28:54

to LU24-027. I have two concerns which I believe have

2:29:00

not been properly clear or clearly addressed in this process at least until tonight. Um these concerns tie into uh

2:29:09

how the expansion will affect adjacent properties and the character of the area. The first major category is how

2:29:16

waste disposal increases that are projected will shorten the landfill's life and increase the impacts on the

2:29:23

community. Republic services own diagram tells the story. Once the expansion

2:29:28

occurs, they propose to raise the intake from the current cap of 1.1 million tons

2:29:33

per year to 1.5 million tons in the first four years, a 36% jump, and then

2:29:40

up to 1.86 86 million tons in years five and six. That's a 78% increase over what

2:29:47

most capacity projections use. The county's estimate of the 12-year life

2:29:52

for this expansion is based on lower volumes. If you increase the flow, the space fills faster. At these levels, the

2:30:00

quarry and the expansion combined could hit capacity sooner than if we just kept filling the quarry at the current intake

2:30:07

levels. More relevant here for the criteria is that the higher the volume

2:30:12

dumped per year, the greater the real impact on adjacent properties in the character of the area. Repeatedly in

2:30:19

this process, we have heard how the doubling of the annual dumping in the last decade has affected the surrounded

2:30:25

area and I live 7 and a half miles away from the dump and I am much more the

2:30:30

landfill. I am much more aware of the operations today than I ever was before

2:30:37

and I certainly smell it more often. So, um, this is no longer a small

2:30:43

facility up on the hill. It's an industrial scale operation. Expansion means more trucks, more noise, more

2:30:49

odor, and a more visible trash mountain dominating northeast Benton County. The

2:30:55

second major area that I am concerned about are the how the conditions of approval won't be enough to protect the

2:31:02

public. The staff report contains many conditions. I counted 25 that were

2:31:07

numbered many of which contain multiple points and overall if you look at all the different points uh I heard the

2:31:15

number 83 earlier today. I think there could be 87 total specifications.

2:31:21

The sheer number of conditions raises a red flag. If this project and if this

2:31:27

application is complete and this project truly fit our community and our landscape, why are there so many special

2:31:32

rules to try to contain its impacts? Instead of considering whether the impacts on the adjacent lands, public

2:31:39

facilities, and area's character invalidate the proposal, the staff report assumes the proposal's risks,

2:31:45

uncertainties, and known consequences have simple fixes. I kind of couldn't help but wonder if I 2:31:53

had a contractor come to me and I felt like I better make such an extensive list of additional prohibitions and

2:32:00

requirements because I feared how the work would turn out. I would not hire that person. And let's be honest, once

2:32:07

the project like this is approved and construction begins, it is very hard to stop it, even if things go wrong. In

2:32:13

economics and in management, there's a term called sunk costs. It means that

2:32:18

once you've invested time and money into something, you become very reluctant to abandon it. Both the county and

2:32:25

Republican services are already deeply invested in this expansion, but will be even more so should this expansion be

2:32:32

approved. The staff report recommends a deadline for meeting the preliminary condition of

2:32:38

four years with a one-year extension possible, for example. But what planning official would say no to the applicant

2:32:45

who says we've already spent millions, we just need a little more time. So the four-year deadline bold-faced in the

2:32:52

report is probably superfluous to the to begin with. A second more concern

2:32:58

greater concern to me is a staff report recommendation about what happens if the conditions are not met. The C report

2:33:05

states failure to comply with the operational approval conditions may re may result in the revocation of

2:33:12

conditional use permit may result in revocation means very little impracticity.

2:33:17

The concept of sunk cost indicates that once the permit is granted and once the county is getting used to that flow of

2:33:24

money and once Republic services has increased its investments and its commitment to legally battling any

2:33:31

effort to stop it, the operation will never stop. That's human nature. That's

2:33:36

organizational logic and that's actually public administration reality.

2:33:42

Now, it's also notable that some of these conditions simply don't solve the bigger problems. A few roads of trees

2:33:48

won't hide a landfill that's visible for miles from Tampa Road, from Independence Highway, from EE Wilson. No restore the

2:33:56

views of the coast range lost its industrial presence. Finally, as noted earlier, enforcement is a major concern.

2:34:03

Many of the concern, many of the um conditions here were adopted in

2:34:09

reflection of past or ongoing problems. Republic's poor record on methane emissions shows what happens when we

2:34:15

rely on the corporation's self-monitoring. The county may require compliance with

2:34:20

state and federal standards, but also admits it lacks the capacity to independently monitor or enforce impacts

2:34:27

on groundwater, methane, and other air pollutants, like PFAS. Even for this

2:34:33

report, staff noted it lacked the capacity to review the groundwater data.

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Depending on state and federal agencies for monitoring and enforcement is simply inadequate. The EPA is spiraling

2:34:45

downwards, especially in enforcement. The DEEQ publicly admits it cannot fulfill its responsibilities. The county

2:34:51

does not even pretend to have such capacity. This is just not the right path for our community.

Thank you for

2:34:57

your time. Thank you, Mr. Henles. Appreciate it.

2:35:03

Uh, next up is Mr. Ecklund. And, uh, Mr. Ecklund, if if you could

2:35:09

help me by inventorying the time and speakers. I can indeed. So,

2:35:16

uh, number 33, Ilia Silac. Number 30, I'm sorry, am I going too

2:35:23

fast? N, go ahead. Number 34, Matthew Evans. Number 40, Zack Stads.

2:35:31

Number 42, John Armstrong. Number 43, Annette Mazize.

2:35:39

Number 44, John Nelson. And number 45, Ridden Ball. And I just

2:35:45

want to reassure the commissioners that I'm not planning on using all that time.

2:35:51

Thank you. Although I will use quite a bit of it.

2:35:58

Oh, I'm sorry. So, thank you. Yeah.

2:36:05

Okay. Um, I do have a a handout. It's this one. It's very simple.

2:36:12

Uh, and for the audience and everyone else, I do have large versions of that.

2:36:18

So, it's I'm not just talking to the commissioners.

2:36:24

I'll let you know. All right. Good evening, Chair Fowler and planning

2:36:30

commissioners. Thank you so much. Uh I want to echo all that.

2:36:36

Okay. Um I'm Kenklland. I live at 37340 Moss Rock Drive in Benton County. Thank

2:36:44

you, Ilia, Matthew, Zach, John, Annette, JP, and Ren for gifting me more time to

2:36:50

speak. want to speak first to a concern that you have chair Fowler and try to give an

2:36:55

answer that you tried to get from the applicant. Uh I think in vain you asked them does an input of a limit of 90

2:37:03

930,000 tons a year of organic waste into the odor model validate that model.

2:37:10

Does it make it work at mitigating the harms of that waste? Now I'm just a guy with a computer uh

2:37:17

and motivation to use it. But let me tell you how I break that down. The 93K

2:37:23

930K limit helps but doesn't mitigate the odor harm because a lot of odors

2:37:29

come from organic waste but by no means all of them. Plastics for example

2:37:35

produce VOCC's volatile organic compounds as they break down. And a lot

2:37:40

of odors result from organic and inorganic waste interacting. And as Commissioner Lee established, approving

2:37:47

the expansion would remove the cap for non-organic wastes. So then there could be a lot of inorganics for the organics

2:37:55

to interact with. You could see yearly intake volumes of non-organic waste go up sharply since

2:38:02

the sky is now the limit. And of course there's since there's no limit to any waste that Republic self-identifies as

2:38:09

not organic waste, you would likely see a sharp rise in intake of inherently

2:38:15

stinky things. Anything contaminated with chemicals, for example.

2:38:21

A more important thing to consider is that the odor is landfill gas and the odor consultant told you flat out that

2:38:27

landfill gas generation is going to just keep going up and up through the year 2022. That's because

2:38:35

it's an additive thing. You're not smelling just this year's garbage, but last year's and the year before that and

2:38:42

so on. If landfill gas is going up, then odors are going up. We're seeing this

2:38:48

phenomenon at landfills across the country where more and more waste goes to fewer and fewer landfills and the

2:38:54

additive effect means rapidly escalating odor impacts for the communities around

2:38:59

those landfills and there's some uh testimony in the record for you to read

2:39:04

about that. In the case of the expansion, it will come online after the

2:39:10

quorey has filled and the quorey doesn't have a 930k

2:39:16

limit. So, it could have taken in a huge volume of organic trash and we would be

2:39:22

smelling that as the as the expansion would be going forward. But even more

2:39:28

important than that, I would say about the model is that it has other inputs, not just organic waste. you input gas

2:39:36

collection efficiency, for example. We see the odor consultant has finally abandoned using an industry standard

2:39:43

number uh as input and now claims to have based it on the landfill's actual

2:39:48

emissions, which I have to pause right there and question why didn't they do

2:39:54

that from the beginning? But the thing about actual emissions is

2:39:59

those are numbers that Republic generates and they are suspect and sharply contested. I think the EPA

2:40:06

served them a section 114 on exactly that question. How much landfill gas is

2:40:12

leaking out of coffin but I for one have no faith in Republic's self-generated

2:40:18

number. So that's my attempt at answering your odor model validation question. The

2:40:25

answer is no for those three reasons at least. And then there's a fourth reason

2:40:30

which is this. If we could show everyone. So this is the the graphic

2:40:36

that I have showed you. So

2:40:43

so what are we looking at here? This is from a survey of coffin but done by satellite by carbon mapper a climate

2:40:49

science nonprofit. Carbon Mapper just got a 2025 worldchanging idea award from

2:40:55

pass from fast company for their methane data transparency innovations i.e. for

2:41:02

this which is indeed a worldchanging service. It certainly made the odor

2:41:07

modeling industry obsolete. Why model it when you can just look at it?

2:41:13

Commissioners, uh there are people's houses in this plume. Some of those people are

2:41:21

here in this room. So, uh, hang on a second. I've gotten a

2:41:29

little bit out of order. Let me So, what you're seeing here, this is Coffin But

2:41:34

Landfill on April 28th of this year at 7:47 and 18 seconds in the evening. This

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is a plume of landfill gas at super emissions levels that extends for almost two miles from the back of the top of

2:41:47

the landfill into homes along Highway 99W and across 99 into EE Wilson and

2:41:55

then into more homes in Adair Village. I think it's fair to say that it's very

2:42:00

difficult to reconcile the odor consultants representation to you of order travel around coffin but uh only

2:42:08

at nuisance level at our property border I think is what they said with this real

2:42:13

world plot of landfill gas streaming out into the surrounding community and

2:42:18

remember the plume you're seeing is landfill gas at super emissions levels the odor plume is much bigger than

2:42:28

Carbon Mapper can also quantify how much gas the landfill is leaking. They estimate this one is leaking 2.4 metric

2:42:35

tons of landfill gas every hour plus or minus.4 metric tons. I don't know what

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number the model used for actual emissions, but I'm guessing it's a fraction of this. This image plume is

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not an outlier. Carbon Mapper surveyed coffin but three times in April and

2:42:56

found it mega leaking each time. In fact, for about two years now, Carbon

2:43:01

Mapper has never surveyed coffee but landfill and found it not mega leaking.

2:43:07

The bad news is their latest survey on May 30th found that coffin but is now

2:43:12

mega leaking from two different mega leaks at the same time. Things are

2:43:18

visibly getting worse. Okay guys, I'll let you go. Thank you so much.

2:43:25

I hope commissioners that gives you some clarity into the odor model and its limitations

2:43:31

as proof of republic's claim of no serious interference due to odor odor.

2:43:41

So what carbon mapper has done from the air the EPA has done with boots on the

2:43:47

ground which leads us to into my next TED talk uh on compliance.

2:43:53

So legally speaking a burden of proof has two parts. The first is burden of production that is the burden party has

2:44:01

to produce evidence to support their claims. Their burden of proof also is

2:44:07

burden of persuasion. That is the burden party must provide you with a narrative that convinces you that their evidence

2:44:14

is valid and their claims are true. So they can't just dump documents on you

2:44:20

and burden you to make sense of them of it all. They have to explain them and

2:44:26

really they have to convince you. That's their burden of persuasion. So to jump

2:44:31

back up to the odor study, the applicant has provided a new odor study which is the latest in a long line of odor

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studies under their burden of production and they've made representations about it under their burden of persuasion and

2:44:43

you collectively had questions about their evidence and maybe more now that you've heard more testimony and seen

2:44:51

that landfill gas plume rolling into a dare village. And so the question is, is

2:44:56

the applicant's narrative about their odor study convincing to you?

2:45:02

Okay, back to compliance, by which I mean Republic's representation of themselves as cooperative partners in

2:45:09

environmental stewardship of the land and the many questions that you have and the public has about that representation

2:45:17

and the proof of that narrative. It's a key question because trying to get a non-cooperative party to adhere to 86 and

2:45:25

counting conditions of approval is a hellscape. We've heard from Missy Ryan that we have

2:45:31

no hard evidence, only anecdotal evidence of Republic's non-compliance with past conditions of approval. Well,

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anecdotal evidence is still evidence, as attorney Kleman has told you. But that's not really what we're looking for

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anyway. We're looking for Republic fulfilling its burden of production on

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this issue. We're looking for the list of past conditions of approval and

2:45:55

Republic's documentation of fulfilling those conditions or otherwise dealing with them. Very

2:46:02

simple and straightforward. But Republic has not done this simple and straightforward thing. As Commissioner

2:46:09

Bisco mentioned earlier, they didn't do it during BCTT either. So, Republic has

2:46:15

failed their burden of production on compliance. Let's imagine for a moment a different

2:46:22

landfill operator, one that embodies Republic's claims of being environmental, neighborly, and

2:46:27

cooperative. Let's call it ENC for short. ENC would have no problem

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supplying you documentation about past conditions of approval because they would have been keeping track of them.

2:46:40

So, Republic seems to diverge here from being environmental, neighborly, and

2:46:46

cooperative. Let's look for other instances where Republic's attitude towards compliant

2:46:51

has been put to the test. Yesterday, Brett Davis of Republic mentioned that

2:46:56

the landfill is safer now firewise because the open flares it used to have

2:47:02

have been replaced with an enclosed flare. What he didn't mention is that if

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Republic had actually complied with DEEQ environmental regulations, the enclosed

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flare would already have been installed and at least one of the grass fires would never have happened.

2:47:20

Republic learned they had to install and certify an enclosed flare in September 2021.

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They didn't actually comply with that regulation until November of 2024,

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over three years later and a year and a half after deadline and only after DEEQ

2:47:38

issued them a class one notice of violation. And to me, this is the kicker about that

2:47:44

story. The grass fire damaged the flare equipment.

2:47:49

So, Republic asked for an extension of complying with their class one violation

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due to the fire that their class one violation had caused.

2:48:03

Commissioners, you just heard testimony uh by Erin Bradley who is down her she and her family are downwind from that

2:48:10

fire. She runs a horse therapy nonprofit as you heard. So when she saw that fire

2:48:15

starting, she had to load up her horses and otherwise prepared to to evacuate. Luckily, Adair Rural got the call and

2:48:22

arrived on scene and put out that fire. All because of Republic's lack of

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compliance with DEQ regulations. Something they should have disclosed to

2:48:33

you but didn't. And a pretty big crack in their environmental, neighborly, and

2:48:39

cooperative narrative. Let's look at another instance where Republic's attitude towards compliant has been put

2:48:45

to the test. Let's look at CoffinB's compliance history with the EPA.

2:48:51

Republic's burden of production. If you ask the EPA, and I have,

2:48:58

Republic should have provided you with at least three key documents. They should have handed over the 2022

2:49:05

EPA inspection report, the follow-up 2024 EPA inspection report, and the 2025

2:49:12

Clean Air Act section 114 information request. EPA's legal EPA enforcement's

2:49:19

legal notice in January. They've given you none of those. So, Republic has

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clearly failed their burden of production. They've made various representations to you about those EPA

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actions, but they have not provided you with the documents to prove those

2:49:36

representations. Republic's burden of persuasion.

2:49:43

Well, you tell me. What narrative has Republic told you about the EPA actions?

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I think it's nothing to see here. Let's move along. If you ask the EPA, and we

2:49:57

have, they will tell you that coffin is an active enforcement situation. The

2:50:03

V-neck lawyer says the same. I don't think Republic has admitted even to that. Has Republic convinced you that

2:50:11

there's nothing to see here. Let's move along. I can give you a narrative about the DEP

2:50:18

the Dump's recent compliance history with the EPA, and you can decide for yourself if it clicks.

I've already

2:50:24

documented every step. Just search the public record for the word explainer.

2:50:30

According to Senator Jeff Mkeley, his staff received a lot of constituent complaints about the dump in 2021. So,

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he put pressure on the EPA to look into it, and the EPA made an announced inspection that July in 2022 and found

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61 leaks at reportable levels and higher, including four at explosive levels.

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While the EPA inspector, Daniel Hines, was finding all these methane leaks,

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Phil Kuso, environmental technician for Republic Services, was with him. Caruso

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didn't dispute the findings, but said he would not have checked many of the leak

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locations, that he would have spent less time monitoring and otherwise would have carried out the

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inspection using interpretations of the testing protocol that would have have

2:51:20

enabled him to not find the leaks and therefore not have to report them. So

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that's in the report which you were not given. Time passes, it's 2024. Republic

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starts has started up this application to expand the landfill. They set the wheels in motion and then EPA made their

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unannounced inspection in June of last year and it's another embarrassment. And

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then that unannounced inspection and its findings triggers the section 114 legal

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action which is basically an audit of all the dumps environmental records.

2:51:58

At which point Republic had a choice. They could have come clean with you.

2:52:03

They could have said, "Here's what happened. Here's what's happening. Here are the reports. Let's talk about this."

2:52:11

That's what their burden of proof obligates them to do. Instead, Republic chose to pretend as much as possible

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that there's nothing to see here, that this bad compliance history with the EPA should just be ignored. They dealt

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themselves a bad hand and now they're trying to bluff it out. Republic often asserts that

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environmental regulation is something DEEQ and EPA do, not the county. But this isn't regulation. This is

2:52:37

information about regulation. You on the planning commission require the history of the regulator regulatory

2:52:44

process so you can better understand what is likely to happen in the real world if that process were to expand

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along with the landfill area. This information is directly relevant to your criterion deliberations.

2:53:00

So my dear overworked planning commissioners, you can sit back and take a bre and take a breath. The hard part

2:53:06

is over. Your decision has been made for you and Republic has made it. This is a

2:53:12

matter of key importance to this application and Republic has totally whiffed it. Good compliance is something

2:53:19

they need to prove and they have not. In fact, by their silence and invade and

2:53:25

evasions, they've created strong evidence of the opposite. Without this

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proof, conditions of approval are a non-starter. Game over.

2:53:38

H you say it seems unlikely that some old guy with a ponytail and overalls can

2:53:43

torpedo the entire Republic application. Uh but it's not me. I'm just the

2:53:49

messenger. As I told you, what happened was the public outro of the last expansion application activated our

2:53:56

Congress people who pressured the EPA to inspect and that went poorly for Republic as detailed in the report that

2:54:02

Republic did not give you. So, the EPA followed up with another unannounced inspection which went even

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more poorly for Republic as detailed in the second report that Republic did not give you, which escalated into the

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section 114 legal action which Republic did not tell anybody about. But the

2:54:20

county's disposal site advisory committee dug it up with a Freedom of Information Act request. And this legal

2:54:26

action, which Republic definitely has not showed you, got passed along to Benton County's Environment and Natural

2:54:32

Resources Advisory Committee, ENRACK, who, as you know, are charged to advise

2:54:38

you on this application. And ENRACH cited the EPA's legal action as a key

2:54:43

element in their recommendation to you to deny Republic's application.

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Like I said, I'm just the messenger. It took a village.

2:54:54

Now, the escalation of the EPA's investigation into Republic's compliance history is one thing, one bad thing, but

2:55:02

my key point here is that what Republic chose to do with those developments is

2:55:07

entirely another. They chose to keep them from you. So, commissioners, I

2:55:13

think you can realize what this means for your deliberations and your decision. An approval with conditions

2:55:19

would essentially be telling the public, "Yes, I know for sure that Republic is

2:55:24

bad about complying because they refuse to comply with our requirements to be truthful about compliance,

2:55:31

but I feel sure that Republic will be honest and forthright with you going forward. After all, you have a piece of

2:55:37

paper with conditions of approval written on it." Maybe it's just me, but

2:55:42

I feel that would be a low thing for you to do to the public.

2:55:48

As attorney Kleinman laid out for you, legally this has to be feasible. It has

2:55:54

to be quote possible, likely, and reasonably certain to succeed. You have

2:55:59

zero proof of that. All the proof before you, especially Republic's evasion,

2:56:04

indicates the opposite. At the very least, it signals strongly that trying to enforce the conditions of pro of

2:56:11

approval is going to be an undue burden on public facilities and services.

2:56:17

As I said, a hellscape to be a little more dispassionate about

2:56:24

it. Given the Republic knowingly kept important information about their

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non-compliance from you, it seems you cannot rely on their compliance for any

2:56:36

part of any pro approval. So you would have to find that the

2:56:41

proposed use would not seriously interfere with uses on adjacent property or with the character of the area nor

2:56:48

impose an undue burden on any public facilities or services etc.

2:56:53

even if none of the conditions of approval are met. Because if you look at the proposed conditions of approval, all

2:57:00

of them depend on Republic divulging information about landfill operations,

2:57:06

not hiding that information at the first sign of trouble. Because that's the

2:57:11

issue here, trouble. I'm sure the Republic guys feel that I'm being very unfair. They have tons of successful

2:57:18

compliance they can point to and say, "See this here, we complied. See that?

2:57:23

We complied. And this and this and this and this, we complied with all of those." And that's all very true.

2:57:30

But the core issue is, especially with the conditions of approval. What happens when there's trouble?

2:57:37

When the test wells show a severe impact to groundwater or when those smell

2:57:44

ometers start lighting up like crazy, what happens then?

2:57:49

I think the answer to that is pretty clear. Nothing to see here. Please move along.

2:57:58

All the evidence points to this. Respectfully, I don't think you could or

2:58:04

should make any finding that supports a condition of approval, especially because I think we all know this

2:58:10

situation is just going to escalate. Republic certainly thinks so. They've

2:58:16

brought a veteran environmental manager, Paul Coer, to Coffen, but Paul is fresh

2:58:22

from Republic's Sunshine Canyon landfill, which last year received over

2:58:27

2,000 complaints and 65 notices of violations.

2:58:32

But Paul's skills are wasted there now as the state has finally stepped in with

2:58:37

an abatement order and so he's here. I've put an LA public article about

2:58:43

Sunshine Canyon into the record. Commissioners, be sure to give it a read. It's not hard to find.

The

2:58:49

headline is a stinky landfill torments its neighbors in the northern valley.

2:58:58

I have to point something out. I'm getting close to you. I have to point something out. If we were dealing with a

2:59:03

landfill with a good compliance record, they would have sent their EPA inspection report to you.

And a good

2:59:09

landfill would only have that one inspection. It wouldn't have a follow-up unannounced EPA inspection by an air air

2:59:16

enforcement officer like Coffen But had. And a good landfill wouldn't have had that second inspection escalate into a

2:59:23

Clean Air Act legal enforcement action. But coffin did, which I believe is

2:59:29

unique for all comparable landfills in Oregon, Washington, and Idaho. Based

2:59:34

upon my results so far from my foyer request about it, so far it looks like

2:59:40

coffin but is the only municipal landfill in EPA region 10 to have gotten

2:59:46

a section 114 in the past three years or more. If we were dealing with a good landfill,

2:59:53

a cooperative landfill, they could prove it to your satisfaction. They would have

2:59:58

proved it to your satisfaction, but we're not and they didn't. And that's a

3:00:03

serious thing. So, please take it seriously. Deny this application.

3:00:10

Thank you. Questions? Questions? Thank you, Mr. Ecklund.

3:00:17

Next on our list, uh, number 35, Mr. Hutchinson.

3:00:28

Oh, Miss Wickham, are you next? Let me see. Not quite. Um,

3:00:36

oh, but uh, if he has seated time to you, you are next. So, thank you. I'm

3:00:42

apologize for that.

3:00:48

which I am assured you have in front of you. We indeed do.

3:00:54

Marvelous. Am I close to the mic? Yes. Perfect. All right. Um

3:01:00

so I have uh 12 Yep. I've got 12 minutes. All right. Um my name is Nancy

3:01:06

Wickham. I am an architect. I've been an architect since 1991. I'm a lead AP

3:01:12

professional and I was heavily involved with land use during my professional career which is now thankfully over.

3:01:20

Um I have done a really deep dive into the history of the landfill. Um and I

3:01:26

have to say the history of the landfill is one that is marked by repeated attempts on the part of the county to

3:01:32

ensure that the landfill did not adversely impact surrounding properties. It is a history of repeated failure for

3:01:40

this goal. County council spoke to this last night in reference to adjudicating

3:01:46

non-compliance, but the record of property ownership around the landfill tells its own story.

3:01:52

And if you turn the page, I've done a number of little diagrams. Since 1985,

3:01:58

the landfill has increased ownership of acreage around the landfill by 500

3:02:04

acres. It is now more than twice the size of a dare village.

3:02:10

Each one of these acres has been acquired from a property owner who felt that he or she had no choice but to give

3:02:17

up on his property and sell out to the landfill. And we've heard testimony on

3:02:23

this tonight. The little diagram I did has uh intriguing little blue boxes that

3:02:29

are hard to read and you can read them in your spare time. I'm not going to go into that. uh your ample spare time, I

3:02:35

should say. Um why talk about what has happened in the past to convey the

3:02:40

probable scale of future adverse impacts? We're not talking about a headache.

3:02:46

We're not talking about a migraine, although those are not great. We are talking about having to leave your home

3:02:54

and not being able to sell it. That's what we're talking about. That is a

3:03:00

significant adverse impact. It has already happened. If this is approved,

3:03:06

it will happen more to the people who have testified tonight.

3:03:13

It is not normal for one land use to so adversely impact all surrounding land

3:03:19

uses that it engulfs and assimilates them. That is the plot of a horror

3:03:25

movie, not a land use action. What does it mean that this has happened

3:03:30

here? It means that the zoning has failed.

3:03:38

The landfill claims that it uses some of the lands that it owns for zoned uses.

3:03:44

It claims that it farms some of the EFU lands, but that's really symbolic potent

3:03:50

farming. A \$16 billion company, \$16 billion of gross revenues, has no need

3:03:55

for \$1,000 a year from a farmer who farms hay on the land. It's probably

3:04:00

actually a real liability problem. But there is a real purpose behind them

3:04:06

owning that land. The real purpose of that land is to reszone it at some point in the future and turn it into more

3:04:12

landfill. How do we know this? There is an email that's on the next page. is reproduced

3:04:18

as we received it after our public records request. Uh Julie Jackson to

3:04:25

Vance Crony. We have many acres that could hold waste and that will likely be a future discussion with the county.

3:04:32

Julie Vance Crony to Julie Jackson October 14th

3:04:39

Republic has many acres of EFU zoned land that certainly can be used for additional cells but would require

3:04:47

rezoning. I think probably they wouldn't they'd probably only require a conditional use permit.

Um let's uh

3:04:54

briefly uh talk about what a conditional use is.

3:04:59

A conditional use is one that may have adverse impacts, blah blah blah. Um, so

3:05:04

if you apply for a conditional use permit, you have to prove one of two things. You either have to demonstrate

3:05:11

that your proposed use will not have adverse impacts or you have to

3:05:16

acknowledge that it will have adverse impacts but that portions of your uh

3:05:21

proposal will be sufficient to eliminate those impacts to render them inconsequential

3:05:27

for the application before you. the county and the applicant agree that there are adverse impacts that will

3:05:34

significantly impact adjacent uses if they are unmitigated. So unless each and every one of those

3:05:41

conditions is strictly adhered to other property owners will be impacted.

3:05:46

They'll be impacted significantly and the impact will be adverse.

3:05:52

The applicant agrees to that. The county agrees to that.

3:05:59

staff has heroically crafted 84 requirements to keep this proposal from significantly harming a budding,

3:06:05

adjacent, and other uses within the 90 square mile area.

3:06:11

But unless the applicant voluntarily complies or unless the county has the means, the sophistication, and the

3:06:17

appetite to enforce these conditions, they are meaningless.

3:06:23

Let's address whether the applicant will voluntarily comply. The applicant has never been more

3:06:29

motivated to reduce odors, for example, than in the past four years awaiting resubmitt of this application after the

3:06:37

previous application was denied on the basis of odor.

3:06:44

The applicant knew what would help odor stop taking sewage, sledge, and rotting animal carcasses and construction

3:06:51

debris, which does produce significant amounts of odor, especially when drywall decomposes.

3:06:57

The applicant could have voluntarily reduced total garbage impa intake. But has the applicant done any of this? No.

3:07:05

Four years after the applicant could have taken significant actions to reduce odors, odors are in fact worse than

3:07:11

ever. So what action has the applicant taken to reduce odors?

3:07:16

Nothing. Can the applicant comply voluntarily? Is it even possible to reduce these odors

3:07:24

so that they aren't significantly adverse impacts on adjacent properties?

3:07:29

Well, we've heard about Sunshine Landfill. They've been in litigation for 9 years about odors and they got 2,137

3:07:36

complaints uh in the most recent reporting.

3:07:42

So, uh, the applicant has not demonstrated a record of voluntarily

3:07:47

trying to reduce odors that are impactful. Uh, we have some doubts that the applicant even can achieve

3:07:54

reduction. So, the other question is, will Benton County enforce compliance?

3:08:00

We we love Benton County. We love you guys. Um, we love Benton County staff, but let's face it, Benton County is a

3:08:07

small county with a small staff, budget problems, and the applicant is a \$16 billion Fortune 500 company with a lot

3:08:13

of lawyers. A lot of them are right here. Benton County knows that the landfill is hurting the people that live

3:08:19

here. They heard about it in excruciating detail in 2021. The county heard that people were afraid

3:08:25

the landfill was making them sick and that were having quality of life impacts and that they hated the eyesore that the

3:08:32

landfill had become. What action could the county have taken in response?

3:08:38

Well, in response to concerns that the landfill was making them sick, the county could have reached out to the

3:08:43

Oregon Health Authority to investigate cancer clusters, quality of life impacts due to odors.

3:08:50

The county could have reached out to DEEQ and asked for a follow-up on nuisance complaints with enforcement action and civil penalties.

3:08:57

The eyes sore. The county could have asked the applicant to apply final cover to close cells fronting the highway,

3:09:03

reveate, and plant some damn trees already, as is required by the 1983

3:09:09

zoning and the 1965 highway beautification act, a federal law.

3:09:15

What did Benton County do? Benton County did nothing. Just to be clear, we're not talking

3:09:22

about you guys. We're talking about our elected representatives, the ones that have their hands on the money.

3:09:30

So, uh, let's talk about this organic waste intake limit. Let's not even get

3:09:36

into the definition of organic or that the county's odor consultant believes that construction demolition debris

3:09:42

doesn't cause odors. What happens if the applicant exceeds the organic waste intake limit? Will the

3:09:50

applicant even know? If the applicant knows, will the

3:09:55

applicant tell? If the applicant knows and the applicant tells, will the county

3:10:00

do anything about it? Does the county have the appetite to

3:10:07

enforce this limit? Or will the county do the same thing it did in 2017, 2018,

3:10:13

and 2019 when the applicant exceeded contractual volume limits by 150,000

3:10:20

tons per year minimum and the county did nothing.

3:10:25

We've seen this movie before. We know how it ends. Don't waste your time trying to craft the perfect language for

3:10:32

conditions of approval. That's been tried before and it has never worked. it will go down the memory hole like

3:10:38

everything else. And uh if you want to, you can ask me about the 2003 baseline study. That's a fun one. Um yesterday,

3:10:47

uh Chair Fowler, you asked about confirming the model. I am so glad you asked about that. Um, starting at the

3:10:54

time stamp on the 1 hour and 18 minute uh point in the video, Ellery Howard of

3:11:00

Maul Foster addressed this issue by referring to the 2023 intake volume cited.

3:11:07

He mentioned that they used from the applicant the applicant's actual emissions

3:11:13

and the applicant's model. And the conclusion was that using those

3:11:19

inputs, the the conclusion was that on the perimeter of the landfill property,

3:11:24

uh, odors were sometimes detectable by some people, but did not rise to a

3:11:30

nuisance level. So, I'd like you to turn to page eight, please. Uh, coincidentally, this is what

3:11:36

happened in 2023. That's when a vineyard owner couldn't sell his vineyard because

3:11:43

of landfill odors that sickened a potential buyer.

3:11:48

Uh, this happened in April of 2023 during the time that the applicant's

3:11:55

odor consultant says that odors were possibly detectable by very sensitive

3:12:02

noses on the perimeter of the landfill. and two pages you can see where this

3:12:10

vineyard is located. This vineyard is located 3.84

3:12:15

miles as the crow flies to the northwest of the landfill.

3:12:24

Here are quotes from the Poke County itemizer observer from March 2nd, 2023.

3:12:31

The day they decided they being the buyers decided to quit was the day a south wind blew up from the dump. He the

3:12:39

buyer was allergic to it and got violent migraines. Tom, that was the seller said the buyers

3:12:46

left behind a chunk of money after pulling out of the deal, so they're okay for now. It took them an additional year

3:12:55

to get that property under contract. I'm sure they had to disclose the odor problems.

3:13:01

I'd like to finish by saying believe that Benton County when it says that this application will result in adverse

3:13:07

impacts. That is true. More people will finally give up and move away. Residents

3:13:13

wells and ponds may dry up. They will pick litter out of their fields and hope they get to it before their livestock

3:13:20

does. More people will decide to sell out to the landfill. The Phillips home.

3:13:26

this little sliver of dark blue that may become uninhabitable due to odor and

3:13:31

noise. This application needs to be denied just to protect that elderly couple.

3:13:38

Do not believe that the conditions of approval will be enforced. The applicant has too many resources, too many

3:13:44

lawyers, and too much money for the county to enforce anything the applicant doesn't want enforced.

3:13:51

And don't believe the applicant's models. They are predictive, but what they predict is fiction, not fact.

3:14:01

Thank you, Miss Chris Whitam. Uh, let's see, Ms. Higgins. Uh, okay.

3:14:10

Thank you. Uh, let's see. Uh, Mr. Joel Weinstein.

3:14:24

Oh, I see that. But Mr. Joerger indicated that it was for seeding time to somebody else perhaps.

3:14:31

Oh, thank you. I I'm confused here on the list. Okay, moving down the list number 53,

3:14:39

Mr. Orton.

3:14:47

Okay, he's uh participating remotely.

3:14:52

I'm here. Can you hear me? We can hear you. Yes. Uh, okay. Are we ready to start?

3:15:00

Please begin. Uh, ladies and gentlemen, my name is, uh, Robert Orton. I live at 2435 Salem

3:15:08

Avenue Southeast, Albany, Oregon. I'm the whistleblower from Coffin But Landfill.

3:15:16

I know where you guys are. I know the pressure you're under.

3:15:21

And I know ultimately the fear. These are all things I went through as a

3:15:27

whistleblower trying to expose these things. I've dealt with the Republic Services

3:15:33

shucking jobs. I've dealt with their lies as an employee.

3:15:39

Uh the fact that they are not forthcoming about anything, the fact that they have

3:15:45

not answered for anything is is stunning. And the fact that this

3:15:51

seems to be missed on the committee is even more stunning. The notion of

3:15:56

putting out edicts that they have to follow in order to get this. If you told

3:16:01

them they needed to sacrifice puppies and kittens, they would be out in the parking lot sacrificing puppies and

3:16:07

kittens to get this. When you threw out those those conditions, well, public

3:16:13

services heart left. If you look at the enforcement, they managed to get a \$700 fine from

3:16:20

DEEQ. We as employees screamed for months at DEEQ. Then when they finally

3:16:26

came out, Republic lied to them. And it can be demonstrated that Republic lied

3:16:31

to them and they caught a \$700 fine. Fixing the things we complained about

3:16:37

would have cost them more than 7,000 \$700. It is a math problem for Republicans. That's what this comes down

3:16:45

to. They care not about the environment. They care not about what the effects

3:16:53

doing. What you have to understand is that this is their most profitable site. They will do anything to maintain

3:16:59

control of that site. Now, Greens to what you put down is is great and one thing and I'm sure that

3:17:06

that Ken can't wait to get out the pen and sign that. The problem is is, as has been pointed

3:17:12

out to you, total lack of enforcability, total lack of consequences should they

3:17:18

violate. Now, I know the pressure you're under. And I know that, hey, a million dollars

3:17:25

coming in, boy, you don't like to have your name on that coming in for the county. A million dollars.

3:17:32

Certainly. Certainly. The environment, the people you've seen before you, the community at

3:17:40

large has got to be worth that million dollars.

3:17:45

Looking out for your constituents, not abdicating your responsibilities, not looking for some Nerburg defense down

3:17:52

the road where, oh, well, they sold us it was all okay, so we, you know, we have to embrace that.

3:17:58

Mr. Orman, I I I believe I I believe we we have your your point. Uh, and I

3:18:04

appreciate uh your your input. Uh, thank you. Okay. I've still got three minutes on

3:18:10

the clock, sir. If if you were going to use your time, I

3:18:15

would ask that uh your narrative be more respectful.

3:18:20

Um, more respectful of who, sir? The community at large. The people that that have something to risk here, something

3:18:26

to lose. Those people, sir. I mean, for all participants involved.

3:18:32

Uh, so you may use your I I was trying to be sympathetic, sir, to

3:18:38

the position that you're in and and what you're feeling because what I did stepping up destroyed my life. I'm still

3:18:45

seeing a counselor twice a week there in town for the trauma that I went through there. I am empathizing with you guys

3:18:52

and the difficulty that you're under. I know you don't want to hear this. You came up with conditional use numbers and

3:18:59

Republic's going to sign off to them and you can wash your hands and say you did a good job, but that's not how it works

3:19:05

in the real world. You can run down there and smell for yourself what's going on. Don't advocate

3:19:12

that to somebody offsite running a model. Go down there and look.

3:19:18

Go down and look and see what people are talking about. don't see what Republic Services shows you because Republic

3:19:24

Services shows you a carefully topped photo or this or that, but they never present

3:19:30

the whole picture. Not to you, not to anyone. And again, regarding these EPA

3:19:36

reports, I would like to point out that in a an email addressed to Brett Davis through the company email system back in

3:19:44

January, I believe it was, of 2023, Brett Davis indicated that they had

3:19:50

followed all of the recommendations of the EPA, that it was safe to work out there, that there were no methane leaks,

3:19:56

because again, they addressed all of the issues laid out by the EPA. But we know now the EPA
gray out no

3:20:03

issues. We know now that Brett Davis lied. We know that PE their

3:20:08

environmental officer that was out there last time and that the um lied to the

3:20:14

EPA. Their environmental officer lied to the EPA and for some reason you

3:20:21

people seem to think that they would give them the truth. What I'm saying is you got to look
deeper.

3:20:27

What I'm saying is if you just want to look at the fluff that they're they're they're giving you then
this was this

3:20:33

this entire thing was nothing more than a boge Mr. Orton. Um again we we've offered the

3:20:41

the time uh but uh we're violating the the rules of respectful discourse

3:20:48

amongst uh this this proceeding. Um this proceeding is intended to introduce new

3:20:54

evidence. I I believe we've gotten your point. Uh I also believe you're

3:21:00

reiterating some points you made in in in May. We appreciate those points and

3:21:05

so uh uh thank you for your testimony.

3:21:10

Moving next to what I believe is our final u public uh comment is uh Ms.

3:21:18

Sterns number 54. Oh, okay. We we are then just looking to

3:21:28

make sure I didn't overlook anyone on our list. Um so that concludes

3:21:35

uh public input and so we are at the question as to whether there is a

3:21:44

request to uh extend the record and I

3:21:50

have this document. Miss Ryan, is is that a request? Chair, could we take a short recess

3:21:57

before the applicant's rebuttal also? And maybe you and I can connect.

3:22:03

Okay, let's let's do that. It's about time for a brief break. Uh we'll huddle with

3:22:10

council and return with the applicants uh uh presentation.

3:22:16

So, let's take no more than no more than 8 minutes. 9:40 please.

3:22:25

Uh we are back in session and uh we have concluded the public

3:22:33

testimony portion and we always afford the applicant some time for rebuttal in

3:22:40

the same hearing. Does the uh the applicant wish to use some time to rebut

3:22:45

the uh the testimony?

3:22:51

It's not even taking me four days to learn how to use this. So, uh, Mr. Chair, in the interest of getting you

3:22:58

home to your past by a time of your bedtime, I'm going to keep it short tonight. There's a couple of quick

3:23:03

points I want to hit. Uh, but there's a lot of new arguments that came in tonight that we will address in our

3:23:09

final rebuttal so we can everybody in the room can go home and go to bed. So, the first one I I want to talk focused

3:23:16

on conditions of approval. Well, that was a lot of discussion about that tonight. Uh, and the first uh comment I

3:23:22

wanted to address is that um, and we actually addressed this in our June 6th response to Mr. Kleinman's testimony,

3:23:30

but we disagree with the representation that we have been continuously violating all of the conditions of approval since

3:23:36

day one. Um, I was on that same committee in BCTT with Mark Jagger. And

3:23:44

the fact is uh the problem with particularly the uh 74 and 83 decisions

3:23:50

up to about the mid90s decisions is the record was incomplete. So there was not

3:23:56

a way to prove one way or the other if conditions had been uh complied with. Uh

3:24:03

there were some questions about uh conditions whether the conditions were actually legally imposed in 1983. there

3:24:09

was questions about uh about uh whether uh the interpretation of the com

3:24:16

conditions and that of course would affect whether we violated them. So there was a legit the uh the citizens

3:24:23

members of that committee produced that report that was their opinion but there was contrary evidence about that and so

3:24:30

we uh have been try trying to uh just like to get that on the record. Uh

3:24:36

secondarily, you know, uh Republic acquired the landfill in 2008. Our

3:24:41

records were similarly bad from that era. So, it was difficult for us to try to go back and and refute it. So, it

3:24:48

it's one of those things where uh the you know, it it's it's a much more

3:24:54

complicated question than just we violated the conditions. I wanted to get on the record. Uh the next thing I

3:25:01

wanted to talk about is enforcement of conditions. um and the concern that the county will

3:25:09

not enforce them or cannot enforce them. Um I have been a a municipal lawyer for

3:25:15

most of my 40-year career and the county's practice of enforcement through

3:25:20

response to complaints is the typical method of code enforcement. So that's

3:25:26

not a failure to send out the zoning police. Most local governments don't have zoning police and it is a problem

3:25:33

with enforcement relying on complaint-based enforcement, but it does work and uh a lot of local governments

3:25:41

uh use that. So that's not a that's uh whether or not the county wants to go

3:25:46

for with a full code enforcement staff and affirmatively uh uh go out and look at conditions, that's one thing. But it

3:25:53

can be done. And I'm going to give you a specific example from my career. Uh

3:25:58

there was a case uh called Mingo versus Mororrow County which I was involved in about 15 years ago. Uh that case is

3:26:05

cited again in my response to Mr. Kleinman. Uh but that case involved uh

3:26:12

my client was in Venery. They were a a wind farm company and they had gotten a

3:26:18

conditional proof a conditional use permit from Mororrow County to construct a wind farm. and Mororrow County imposed

3:26:25

a condition requiring the wind farm to comply with the DEEQ noise standard uh

3:26:31

which is one of the conditions of course that is in the county's um recommended

3:26:36

conditions and uh a neighbor filed a complaint that the uh the my client uh

3:26:43

the wind wind farm was in fact violating uh that condition at several residences

3:26:49

and there was a lot of investigation of that Uh and the county ended up filing a

3:26:57

instituting a um uh process to uh uh provoke the client's conditional use

3:27:04

permit. And that is a option that the county has under the current county code. That of course is like a bet the

3:27:11

company kind of uh of enforcement action. Uh because if the county did revoke that permit, that would cause us

3:27:18

to that would cause the wind farm energy and uh Coffin View to uh violate its uh

3:27:26

its DEQ permit and result would result essentially in shutting the operation down. So it was a serious um it was a

3:27:33

serious violation and in fact uh the evidence showed that they were that my client was violating uh the DEQ noise

3:27:41

standard at several close residences. Uh there was a whole bunch of questions like we've had here about how you how

3:27:48

you calculate the the no the um noise standard and uh it went up uh it went

3:27:54

through the local process twice. It went up to Luba twice and came back down and

3:28:01

eventually it was settled by a revised condition of approval that required my

3:28:06

client to in certain wind conditions to turn off their turbines in the area close to the house which knocked the the

3:28:14

level of sound down below uh the threshold. And so that's an example and

3:28:19

this is we're talking uh Boro County here population I think 10,000. Uh so in

3:28:25

terms so the so the Benton County is an economic powerhouse in comparison to that. So it can be done and that

3:28:33

enforcement is significant and um I I just want to you know put put to the

3:28:39

just want to get that out there that that is a very serious remedy and it's

3:28:45

those teeth are very sharp. Um and then finally the um the issue of

3:28:54

of uh the federal enforcement action. So you know it's as as everybody I think in

3:29:01

the room would acknowledge this is a complicated business. It's highly regulated. There's a lot of

3:29:06

environmental um regulations that that has to comply with that. We have to go

3:29:11

through this process and we have the whole DEEQ process and we have compliance with the EPA. So, you know, I

3:29:18

I would one way you could couch the like the the 114 proceeding is that's the the

3:29:24

feds doing their job and our response to that is to to try to comply and bring it

3:29:31

bring us into compliance and and you know there hasn't been an certainly an enforcement penalty could be assessed in

3:29:38

that process, but they're still in the audit phase as as Nancy mentioned. So I

3:29:44

think that uh I think that in fact that is an example of the the various

3:29:51

regulatory authorities that are over the landfill all of which uh the landfill

3:29:56

has to comply with in order to um continue its operation.

3:30:02

And uh our uh suggestion of some of those conditions and willingness to

3:30:07

accept some of those conditions that we had to swallow hard to do um is an

3:30:13

example of our efforts in good faith to try to uh to try to bring up uh to try

3:30:20

to ensure that any expansion does not have significant adverse impacts. And so

3:30:26

uh I think with that I will cease here and let us all go home and go to bed.

3:30:32

Thank you very much, Mr. Condit. Um, prior to closing,

3:30:38

uh, I will ask if there is a request to leave the record open and first look to

3:30:45

the applicant if they would like to make such a request. Uh, surprisingly, I would we would uh,

3:30:54

we were hoping not to have to, but a lot of new information came in. uh some of which contains new evidence uh that we

3:31:01

would need to have an opportunity to review and have the chance to respond to. So we would formally request that

3:31:07

the record uh be left open for 7 days to permit response to new evidence

3:31:12

submitted tonight at the hearing. Uh thank you. The applicant requested that the record be left open to submit

3:31:19

additional written evidence, arguments, or testimony for the purpose of responding to the new evidence, new

3:31:26

written evidence submitted at this continued hearing and pursuant to OS1

3:31:33

197.797 PN6 PNB.

3:31:39

because such a request has been made and because the commission has determined that the new written evidence submitted

3:31:45

this evening uh is in fact new, the

3:31:50

record is left open until July 16th, 2025 at 400 p.m. for the limited purpose

3:31:58

of submitting additional written evidence, arguments, or testimony for the purpose of responding to the new

3:32:05

written evidence that was submitted at this hearing. Responsive written

3:32:10

evidence may be submitted through email to public comment at bentonountorggon.gov

3:32:16

gov prior to July 16th, 2025 at 5:00 p.m. or through hand delivery to the

3:32:22

community development department prior to July 16, 2025 at 5:00 p.m. Written

3:32:29

submissions during the open record period that are not limited to responding to this new written evidence

3:32:36

submitted at this hearing may not be considered by the commission.

3:32:42

Let me first look to Ms. Ryan to understand whether do we need a motion from the commission or does the statute

3:32:49

is the statute in and of itself sufficient to extend it. Thank you. So the uh this does not

3:32:56

require a motion of the commission. I do want to comment for the public. This is a bit of word salad. Uh but to try and

3:33:06

put it into perspective, we've already held the record open prior and so now

3:33:11

we're holding the record open for a very limited purpose and it's to be

3:33:17

responsive to just new written evidence submitted this evening. And so to help

3:33:24

understand what that new evidence is, uh staff will place that new evidence in a

3:33:30

folder in uh MUN docs that will have some descriptive name which is like new

3:33:37

evidence from this evening or something like that. It is only that evidence that

3:33:43

can be responded to and that's what it means by we may not consider other

3:33:49

things that come in that are outside of being responsive to that folder. So I I

3:33:55

hope that's clear. This is kind of a a it's new for me as well. This this portion of the the law does not get

3:34:01

exercised very often. Uh I've not seen it and so that's why we're kind of bumbling through this just a little bit.

3:34:10

So the uh that record will be held open until July 16th of 2025 as I described.

3:34:20

Further, the applicant is allowed until July 22nd at 12 noon to submit final

3:34:28

written argument in support of the application. The applicant's final submittal shall be considered a part of

3:34:34

the record but shall not include any new evidence.

3:34:40

Uh let's see.

3:34:49

Uh m Mr. Kleimman, you you have your your hand up. Do you have a procedural

3:34:55

question? I do.

3:35:01

Please ask get my video open. We go. Uh yes, Mr.

3:35:08

Chair. Thank you. This has been a a twoight hearing. Um and as I said, uh we all appreciate the

3:35:17

endurance capacity of this commission. Um, but it's it's not a matter of tonight and

3:35:25

last night and the applicant gets a chance to respond to new evidence tonight. Um, all parties should be

3:35:34

entitled to respond to new evidence that was delivered during this continued

3:35:39

hearing on July 8 and 9.

3:35:45

And I if I did not read that correctly, that's my mistake. I

3:36:05

chair Fowler, this is Commissioner Bisco with also

3:36:10

procedural question. I'm not sure. So, I've been hand raising and then now they've given me opportunity to not. Um,

3:36:15

can I ask that question procedurally speaking? Uh, in just a moment, uh, Commissioner

3:36:20

Bisco, um, Council Ryan is going to address the, uh,

3:36:26

the question on the on the table. Hi. Yes. This is a limited open record period. We have a 150day deadline that

3:36:35

is looming that the county has built in time for a potential appeal to the board

3:36:41

of comm commissioners which also takes time. RS1 1977976B

3:36:49

prescribes this procedure. This this open record period is exactly

3:36:55

as stated in RS1 19776B and it is for the limited purpose of

3:37:02

responding to new written evidence submitted at these two hearings. So if

3:37:08

it did not come in in writing there is no response response right because

3:37:13

ultimately this has to end and we have to move towards calling the question.

3:37:25

That makes perfect sense. So allow me to read the paragraph again

3:37:33

uh just because it it is uh we don't use this very often. Uh I'll I'll read

3:37:39

this paragraph again. So pursuant to OS1 197.797

3:37:45

PN6 PNB because a request has been made and because the commission has

3:37:51

determined that new written evidence was submitted the continued public hearings of July 8th and July 9th. The record is

3:37:59

left open until July 16, 2025 at 4 PM for the limited purpose of submitting

3:38:06

additional written evidence, arguments, or testimony for the purpose of responding to that new written evidence

3:38:13

that was submitted on July 8 and July 9. Uh, and so I believe Mr. Klyman, does

3:38:19

does that address and comport with uh your your question?

3:38:24

It does. Thank you, Chair. Okay. Uh, Commissioner Bisco, you have a

3:38:30

question. Yes, thank you, Chair Fowler. So, that clarifies my question on the written

3:38:35

evidence only that we're responding to. What I'm not clear of and what does not appear to be stated in this statute or

3:38:42

it's it appears to be silent on is the uh potential response to the new written

3:38:50

evidence. Is it limited to the applicant only or limited to anyone who might wish to respond to that new written evidence?

3:38:59

There's no response period. That is that is the conclusion of the evidentiary

3:39:04

portion of the hearing will be this 7-day open record period.

3:39:10

So my question still is this open record period of the opportunity to respond

3:39:15

then goes to who is it? Applicant or maybe I'm just not understanding. I'm curious

3:39:22

again. Anyone can respond during during that seven seven-day open

3:39:27

record period. And uh we we will uh staff will uh place

3:39:32

that new written evidence in a separate folder to make it clearer uh to what the

3:39:39

public and the applicant are responding. And then to clarify, the July 22nd noon

3:39:46

deadline for the applicant to respond, I believe is what I understood you to say.

3:39:51

Is there a limit to that written response? As in at noon, are we going to get many pages?

3:39:59

I'm not sure what that response looks like, you know, what kind of surprises might we be in for potentially in that

3:40:05

rebuttal? It is the applicant's final argument. So it's the opportunity that the

3:40:13

applicant has by statute to to present their final case. Not not it cannot

3:40:18

include new evidence. It is for argument only. And I the timeline Oh, excuse me. Go ahead.

3:40:25

I would anticipate that it it will be a a reasonable length.

3:40:31

Okay. and and the timeline of which the commission then will have access to that before our deliberations the evening of

3:40:37

the 22nd. So that will that will be six hours.

3:40:43

Yes. Uh and uh I I I do want to express

3:40:48

my appreciation for the flexibility that the applicant is is showing to get us

3:40:53

this uh this final written argument uh ahead of the statutory requirement in

3:41:01

order to give us some time to have it prior to our deliberations. And again, those deliberations are scheduled to

3:41:08

make the the time limit. We we've expanded as much as we possibly can to

3:41:14

incorporate the inclusion of public testimony of all written evidence which

3:41:21

constrains us on the back end to make our decision. So, unfortunately, that's the time we will have deliberations on

3:41:29

July 22nd at 6 PM. And for the for the public, if you haven't uh participated

3:41:35

in a um a planning commission process before, uh deliberations are a

3:41:42

structured discussion just amongst the planning commission. There is no public

3:41:48

comment period. We don't ask any more questions of the applicant. We don't ask

3:41:54

any more questions of the staff with the very limited exception to clarify

3:41:59

because they have to write up our our decision. Uh but there is no new evidence. We don't ask questions. It is

3:42:06

you would just be observing a structured conversation amongst the eight of us

3:42:11

planning commissioners. Yes.

3:42:17

A different date than the one that you that you repeated. And so I would like

3:42:22

to ask Miss Ryan, what is the end of the 150 day date that you have looming?

3:42:32

September 26th. So with with that this

3:42:46

evidence where you can access it is it be online or it's going to be it will be

3:42:52

yes the so that uh that folder that I described is on MUN docs which is

3:42:57

available online and I I don't know yet what the the title of that folder will

3:43:03

be but but staff will make it obvious that it is the New written evidence. Uh,

3:43:08

Miss Quittowski marked new evidence from the July 8th

3:43:14

and July 9th, 2025 public hearings. Thank you very much. That is very helpful.

3:43:19

Make an announcement to

3:43:38

Thank you all. I I see some people yawning. I'm about to yawn. This This

3:43:44

public hearing is recessed until Tuesday, July 22nd, 2025 at 6 p.m. in

3:43:50

this hearing room, at which time the commission will deliberate on whether to approve or deny the application. And

3:43:56

again, no public testimony will be taken on July 22nd. Thank you and good night.

Welcome uh to the meeting of the Benton County Planning Commission and we are here tonight to uh do deliberation on

0:16

the uh application uh for um the

0:21

expansion of the coffin but that is we'll work on mics here. Thank you. If

0:27

you give me hand signals, I'll follow. Um um first in order is we will uh call the

0:35

role. And you're going to Yep. I will take that on this evening. Thank you.

0:43

Chair Fowler will be calling in this evening.

0:49

Uh slightly delayed. Okay. Uh Vice Chair Hammond present.

0:55

Commissioner Wilson present. Commissioner Lee present. Commissioner Cash is absent.

1:00

Commissioner Bisco present. Commissioner Strers here. Commissioner Fulfur here.

1:06

We do have quorum. For the record, we do have a quorum. Uh and we will proceed with the meeting at

1:14

this point. And please uh when uh other commissioners uh

1:20

join us, we please let all of us know. Okay. Thank you. Yeah.

1:26

Uh I have uh as you may be familiar a number of uh

1:32

legal things that I read to you and uh they are important. They may feel

1:39

laborious but I want to make sure that we're aware of them. Okay.

1:44

This is a time and a place for the continued public hearing in the matter of LU2427.

1:52

Subject of this continued public hearing is an application for a conditional use permit to expand an existing landfill.

2:01

This is a continuation of a quasi judicial hearing previously held on April 29th, May 1st, May 6th, May 8th,

2:10

July 8th, and July 9th. and it will be conducted pursuant of Benton County

2:15

Development Code sections 51.705 through 51.725.

2:23

The purpose of this continued hearing is for the planning commission to deliberate and reach a decision on the

2:29

application in a quasi uh judicial proceeding such as this. It is the commission's duty to

2:36

apply the law, not revise it. The commission must determine whether the applicant has met all of the applicable

2:44

criteria in Benton County code. The June 26, 2025 staff reports lists and sets

2:52

out each of the applicable criteria. DE regulations and other state and federal

2:58

laws and regulations are not applicable to the approval criteria.

3:03

It is the applicant's obligation to produce the evidence necessary to show that the applicable criteria in the BCC

3:10

are satisfied or can be satisfied through conditions of approval and to

3:16

provide written analysis explaining why the eminence demonstrates that the criteria are satisfied.

3:23

Tonight we must determine whether or not the applicant has satisfied its burdens of proof to establish the criteria in

3:29

the BCC that the BCC are met. We must determine whether a preponderance of

3:36

the evidence supports a conclusion that the applicable criteria of met. A

3:42

preponderance of the evidence means evidence which is of greater weight or more convincing than the evidence which

3:49

is offered in opposition to it. The commission will consider the

3:55

testimony presented over the six days of the public hearing on the application as

4:00

well as the written record as presented on the county's mini docs website. All

4:06

of the written evidence, argument, and testimony that comprises the record is

4:11

posted at the county's Mini Docs platform. Several written submissions

4:16

were received by the county during the response open period between July 9th

4:21

and July 16th at 5:00 p.m. In addition, the applicant also submitted its final

4:27

written argument on Monday, July 21st.

4:33

During the deliberations, the planning commissioners may ask staff questions regarding procedure

4:39

or ask staff to locate record citation pages for items already in the record.

4:45

No new evidence may be presented during these deliberations. In reaching our decision, we may only

4:52

consider evidence, argument, or testimony that is already in the record. We may not consider evidence, argument

4:58

or testimony that is not in the record, including personal knowledge or expertise in any given area. If that

5:05

information is not also available in the record. In addition, evidence that is completely unrelated to the approval

5:12

criteria is not relevant relevant evidence. It is our job to evaluate

5:18

credibility and reliability of the evidence and how much weight to assign to that evidence.

5:26

It is important that the planning commission's decision-making be free of bias. Bias occurs when decision makings

5:32

have pre decision makers have preconceived opinions of the case that they are unable to set aside preventing

5:39

them from making an objective decision based on the evidence and the arguments in the record.

While living in proximity

5:46

or having other background relating to the project are not disqualifying per

5:52

se, any additional information obtained outside of the hearing may not be considered, nor may it influence our

5:59

decision. Each of us must put aside our preconceived perspectives,

6:04

make a decision based solely of the evidence included in the record as it applies standards and the criteria in

6:11

Benton County Code. If you as an individual commissioner cannot,

6:17

you should not participate in this process. Members of the public who are present at

6:23

this hearing, the planning commission's request that you be respectful and courteous of the commission and the

6:29

staff present. Commenting during the planning commission's deliberations or interrupting the planning commission

6:35

while they are deliberating to reach a decision is not respectful or courteous.

6:41

The chair reversed the right to remove anyone who does not abide by this directive or who engages in this dis

6:47

disruptive or discourteous behavior.

6:55

The matter is now returned to the table for deliberations and decision.

7:01

Uh Chair Fowler, are you available?

7:06

Done. Okay.

7:13

Yes, sir.

7:19

Uh well, how is the uh how's the audio? Is it it is it is all right?

7:24

Yes, we're fine. Thanks, Chair Ber. I believe

7:32

yes, thank you for the the time and I apologize for the disembodied voice coming from the ceiling. Um, but I I

7:39

very much appreciate the uh the applicant has not only worked with the county in preparation of their

7:45

application, but has clearly analyzed the feedback from 2021, fully

7:51

participated in Benton County Talks Trash, and fully participated in this

7:56

planning commission process. Uh, that the net result is a much more deeply researched, higher quality and prepared

8:03

application. Uh this really is an example of how the the process should

8:09

work in conditional use permitting. If ever I forget that we are a community

8:14

of engaged, passionate, and intelligent citizens, this process has been a vivid

8:19

reminder. Public testimony has been both respectful and enlightening. It has

8:25

certainly been the worth the time that we've devoted listening to all of it. And I'd especially like to commend Miss

8:32

Sheets and her cadre of experts for a professionally analyzed, researched, and written staff report. To say that this

8:40

has been a long process and it's created a voluminous record is an understatement. Like all of you, I've

8:46

diligently listened to and read every word in the record. My comments, which are going to follow here, are based on

8:52

my understanding of that record, and if I'm in any way mistaken, am happy to be corrected. In the interest of time, I

8:59

won't dwell on the many areas that I agree uh that the applicant and staff

9:04

assessments of compliance with the standards only to say that uh I concur

9:09

that the application largely meets the code criteria and as we are frequently reminded compliance with code is our

9:17

only decision standard but all of the conditions and criteria must be must be

9:24

met. My statement will therefore only focus

9:29

on my concerns and difficulties. If my colleagues can determine conditions of

9:34

approval to sufficiently ameliorate these concerns and those conditions have a reasonable chance of succeeding, I can

9:41

support an an approval with conditions. Otherwise, I must vote to deny. I I'm

9:46

very much looking forward to all of the comments from all of the commissioners. Despite coffin but designated as a

9:53

regional landfill in 1974 and even though code section 77 was written in

9:59

1983, there is no discrimination in the code between landfill and a regional

10:05

landfill. Staff asserts that this distinction will be added in the next revision of code. For context, in 1977,

10:12

annual tonnage was less than 100,000. As we know, current annual tonnage is

10:18

1.1 million, a t-fold increase. So, we have a section 77 of Benton County Code

10:25

that does not discriminate, contemplate, or anticipate an operation of the scope or complexity of this application. So, I

10:32

I frankly didn't find section 77 very helpful in review of the application.

10:37

77 does offer the general requirement that proposals for expansion require a

10:43

conditional use permit governed by section 53. And I believe it is here that our uh deliberations will focus.

10:52

Section 53 of the code explains that the conditional use may have an adverse effect on the uh surrounding permitted

10:59

uses in a code and recognizes that conditional use approvals are not impactfree.

11:05

53.215 215 provides us with guidelines to evaluate rather than strict standards, and it's our judgment as a

11:12

planning commission whether those impacts are reasonably mitigated. The county appears to accept the applicant's

11:19

assertion that their current operations are to be considered in the baseline for evaluating whether the proposal

11:26

seriously interferes with uses to adjacent property as well as the

11:31

character of the area. I both agree and disagree. The land the landfill has been

11:37

in operations for more than 50 years so as to be accepted within the character of the area. I do accept and agree that

11:44

a landfill is a component of the character of the area. However, I do not believe that the current tempo of

11:50

operations was anticipated or reviewed as a land use action and by extension

11:56

the public. The record shows that conditional use permits for ancillary activities of power generation,

12:03

stockpiling, transfers, and so forth with the last conditions of approval in

12:08

2015 for storm water treatment. This was the last test of BCC 53.215,

12:16

but at an operating tempo of less than half of today and half of what is

12:22

proposed going forward. I readily accept that the landfill is a part of the character of the area, but I do not

12:28

accept that all of the current impacts, especially those correlated to the tempo of operations, must be considered as

12:35

baseline and therefore grandfathered in. It's no wonder that monitoring and

12:41

enforcement of these previous conditions of approval cannot objectively be an assess and why BCTT had such a challenge

12:48

coming up with a consensus on whether the conditions of approval in previous actions had been successfully

12:56

uh made. They are decades old and established under previous operators and ownership.

13:02

By one conceptual description, this application simply extends the current operations for approximately six years.

13:09

And that is an easy way to think about this application, especially as the applicant asserts that the tempo will be

13:15

approximately consistent to today and has committed to this maximum value

13:21

going forward for our assessment of adverse impact. But evidence shows that

13:26

for the six-year extension of life, 3 to four years of preparatory work of 6 to 8

13:31

months each year of blasting, overburden removal, trucking operations, etc. on

13:38

top of existing operations. Therefore, the concept of an extension of landfill life is a little too simple

13:44

in my mind and ignores the very significant impact of preparation and development for that extension.

13:53

A decision to approve should be based on finance uh findings that 53.215

13:59

subsection 1 proposed use does not s seriously interfere with uses on adjacent property with the character the

14:06

area or the purpose of the zone. We are all customers of republic services and

14:11

users of coffin but either directly or indirectly. We discard our refues into

14:17

the trash can and it magically disappears out of sight and out of mind. Potential negative externalities of

14:23

odor, unsightliness, traffic, and risk of groundwater contamination are inescapable. Yet for the most history of

14:30

coffin but operations affected only a handful of properties. Both the landfill

14:35

and Adair village have grown rapidly. Landfill operations have grown from roughly 500,000 tons in 2017 to over a

14:43

million annual tons. While Adera Village has grown from a timely hamlet to nearly a thousand homes and no sign of slowing

14:51

down, we are on a collision course. Conflict is not only inevitable but upon

14:56

us. We have the challenge of balancing the expansion desires of the landfill owners with those of surrounding

15:03

agricultural and forest resource lands and with the growing numbers of homeowners having the right to peaceful

15:09

enjoyment of their property in residential zones. I am particularly moved by the adjacent neighbor testimony

15:16

indicating blasting is causing stress on livestock and impacting their livelihood. On top of existing

15:23

operational noise, the expansion will have three to four years of six to eight months per year of major earth moving in

15:29

advance of operation. Anyone with pets knows that the 4th of July can empa

15:35

empathize with what that particular landowner is experiencing and sees the

15:40

impact from development noise. Blowing debris may also threaten livestock.

15:46

These are serious interferences, not nuisances. Fencing may, but is not

15:51

guaranteed to address the ingestion risk to livestock. I do not see how the

15:57

existing proposed conditions of approval sufficiently mitigate the impact of noise on both the agricultural and

16:04

residential zones. We have appropriately spent a great deal of time on the impact

16:09

of odor. The applicant offers a model with a self-disclosed general challenge

16:15

as well as inherent limitation owing to the topography and microclimate of the area. As a model, it suggests that odor

16:22

can be controlled to nuisance levels or below. On the other hand, substantial public input contradicts the model and

16:29

shows that outdoor limits their act odor out limits their activity uses of their

16:34

property and seriously interferes with residents peaceful enjoyment of their properties. We could dismiss public

16:41

testimony as anecdotal or we could accept as citizen science. This

16:46

contradiction has not yet been reconciled in my mind as the model has not been verified with empirical results

16:53

and not squared with a body of public testimony. I very much struggle with the proposed conditions.

17:00

This it's not obvious to me that the proposed conditions in the record

17:05

demonstrates that odor will be limited to nuisance levels or below.

17:14

53215 subsection 2. The proposed use does not an impose an undue burden on public

17:21

improvements facilities, utilities or services available to the area. Here I

17:26

have an issue with water quality as a potential undue burden. PAS is an

17:32

emerging issue that we must consider in protection of our water quality.

17:37

Coffenbut lee is processed at the Corvallis municipal water treatment center that expels into the Wamtt River

17:43

a source of drinking water for many downstream communities and we have no evidence that in the record that such

17:50

treatment mitigates PAS. Does the treatment of PAS represent an

17:55

undue burden on facilities? The proposed conditions I do not see mitigating PAS.

18:02

The natural surface drainage for coffen but is call which also flows into the

18:07

Wamtt. Wash off aerosol deposits storm overflows migrate to the Wamut.

18:13

Submitted evidence indicates that there is no subsafe level of PAS and I do not

18:18

see sufficient conditions of approval around those risks of PAS to our

18:23

wersheds. Finally, I'm very concerned about the the

18:28

uh necessary monitoring of noise, odor, and water, and the proposed conditions

18:34

of approval may not be adequately funded by the county, state, and federal regulators. History of current

18:42

operations has demonstrated that there are in fact exceedences in each area. Unless the county and regulatory

18:48

authorities can fund regular monitoring and have enforcement resources, I have

18:54

low confidence that the proposed 80 or something conditions of approval will actually achieve mitigation of the

18:59

risks. The risk to land quality, water, air quality, and even public health are

19:05

too great not to monitor regularly and have the capacity for enforcement. I do

19:11

very much appreciate that the applicant has offered to fund resources within the county for monitoring as a condition of

19:18

approval and uh wonder though whether it goes far enough. Evidence in the record

19:24

indicates that state and federal regulators neither have the resources or expertise to effectively monitor the

19:30

landfills. We have heard explicitly from the county that they do not have those resources either.

But again with the

19:37

condition of approval uh proposed by the applicant that may be less of an issue.

19:43

Therefore it appears to me though that there could be an undue burden on public facilities.

19:49

So those are my concerns and I look forward to all of your conclusions. Again if my colleagues can determine

19:55

conditions of approval to sufficiently ameliate my concerns and those conditions have a reasonable chance of

20:00

succeeding. I can support an approval with conditions. Otherwise, I must vote for for denial. I very much look forward

20:08

forward to our discussions and return it to you, Chair. Thank you.

20:13

Thanks, Chair Fowler. Um, it is our uh practice to provide an opportunity for

20:20

each one of us to um to enter a sort of open summarizing statement. We are not

20:27

required to do that. Uh but I want to provide that opportunity. And uh

20:32

typically uh the chair does it first and I I will do it second. So and then I'll

20:37

give each one of you an opportunity. Um first I'd like to thank everyone who has

20:43

been a part of this process. Uh the people who have provided testimony, lots

20:48

of input, uh the um staff uh very much so. I'm I'm going to

20:55

admit that I lack the professional capacity to uh test the veracity of

21:03

every statement and I have relied heavily on staff analysis in in uh

21:10

looking at that information. Uh and um and in reading the comments uh

21:20

the testimony uh it is impossible not to conclude that this is

21:25

a terribly important matter to us and and and should be treated as a terribly

21:31

important matter and I I want to let you know that I feel the importance of that.

21:37

Um, also note that uh often in our conversation, in

21:45

our record, we um we address a range of bigger questions

21:51

than just this proposal. We look at um

21:56

well the conditions that are associated with landfills in general. uh questions about whether this is the best place for

22:02

landfill, questions about uh um

22:08

garbage itself, you know, and uh and I want to tell you that those all feel

22:13

like incredibly important questions to me. Uh they are questions that I would

22:19

love to have conversation about. And I also believe that that isn't the

22:25

question that we're answering here tonight. The question that I have been asked to answer for myself is whether or

22:33

not the application inclusive of whatever variety of conditions might be applied to that uh uh meet the criteria

22:42

as laid forth in Benton County code.

22:48

I am not absolutely certain of my answer at this point. I am very interested in

22:55

hearing the opinions and the inputs and the observations and the interpretations of my fellow commissioners. Um

23:04

I probably lean in favor of approval at this point. Um but I am very amable to

23:12

the conversation that we have. But I think uh I think as chair Fowler has already done I think it's helpful for us

23:19

to get a sense of these are not votes at this point but it's uh helpful to our conversations to our deliberations to

23:26

have a sense of where we are when we enter into that process. So um I want to

23:31

share that with you. Uh that is mine. Not near nearly as detailed or technical

23:37

uh as chair followers. Um but uh uh that is that is where I am at at this moment.

23:44

I would like to provide an opportunity for eithers. Again, you you do not have to do this. Okay.

So I'll first call on

23:52

Commissioner Lee. Thank you. Oh, thank you.

24:00

So welcome. I did a lot of preparation and I

24:05

had a lot to say. First of all, I will really appreciate the comments that came

24:11

before me and I I won't say them again, but I I agree with everything that has

24:18

been said to to this point. So, I have a

24:23

written statement if you don't mind if I mostly sort of read it or use it. um I

24:28

can provide it to the staff afterwards if they wanted. My statement um provides

24:34

what I consider findings from this hearing that relate to this application and the land use criteria
24:42

and that support my my opposition to this application.

24:47

So 53.2151 I want to talk about groundwater.

24:53

Uh this is kind of deep in the weeds, but it's very important to me and to others.

25:00

So the the applicant is required to meet the burden of proof that groundwater

25:05

interference would not seriously interfere with uses on adjacent property, but the applicant has not met

25:13

the burden of proof in these ways. First of all, their analysis

25:19

appears to be based on untested assumptions. It's stated that the applicant the application provides w

25:26

groundwater analysis based on evidence from the north side of Coffen but road

25:32

um according to east uh exhibit 16 the consultant I don't know how to say it

25:39

tupan tuppen um provided a substantial historical record for the north end of

25:46

coffin but road and said that for the development of area south of the road reports are in preparation

25:52

Additional data is forthcoming. Our present understanding of the area will be available in the near future.

26:00

That leaves us without clear information that describes

26:06

the impact of groundwater on the south side of Coffen Road. Um the applicant's

26:13

analysis goes further and provides a couple of assumptions that appear to me

26:19

to be in conflict. Tuppen Tupin says that um well waters

26:26

domestic well domestic wells in this area produce their water

26:33

especially from fractured rock basalt. Uh predicting where and at what depth

26:39

the fracture will produce water for a domestic well is problematic.

26:45

This is because the lateral and and vertical geometry of the fractures in

26:50

the bed rock bedrock is not uniform.

26:55

Then the staff report uh the applicant response to groundwater concerns state

27:01

that valley landfills evaluation to the local water supply considers the

27:07

relative consistency of the groundwater flow conditions to support a conservative assumption that fractured

27:13

bedrock behaves similarly to a porous medium. Under this assumption, all

27:19

fractures are interconnected, allowing the analytical solution to evaluate the most widespread effect of

27:26

the proposed project. In other words, they have a mathematical model and they want to plug something into it. So, they

27:32

did a kind of generalization, but that generalization is in direct conflict with the statement that

27:42

bedra basalt flows are not uniform. they are not uniform and they are not all

27:48

interconnected. So,

27:54

the applicant um has also failed to consider

28:00

um I've never heard the word dewatering before, but dewatering impacts from

28:06

excavations during construction, especially for the leech ponds on the

28:11

forest conservation lands near Tampico Ridge. And so what this says to me is

28:17

they expect to excavate that basalt flow and they expect that

28:23

they're just going to interrupt a bunch of inter completely uniform and interconnected fractures where whereas

28:31

uh the Tuppen report says no they're they're random they're unpredictable.

28:37

So, um,

28:44

one of the impacts of of that excavation of that basalt face is that

28:50

if it interrupts a fracture that holds a lot of water, where's that water going to go? It's going to fall downward. It's

28:56

going to fall down slope. But there doesn't seem to have been any consideration in the application of what

29:03

will happen to that water, how they will deal with it. um

29:08

how much it would be, what the impact would be. Uh and they're so what would

29:15

happen, what could happen, what they don't know for sure will or will not happen is if if they cut that basalt

29:22

phase, they interrupt a fracture that reaches

29:29

toward a residential well and they dewater that well that destroys that

29:34

well permanently. Um, so if the applicant's assumptions about the nature of fractured rock

29:41

bedrock are incorrect, dewatering will have taken place by the time monitoring shows it. This is

29:48

permanent and irreversible. And if this were to happen, um, operating

29:54

what's op? OP 13A1 is inadequate to prevent serious interference

30:01

and pro proposes unknown mitigation after the fact.

30:07

uh operating what is it? OP what's P stand for? Policy procedure uh 13A1

30:15

proposes that the adjacent property owners then would have to prove that their water loss was due to the

30:21

expansion and not due to climate or other factors. But without baseline

30:27

data, it might be impossible to satisfy the applicant. Doesn't say who's going to adjudicate that. um nor does the

30:36

condition of approval provide any thresholds to use an as an acceptable measure of proof one way or the other.

30:43

Nor do they have they made any effort to gather baseline data to use for comparison of before and after

30:50

construction even though they have had the time. Uh after all, we've been out this since at least 2020 and they have

30:58

adjacent land and they had the resources to take baseline groundwater level data.

31:05

Um the application's mitigation plan in OP13 doesn't specify a frequency of

31:12

monitoring other than regular, nor does it specify how it will determine the baseline established prior to

31:18

excavation. Since the wells are monitoring wells won't be installed until after the excavation, these

31:26

absences make the conditions of approval essentially unenforceable as a mitigation

31:32

measure. So risks from dewatering are permanent and irreversible. The

31:38

applicant has not met the burden of proof that it can mitigate the serious interference with adjacent property.

31:46

So groundwater contamination from Lee seriously interferes with uses on adjacent properties and the character of

31:53

the area. The landfill um expansion would increase

32:01

its rainwater footprint by about 45% and increase its lee generation

32:09

proportionately. But at this moment, the applicant has no long-term plan for the treatment of

32:15

leach. If they do not find a treatment facility in a timely manner, a number of

32:22

potential scenarios demonstrate risks that have not been dealt with by the

32:28

applicant. Um leachate storage ponds could fill and remain filled for long periods. If that

32:36

happened at a time when there's a significant rainfall event, leachate could enter the groundwater in very large

32:42

amounts that could not be mediated by their system. Similarly, similarly, if there were a

32:49

fire event on the state flanks of the landfill, either the new cell or the

32:57

existing cells, large amounts of water might be necessary to douse the fire and

33:03

leachate would significantly increase. And if the storage ponds were already full because the

33:10

applicant did not have a place to put it, again, the leachate could spill and enter

33:15

the groundwater. there doesn't seem to be an adequate plan for these scenarios or these potential um these potential

33:24

potential potentials. So um

33:30

there's evidence of toxic impacts to groundwater associated with landfills in

33:36

general and it's clear from testimony leech leaks from torn liners or storm

33:43

waters pose a serious and long-term impact on adjacent property and the

33:49

character of the area. I should have said uh potential impacts.

33:56

So OP13B proposes to mitigate the risks by monitoring arsenic in sentinel wells.

34:03

But this condition of approval is inadequate for the following reasons. The condition of approval does not

34:10

specify how changes in arsenic will be attributed to landfill operations versus

34:16

other factors. The presence or absence of arsenic has been a source of conflicting interpretations and other

34:24

contaminants from lie are um

34:29

that more certainly come from the landfill should be used instead of arsenic.

34:36

Um OP13 says the sampling program will begin before landfill construction. This

34:43

activity should be moved to become a preliminary condition of approval.

34:49

The applicant does not specify how it will determine a baseline prior to

34:55

excavation. Is it based on one sample, based on several seasonal samples?

35:00

What's the threshold for acceptable sampling error? Who's going to determine the baseline? the applicant, the county,

35:08

DEEQ, the the um condition of approval is so vague it

35:15

as as written it would be entirely unenforcable. The burden of proof has not been met.

35:25

Um so water and fire have always been my

35:31

favorite topics as it were. fire and wildfire risk set uh coffin but landfill

35:38

and the seriously interfere with uses on adjacent property the character of the area and provide an undue burden

35:46

um and the expansion would expand the risk

35:52

proportionately. So I agree with Yadera Fire Department

35:58

that to recommend denial of this application because it provides

36:04

um an undue burden and interferes with uses on adjacent property and the

36:10

character of the area. Whether a fire started at the landfill or a fire that

36:15

in was impacting the region, any fire that included coffin landfill footprint

36:22

would seriously impact adjacent uses and the character of the area and it would be an undue burden on local services.

36:31

I feel concerned that Benton County and the applicant do not seriously consider and plan for the risks associated with

36:38

fire at coffin but landfill risks that the expansion will enlarge

36:43

proportionately. I agree with Adair Fire Department

36:49

that the applicant has not met the burden of proof that their medication is effective. The reasons are as follows.

36:56

We have an evidence we've that management under reportports fire events

37:02

and confuses information using generalizations about types of fire.

37:07

Um equipment fires were described as commonplace

37:13

and either under or unreported. Impacts from the smoke from those fires

37:20

has not been considered as an impact at all. First responders report feeling ill

37:27

after working on fires at the landfill. Methane and other volatile organics leak

37:34

in plumes that reach explosive levels from the existing site and have done so

37:40

for years. Coffen but or Republic Services is asking DEEQ for a permit to increase the

37:47

methane level that they emit even though the super emitter episodes have not been

37:53

resolved or proven to halt. After hours fires are reported by

37:59

neighbors and drivers on the highway, not coffin staff.

38:04

Adair fire chief suggests that

38:09

public service management team meet regularly to review fire risks at the site, but testimony suggested that they

38:17

have not done so. The community wildfire protection plan specifically excludes

38:23

consideration and planning for wildfire at Coffen but Landfill. The applicant's

38:29

analysis underestimated the risk and excluded sources of risk such as windb

38:35

blown embers from an offsite fire which have proven to be the most serious

38:42

consideration from the recent 2020 fires from all the recent

38:47

experience in Oregon of fires. It's that windb blown those windblown embers that that are that provide a huge and serious

38:54

risk and that is not included in the applicant's w fire analysis.

39:00

Fire at the working face is considered to be a major source of risk. Yet the

39:05

expansion specifies an enlarged working face from 1/ half acre to 2 acres with

39:12

no analysis that I could see on the imp that impact to fire at risk.

39:20

Um, a fire at Coffin But last year caused adjacent properties to evacuate themselves and their livestock.

39:28

We already see that Oregon is in a state of emergency due to f wildfire this summer.

39:35

Regular weather conditions that increase risk include high winds and

39:40

corresponding drops in humidity below 20%. Any local vegetation fire could

39:47

produce a sustained barrage of windb blown embers that reach the landfill

39:53

when Adair and other local responders are already res are already at that source.

39:59

Monmouth had a fire just this past weekend north of Coffen View and the wind was from the west and north west

40:06

northwest. Um, Commissioner, I'm sorry. I just want to caution you to say what's with what's in

40:12

the record. Oh, sorry. Okay. Okay.

40:18

Uh, if embers met an explosive methane or a volatile organic compound leak or

40:24

some garbage at the at an open workplace, the result could be catastrophic. The applicant's fire mitigation plan fails

40:31

to include this scenario. Wildland firefighters responding to requests for

40:37

mutual aid would not have personal protection equipment that would be

40:42

appropriate for use at a landfill. OP12 relies on reporting to DESAC. DESAC

40:50

does not exist. Reporting and also reporting is not a

40:55

substitute for mitigation of the hazard. Coffen landfill expansion would cause

41:01

fire risk to expand and the risk is not mitigated by an adequate plan. The

41:07

result is an undue burden on public improvements.

41:12

Uh I could go on. I have I have a lot more uh of stuff about the risks due to

41:18

fire the scenario the possible scenarios. I'll move on if you if you

41:25

would like me to. Okay. Just a reminder again, um, we're we're these are our

41:32

opening se comments and we're I think we're well into our our deliberative

41:39

process here. Um, it's it was difficult for me to separate them to separate them. Yes. If you'd like me

41:45

to be briefer, I will, but I'm just going to have to go through it. I'm just going to have to go through it again. Yeah, I think it's important for you to

41:51

make your points. Uh just again uh I think I appreciate the reminder that we

41:58

uh very explicitly stick to uh information from the record not not draw

42:04

expertise or other information. So yes, so um

42:12

I'm going to skip this one because it's a little bit I'll just leave it for last.

42:21

So odor seriously interferes with uses on adjacent properties in the character of the area. We have ample evidence of

42:28

this. Uh OP7 does not mitigate the harm. It is so vague it is unenforceable. It

42:35

provides no thresholds for success or for failure. It relies on attempts to

42:41

find the source where possible. It provides no time limits for response.

42:46

its monitoring is unrealistic and ineffective. It relies on reporting.

42:51

Reporting is not a substitute for mitigation of the harm. Um

42:58

noise seriously interferes with uses on adjacent property and the character of the area. The applicant stated typically

43:07

construction activity to the site of a proposed use is not considered part of

43:12

the impact for a conditional use review. I believe I have the option to disagree

43:17

with this. Um, noise letter levels at the existing operation are already

43:24

causing concerns, but the applicant proposes is blasting another construction noise to take place over

43:31

the span of three or four years on top of the noise levels already causing

43:36

complaint. While OP2 is intended to mitigate noise,

43:42

but only after commercial operation begins and specifically not during the construction phase.

This is not an

43:49

adequate response to interference with uses on adjacent property in the character of the area.

Again, OP2 relies

43:58

on reporting the noise. Enforcement of this condition of approval might result

44:03

in a lot of reports, but where's the mitigation?

44:08

Um, litter from coffin landfill expansion seriously interferes with uses on

44:14

adjacent property. Um, the litter may the litter from the

44:21

expansion may increase due to the increased transport of trash back and

44:26

forth across Coffen but Road. uh the applicant acknowledge

44:32

acknowledges the serious interference of litter and specifically addresses it in

44:38

the conditions of approval. U litter on the roadside degrades the environment and visual impact and

44:44

seriously interferes with the character of the area. Litter on adjacent properties is well documented to cause

44:51

hazards to livestock and other uses on adjacent properties.

44:58

Um, we heard testimony that PAS contaminates landfill dust as well as

45:04

water. We have testimony that the cancer cluster, which was reported in Soap Creek Valley at at the 2021 hearings,

45:12

has grown in number since then. OP15 relies heavily on fencing to mitigate

45:19

litter with no consideration of the airborne litical airborne litter

45:25

particle size or the airborne litter toxicity. The applicant provides no

45:31

evidence that fencing will work to prevent litter of any size or any characteristic. OP15 specifies

45:39

additional litter patrols. Litter patrols and cleanup do not

45:46

specify the particle size being handled by the by the patrols their timing and

45:51

they provide no thresholds for success or for failure. The applicant has not

45:57

met the burden of proof that the expansion will not seriously interfere with uses on adjacent property or the

46:03

character of the area. Coffen but landfill expansion impacts

46:10

the character of the area relating to housing. Um

46:17

the planning commission is required to view this ex expansion in consideration

46:22

of its long-term impacts. Benton County has made housing a priority but has no

46:29

housing plan. Benton County expects to revise its comprehensive plan to address housing on rural land and includes

46:36

consideration of confining

46:51

southward while Adira Village is attempting to expand its housing potential.

46:57

Coffin be landfill expansion impacts housing growth potential for the area

47:02

due to at least the noise odor litter and general industrial care excuse me

47:10

character. The applicant has failed to consider this impact related to the character of

47:16

the area development in wetlands coffin but

47:21

expansion is cited on wetlands. The EPA specifically advises against

47:27

citing landfills in or near wetlands. P11 proposes wetland mitigation on tax

47:35

lot 1200. But Palestine emergent wetland and

47:41

palistry forested wetlands also appear on tax lot 1107 and 11:08.

47:48

But the applicant does not make clear their proposal to mid mitigate and uh impacts to wetlands on those tax lots.

47:59

Um

48:06

um often viewed expansion will seriously

48:11

interfere with the purpose of the zone which is forest conservation zone. um

48:16

construction and operation conditions on uh the FC zone result in changes in

48:23

grazing habitat and the migration corridor used by a v a

48:29

variety of wildlife species. The applicant proposes use of fencing around the expansion with no evidence of its

48:36

impact um on wildlife.

48:43

The great blue heron analysis relies on the assumption that the birds habituate

48:49

to noise. Uh P323 states that the applicant will identify

48:55

a buffer of 300 ft but does not specify if it's surrounding the sensitive area

49:02

or in a specific direction. The condition of approval includes no mitigation for great blue herand during

49:11

the operation of the landfill. At least I didn't see it. The application only addresses great blue heron concerns.

49:18

Either that uh condition should be expanded to include other wildlife or additional conditions should be added.

49:28

Testimony from the public identify numerous other potential wildlife impacts. The applicant has not met the

49:34

burden of proof that the proposal will not interfere with the purpose of the forest conservation zone for protection

49:41

of wildlife resources. Um

49:56

again a geotech geotechnical data from the staff report page 60. The applicant

50:02

geotechnical consultant says, "We uh we conclude that the existing geotechnical

50:08

data and analysis um exhibit five do not indicate that

50:13

there are any geotechnical or geologic constraints that would adversely impact landfill development. We note that

50:20

additional geotechnical evaluation related to the design will be provided

50:25

before landfill construction. that leaves us out of being able to look at it or evaluate it.

50:40

Um, chapter 77.310 1C requires provisions for screening of

50:48

the site from public roads and adjacent property. Their proposal is inadequate for for screening from public roads and

50:55

adjacent property.

51:06

Okay, I won't go into the I won't go into the conditions of approval. I have one more biggie which I think relates a

51:15

little bit to what Nick was saying and I'd like to propose this. See where it

51:20

goes, Mindy. Okay. Okay. Okay. So, I looked at this hope from the

51:27

330,000 foot level and I'm just going to say this and I, you know, don't take it

51:33

personally. Uh, but I'm proposing that

51:39

the entire coffin bill coffin landfill expansion

51:44

is an undue burden on Benton County's government services. It's all its

51:50

government services. I'm not sure which of the services are actually included in

51:55

any kind of consideration so I can't really enumerate them but I'm just going to say on Benton County Benton County's

52:02

government services I'm concerned that Benton County recognizes coffin but landfill as an

52:08

asset but dot does not recognize it as a significant source of extreme risk and

52:15

does not plan for those risks. It's from the 30,000 foot level, it's

52:22

really apparent that this process is an undue burden on at least several of the

52:28

services of Benton County government and thus a reason for denial of the

52:33

application. Uh in the words of Benton County Code,

52:39

the expansion is an undue burden because it jeopardizes health, safety, and

52:44

welfare and because the implementation of improvements such as conditions of

52:51

approval are not certain. My evidence is as follows, and I have probably about

52:56

seven of them. Benton County has no process or is

53:03

otherwise not effective at institutional learning. Benton County Talks trash resulted in

53:10

very few actionable items, but there was one specific one and that was uh listed

53:16

in CUP-R20 which states Benton County should ensure that its land use decisions clearly

53:23

capture and make binding the intent of the decision makers.

53:31

Benton County 53220 says that conditions of approval provide a specific remedy for an issue that

53:37

would otherwise cause the application to be unacceptable based on code.

53:43

Conditions of approval are intended to mitigate the negative impact, not simply

53:48

ask for documentation of their occurrence. Monitoring and reporting are not substitutes for enforcement

53:56

and effective mitigation that harms that

54:01

mitigation of the harms that cause the conditional use. Let me say that again.

54:06

Mitigation and reporting are not substitutes for enforcement and they're not substitutes for effective mitigation

54:13

of the harms caused by this use. conditions of appro of approval must be

54:19

written so that they can be effectively monitored and enforced. In other words, specific, measurable, timely, etc. So

54:27

the harm can be mitigated in a timely manner and with certainty. When I read the conditions of approval for this

54:33

application, it was immediately obvious that the Benton County talks trash lesson was not learned. Most of the

54:42

conditions of approval in this application need to be rewritten to be either enforceable or in any way

54:48

effective. That was finding one. Finding two, Benton County does not monitor in

54:55

or enforce conditions of approval at coffen but because co Benton County has

55:01

stated it lacks the capacity to do so. This is more evidence of undue burden on

55:07

Benton County services. Reliance on a third-party con contractor

55:14

that is paid for by Republic Services has not been shown to change the way Benton County handles the issue of

55:20

enforcement or the effectiveness of mitigation. If a contractor reports infractions

55:26

to Benton County, where is the assurance of mitigation? Monitoring is not

55:32

enforcement. Reporting is not mitigation.

55:38

Finding three, Benton County does not include wildfire

55:44

risks at Coffen but landfill in the community wildfire protection plan

55:49

because Benton County has stated that it lacks the capacity to tackle it. This is

55:54

more evidence of the undue burden on Benton County services.

56:03

These wildfire risks at Coffenbut are enormous and Benton County relies on the

56:08

applicant's third party contract whose analysis of the risk is incomplete.

56:14

Finding four, Benton County ignores BCC77.41

56:20

401 or is it 410 which assures uh that the

56:25

public is aware of conditions at the landfill that cause concern to DEEQ.

56:32

Benton County has stated that it lacks the capacity to do so. Finding five,

56:38

Benton County hires third-party consultants to handle the issues related to coffin but because it does not have

56:44

the capacity to handle the process with staff. Benton County then consistently

56:50

defers to consultants conclusions and the conclusions of the applicant and its third-party consultant. Benton County

56:57

appears to be heedless of the reasonableness, evidence or lived experience of members of the public who

57:04

testify or the agencies who participated. This has at least two impacts. One, it

57:11

not only effectively limits the purpose of goal one of the comprehension comprehensive plan, which is to involve

57:18

citizens in land use decision. Two, it also in effect indicates that

57:24

Bent County does not or cannot evaluate or correct the work of its contractors

57:29

based on evidence brought forward by the public or by participating agencies.

57:34

Benton County accepts whatever a contractor says regardless of its reasonableness or efficacy. To hire a

57:42

contractor and not critically review their work creates the potential for inaccuracy and a potential waste of

57:48

money. The coffin be landfill expansion is an undue burden on the county government

57:55

which justifies denial of this application because the result causes significant degradation to the quality

58:02

and effectiveness of the staff report its conclusions its conditions of

58:07

approval and then those in turn jeopardize people's health safety and

58:12

welfare. I can finding six. Benton County does

58:17

not involve participating regional jurisdictions in coffin but landfill

58:23

issues. This is a regional landfill but

58:28

there should be regional support and input without regional jurisdiction involvement. Benton County will continue

58:35

to solely bear the risks and burdens associated with the issues which significantly dis degrades the quality

58:42

and effectiveness of Benton County services related to coffin but this is especially true given the number of

58:49

times Benton states Benton County states it cannot do something because it lacks

58:54

the capacity. As a taxpayer, I see Benton County engaging in activities

59:00

like Benton County Talks Trash and this application process at its own expense.

59:05

And I hear Benton County claim it's monitoring and enforcement at Coffin

59:11

Board limited based on lack of expertise and finances. Meanwhile, I see Pulk

59:17

County, for example, who shares many of the risks we have discussed here. They are uninvolved. Commissioner, I want to

59:24

just caution you again to make sure that what you're saying is in the record. Oh, I don't know. I don't know if it is.

59:32

I don't know if it is. Never mind. Okay.

59:37

Um,

59:42

can't remember. So, uh, let me try this one. Finding seven. In this historic period of federal transition, Benton

59:49

County is unprepared for an imminent reduction in federal environmental protections from laws and institutions

59:56

that are heavily repi relied upon to oversee activities at coffinbute. This is more evidence of an undue burden on

1:00:03

Benton County services that justifies denial of this application.

1:00:12

So I I copied the part of the first staff report that talks about how you

1:00:19

define an undue burden and it was very clear that

1:00:25

these examples represent a burden and it is an

1:00:31

undue burden because it jeopardizes people's health, safety and welfare. And

1:00:37

it the final statements um burdens that the county has typically not considered

1:00:43

undue include those that can be mitigated through planned improvements

1:00:50

that are generated by other uses in the area or that fall below an established threshold.

1:00:56

For planned improvements to be repi relied upon in in determining that a

1:01:03

burden is not undue. The implement of those improvements must be certain.

1:01:11

I'm not certain that Benton County is is handling enforcement, mitigation,

1:01:17

the application process, the production of this the staff report. I'm not

1:01:23

certain of that. Thank you.

1:01:28

You uh Mr. for Brisco.

1:01:36

That's unfair. You skipped on both sides of Commissioner Lee. Well, also Wilson, so

1:01:46

um I was not prepared for that, but I I will step aside from my note thread. Um

1:01:55

I did have a prepared statement. Um and it was a lot of what we have heard here.

1:02:01

So, I really want to express my appreciation for what's been shared. I support everything that's shared and the

1:02:06

concerns in particular of meeting the burden of proof uh and undue burden.

1:02:12

I will try to extract the pieces from my written statement that have already been

1:02:18

presented. I would just like to make a statement on Commissioner Lee's um perspective on Benton County and their

1:02:25

ability uh the undue burden to Benton County, I should say. Uh, one of the things observed and

1:02:30

Can you Can you use the microphone? Oh, yes. Excuse me. It is on. Is that better? Uh, green is on.

1:02:37

It is. It's better. Um,

1:02:42

not yet. A little bit. Not much. Better.

1:02:48

Sounds the same to me. So, of concern is as a planning commissioner observing

1:02:53

this process. uh seeing similarly the gaps that Commissioner Lee has identified and

1:02:59

seeing the cost to Benton County taxpayers with all of the prioritization

1:03:05

from Benton County Talks Trash forward and I suspect 2021 application as well

1:03:10

that preceded my role on the planning commission. Um there's a disproportionate amount of energy,

1:03:17

effort and resourcing by staff to this process and at the end of this result we

1:03:23

are seeing inconclusive evidence that this expansion uh can be can meet the

1:03:30

burden of proof and can meet how do I want to say this that it can actually be mitigated to meet the does

1:03:38

not seriously interfere and does not create an undue burden. So

1:03:45

with that, I will step back to my written statement. Just one moment.

1:03:57

So in evaluating what arguably has been thousands of pages of record and

1:04:03

testimony, and I I think that the audience as well as our staff um and as well as our planning commission has

1:04:09

experienced that. I have a great respect for this planning commission body. I have seen each of the

1:04:16

individuals bring not only their expertise to this space and their perspectives both professional and in

1:04:21

the public service sphere but also take on a task that arguably is one of the

1:04:27

most significant and comprehensive in the history of land use in Benton County. Um, this stack of documents

1:04:34

right here, although not by any means a full record, uh, this document here,

1:04:39

these are the testimonies that we've heard from the public. This is my method. I know that some of

1:04:45

you have gone, really every time I bring in a stack of papers, but this is my method on how do you synthesize this

1:04:51

much information into something meaningfully at the end. So, we're funneling this tremendous amount of

1:04:57

applicant uh, staff report and public testimony.

1:05:03

Um, I'm a list person. So, what I'm going to do since much of this has been narrated, I'm going to provide some lists in this, but also I'll I'll

1:05:09

introduce with a little bit of narrative. So, what I see this is um as a tale of kind of two landfills.

We're

1:05:16

hearing two really disparate stories both from the public and our applicant.

1:05:22

And then we have this this staff report that's kind of merging and and dancing between. Um I I found much of the

1:05:30

testimony very compelling. Uh and certainly the inperson testimony as well.

1:05:37

Um the question really here is whether Republic Services application for

1:05:42

landfill expands expansion has met the actual burden of proof and using code criteria regarding in particular the

1:05:49

seriously interfere clause the character of the surrounding area and the imposing of undue burden is where I'm going to

1:05:55

focus. The applicant has portrayed an operation

1:06:03

that's fully in compliance with regulatory agency and operating as a good neighbor. And with regard for

1:06:08

Benton County residents, public testimony from hundreds of Benton County residents, member organizations,

1:06:14

environmental groups, visitors to Benton County, uh neighbors of the landfill outside of Benton County, and observers

1:06:21

have noted that that compliance may not be occurring.

1:06:26

Benton County planning commissioners have been given difference uh great difference in the interpretation of the

1:06:31

code as it regards to the criteria and through use of evaluating the public

1:06:36

testimony the applicant's testimony. The discretion to make the decision this

1:06:42

evening to approve or deny this application for the expansion of coffin landfill will be based on our evaluation

1:06:48

and interpretation of this tale of two landfills.

1:06:55

If it is determined at the end of this evening, um, and I think this is important for us to keep in front of us

1:07:01

that the application applicant has failed to meet burden of proof regarding certain criteria, the planning

1:07:06

commission has the right to deny this application. My recognition to Benton County staff

1:07:11

and the applicant for their efforts to present the planning commission with the thorough record of this. Now, I'm I'm

1:07:18

guessing we're approximately 6,000 pages of record for consideration has been substantive. It's noted. Uh, thank you

1:07:24

for the communications and thank you for this work. Just to draft, you know, a couple pages of testimony is a lot of

1:07:31

work to get it right and you've done a great job of that and I appreciate that, especially coming in kind of in between

1:07:36

Benton County Talks Trash and this this manifestation and and outcome of that

1:07:41

work. Also, appreciation to each of my colleagues on the planning commission and chair Fowler and Vice Chair Haymon

1:07:48

for their obvious commitment to leading this process with integrity. Your willingness to become knowledgeable to

1:07:54

each of us and arguably again one of the most complex and consequential land use applications in this county's history is

1:08:00

respected and I want to thank you here without the perhaps unprecedented

1:08:06

comprehensive and compelling public testimony based on personal experience impacts to life and livelihood extensive

1:08:13

research and prof by and through professional careers experience. This planning commission body would be

1:08:19

limited in navigating the complexities and nuances of this application and that its supporting material submitted for

1:08:26

the record. To the individuals and organizations providing this testimony, the countless

1:08:31

hours of public service to this process are a measure of the greatness of this community and I want to recognize all of

1:08:37

you and saying that we've seen and heard your work and I feel confident in saying that for my colleagues in this space.

1:08:43

Two other colleagues on this planning commission. For those that you may not know, uh, Chair Nick Fowler and Commissioner Evelyn Lee served as

1:08:50

commissioners for the 2021 landfill expansion hearing, which was denied in a unanimous vote of 6 to zero. Two members

1:08:57

of this planning commission served on Benton County Talks Trash and that's Commissioner Andrew STS joining midway

1:09:02

in the process of BCTT and myself having the opportunity to participate from the beginning of Benton County Talks Trash

1:09:09

as well as on the offer to conditional uh use permit subcommittee. Um that

1:09:16

subcommittee I shared with uh Mr. Jerger and Mr. Peter who has passed away in

1:09:22

this during this period. Um but his point to the a point that sticks out

1:09:27

through that process and in the record and even through the echoes of this process here are those community

1:09:33

expectations and how we respond as decision makers to those community expectations.

1:09:39

The testimony points of which testimony tends to circle here but worth bearing.

1:09:45

Um, again synthesized here is of course our Benton County Code, the Benton

1:09:51

County Comprehensive Plan, uh, and its policies. Benton County Thriving Communities, the 2040 Thriving

1:09:57

Communities Initiative is often referred to again is an aspirational effort and

1:10:02

document with public involvement bringing us to that um, common understandings and community expectation

1:10:08

space. the Benton County mission and vision statements. Benton County visions or

1:10:14

excuse me the vision for wildfire management and in particular one I'll speak to uh after this kind of

1:10:20

introduction is the Benton County community wildfire protection plan and then of course the findings and

1:10:25

recommendations of Benton County talks trash final report which in and of itself is 199 pages that I don't believe

1:10:32

is counted here because it's not fully printed here but just provided as a resource.

1:10:39

This hearing in effect is about a regional landfill accepting waste from cities and counties across Oregon and

1:10:44

its relationship with the county of which it resides, Benton County. Referred throughout the record as the

1:10:50

accidental landfill due to its site development as a waste dump at Campadair during World War II. The results were a

1:10:56

regional landfill designation in 1974 and through numerous land use applications for expansion over the

1:11:02

decades. Bringing us to today's application for landfill expansion south of Coffenbe Road and along Tampico

1:11:09

Ridge. Coffenbe Landfill is the second largest landfill in Oregon. uh as I read

1:11:16

I believe that's correct statement and one of her public services most profitable revenue generating landfills

1:11:21

that simultaneously comes with a great impact in Benton County services infrastructure public safety and

1:11:28

regional health of residents along with the realities and the spectre of a long-term financial and environmental

1:11:34

obligation

1:11:39

observed in in the record were a number of just salient points and they're just kind of kind of hit miss some of the

1:11:44

things that our other commissioners have already presented. In 2023, Benton County's coffin but landfill annual

1:11:50

report asserts that coffin bill coffin but and republic services provides

1:11:55

best-in-class service and environmental stewardship to the county. This record has shown this this hearing record and

1:12:02

public testimony has shown Republic services apparent continual disregard for proper

1:12:07

management of coffin landfill disregard for federal and state protections regulated by the environmental

1:12:13

protection agency and the department of environmental quality and a disregard for the health and safety quality of

1:12:19

life including and of very relevant today's talking points fire safety for

1:12:25

Benton County issues with Landfill gas emissions,

1:12:30

contaminated soils, impacts to property values, quality of life for the area, property owners, visitors, recreational

1:12:37

enthusiasts, downstream Wamtt River water users, impacts to infrastructure and services exist.

The landfill does

1:12:45

not operate in a void. In the best of cases, and even best-in-class service and environmental stewardship cannot

1:12:52

address the elephant in the room. This landfill is simply not suited well for its geographic location due to excessive

1:12:58

rainfall, the absence of ideal geologic features, and the proximity to highdensity residential areas,

1:13:04

productive farmlands, farm and forest lands, recreational and preserved areas nearby.

1:13:11

To argue that because a mistake was made in expanding this landfill in an improper and ill-suited area is

1:13:17

justification to continue expansion now and likely in the foreseeable future is negligent.

1:13:24

observed operational behaviors of Republic services are inconsistent with good stewardship, respective community,

1:13:29

and concern for the well-being of an exceedingly large and increasing number of quote landfill neighbors. We talked

1:13:36

about adjacent properties. The adjacent properties are no longer those properties that share boundaries with

1:13:41

Republic Services buffer lands. The adjacent properties have now become Adair Village, Independence, uh, Ery,

1:13:49

Lewisburg. The adjacent properties are the people in Corvallis that are experiencing landfill odors. Adjacent

1:13:55

properties has become a regional definition and no longer a linear definition.

1:14:01

What was once a regional landfill has become an industrial operation with industrial size impacts and consequences

1:14:07

for Benton County who is responsible for only 6 to 7% of the waste cited within

1:14:13

its county borders. The burdens of an expansion to this county are disproportionate to its use.

1:14:21

Revenues to the county have not been used to meaningfully manage conditions of approval, public noise and odor

1:14:27

complaints, risk factors to water and air quality, and burden to municipal services. The political appetite and

1:14:35

will is simply not there. The offering of \$80,000 per year to offset cost does

1:14:40

not change this lack of priority or will at the county set firmly in the record since 1974.

1:14:46

And I will say to Commissioner Lee's point, her findings on the impacts and the undue burden to Benton County and

1:14:51

its staff resourcing and outcomes as a result of this I support 100%.

1:14:59

This unchecked, unmanaged, unregulated by the county quote unquote asset appears to have overtaken common sense,

1:15:06

sound science, reasonable risk management, and long-term fiscal responsibility.

1:15:13

In the reasons for expansion discussion in the uh in the applicant process and also in the 2023 annual report, Republic

1:15:21

Services asserts that a conditional use permit um also known as this hearing

1:15:27

process and the expansion to south of Coffenbe Road would ensure continuity of disposal services while the county works

1:15:34

to develop a sustainable materials management plan. for public services is requesting the

1:15:39

cop now because industry best practices to start working on an expansion project when there is 10 to 12 years of life

1:15:46

remaining at the site. This is a prudent time frame giving the time that it takes an average of excuse me 3 years or

1:15:53

longer to complete the local land use process. After the land use process is complete, it could take an additional 3

1:15:59

years or longer to obtain permits required from various state agencies. And I will refer to DEEQ, EPA,

1:16:05

Department of State Lands, uh the State Historical Preservation Office, uh and others,

1:16:11

um and go back to this direct quote, and to initiate and complete construction of the disposal cells, this is on page six

1:16:18

of the 2023 annual report. despite comp current current capacity at approximately 60 60 60 to 65%

1:16:26

with years of life depending on maintaining improved tonnage limits in this time alternative options such as

1:16:32

use of solutions using preferentially cited Columbia ridge landfill with 10,000 acres of buffer zone reserved for

1:16:38

wildlife habitat wheat farming cattle branching and wind farms has not been considered has not been considered

1:16:47

through this process of the tale of two landfill bills.

1:16:52

Applicants have told us one story the public in our own eyes and observation tells another.

Republic services

1:16:59

response to imminent closure of the landfill is due to capacity. It's not due to public safety, not services to

1:17:04

Benton County, not sustainability for the community that hosts the landfill. In short, the interests are not on

1:17:11

Benton County. As of 2023 annual report, estimates of 13.4 years remain. 2024

1:17:18

expansion proposal adds approximately six years of life. A sustainable and cost-effective path

1:17:24

for providing safe and reliable waste disposal for Benton County residents per the 2023 report and one I think is

1:17:31

which has been missed in this process nearly entirely. Um you'll see bits and pieces of it in our public testimony,

1:17:38

but at this point um with a 39 million cubic yards of capacity for the

1:17:43

coffin but landfill and 24 million cubic yards having been consumed as of December 31, 2022, we're left with just

1:17:51

over 15 million cubic yards of capacity.

1:17:57

In other words, we have not even begun to complete the capacity of the current

1:18:02

landfill and its impacts regarding leech, odor, traffic, all of the concerns and the the

1:18:09

questions of undue burden have not even been realized. where while we are proposing

1:18:15

an additional expansion beyond south south coffin but considering what that

1:18:20

might open up to for further expansions conditions of approval 90 approximately

1:18:28

as I'm counting um conditions of approval proposed for this application at best would improve operations of the

1:18:34

expansion and only if enforced or complied with this does nothing to address operational management

1:18:39

shortfalls of the current operation at coffin but landfill The number of conditions for this expansion area only suggests actually a

1:18:47

far greater management problem on the current operating face and unclosed cells of the current landfill.

1:18:53

Many of these conditions will be unenforceable due to lack of ability to distinguish between current and expansion locations at the landfill.

1:19:01

Today's fancy legal maneuvers and interpretations of the last 50 years cannot erase what can be experienced.

1:19:07

Seen by the naked eye, smelled by the average nose, and heard by the average person with ears. The EPA and DEEQ

1:19:14

observations and enforcement actions related to non-compliance and compliance actions only reinforce what is well

1:19:20

known by the neighbors at Coffen Landfill.

1:19:26

Just what does this application offer Benton County residents? The franchise agreement guarantees Benton County

1:19:32

residents disposal service at a preferred rate for a number of years. I'm not sure if that was ever disclosed

1:19:37

in the record. Uh but there is reportedly an assurance of that with the

1:19:42

financial incentives for waste volumes and approval of landfill expansion conditional use permit applications.

1:19:49

That's what's offered Benton County. History of 50 years of non-compliance and the county's inability to manage

1:19:55

conditions of approval to ensure public health and safety is in the record and not subject or necessary to opine or

1:20:01

adjudicate. The mere conditions proposed now at 90 and continuous revisions of

1:20:06

the applicant's proposal proves this very point. Um, I will also point back to the

1:20:15

the subcommittee conditional use permit subcommittee that refers to Benton County's inability to manage the

1:20:21

conditions of approval of the past and the greater conversation around that which is in fact that yes, I agree and

1:20:28

can confirm that there were missing records. But I'm going to point back to community expectations, changing of

1:20:33

procedures and process and land use. In effect, there's a 50-year record that shows us what the community was looking

1:20:39

for, what community concerns were, what conditions were attempted to, whether they needed to be adjudicated or

1:20:46

otherwise, and there were perhaps shortcomings, does not change the fact that the community had expectations. The

1:20:51

landfill was supposed to be X, including closing in 2000, and at no time was imagined to be what it has become today.

1:21:00

Key findings from the Benton County Talks Trash work group cannot be ignored in this process and are the basis for

1:21:05

both the county and the applicant, cannot be selectively used for arguments that seem to simultaneously omit other

1:21:11

facts and truths presented in this process. Facts in the record that do exist worth considering for this

1:21:17

planning commission deliberation. Benton County's coffin landfill is not a suitable location for a permanent

1:21:23

landfill and was never intended to be one. Odor plumes have been and are continuing to be reported in an

1:21:30

expanding pattern around the landfill and are impacting areas from Adair

1:21:35

Village, Ely, North Albany, Independence, South Corbalis, Falamoth, and our rural neighbors in non um

1:21:43

non city areas. According to US Geological Survey publication, this is also in the record, noted that the EPA

1:21:50

has concluded that all landfills eventually will leak into the environment. And that's from Mark

1:21:56

Henkle's testimony May 6, 2025 and served as a reference in that record.

1:22:01

Conditions of approval have failed Benton County residents, leaving health and safety risk to increase to unreasonable levels. Exceeds of 2000 of

1:22:09

the 2000 franchise agreement uh waste limits in 2017, 2018, and 2019 are

1:22:16

documented. Ken Kanega May 8th, 2025. Expansion applications have been denied

1:22:21

in the 80s. again denied in the '90s up and until 2021, a recurring cycle and an

1:22:27

undue burden to Benton County services, infrastructure, and the public who is

1:22:32

here tonight. Yet again, county council has not appeared to take any enforcement action regarding past

1:22:38

conditions of approval. Instead, asserting conditions were all compliant to the signing of the 2002 memorandum of

1:22:44

understanding and that was documented in Benton County Talks Trash. Benton County Health Department has made no statement

1:22:50

and taken no position on this landfill expansion. systems for complaints, reporting,

1:22:56

compliance office officers, and systems to manage reporting are all downstream of the real issue, which are the

1:23:02

continuous quality of life impacts, undue burdens to the public and Benton County infrastructure, both physical and

1:23:08

staffing, the everexpanding buffer zone creep, the encroaching on business and homes, the

1:23:15

risk of groundwater impacts due to basalt ridge blasting and unpredictable fractures are foreseeable.

1:23:22

28 fires at the landfill were reported by a dear rural fire and rescue. Uh five

1:23:28

were reported by the applicant in the testimony process. What's also in that record I'll come to is the 111 calls to

1:23:34

fires near landfill. 195 to motor vehicle accidents near the landfill as

1:23:40

well. And this is testimony submitted by Victoria Scott.

1:23:47

Issues impacting the community. Coffen view's history of non-compliance with

1:23:52

past conditions of approval can be seen. Patterns of negligence, methane emissions control, lee mismanagement can

1:23:59

also be seen and are documented. Lack of responsible landfill management, daily

1:24:04

including daily cover, closure of filled cells, screening, litter control, and odor control are evidenced in the record

1:24:11

and in daily experiences by untold numbers of Benton County residences. DEEQ lacks staffing or

1:24:19

interest in responding adequately to address complaints regarding coffin landfill odors, contaminated waste,

1:24:25

hazardous materials, runoff, permitting and regulatory compliance and groundwater and surface contamination

1:24:32

and air quality. Lack of safeguards through adequate permitting and a defined process

1:24:39

for expansion leave this planning commission with an inadequate amount of

1:24:45

information to make a fully informed decision on this application. The acceptance of uncontrolled,

1:24:51

contaminated, illegal, and hazardous waste from schools, businesses, and residences are documented in this

1:24:57

record. Uh in particular, Doug Pollock, April 21, 2025 cites this. But Republic

1:25:03

Services in its own testimony asserts that it's checking loads and yet there's evidence in this record as well that

1:25:09

shows that all loads cannot and are not being tested before they are being dumped and there's no way to manage

1:25:15

these risks that exist in this space adequately.

1:25:20

Community perceptions Benton County revenues paid by Coffenbe Landfill are perceived as a conflict of interest or

1:25:26

in effect a de facto payoff. And this again is based on testimony.

1:25:32

There's questions in the testimony as well about a quiet or pending deal with a dear village to fund larger water

1:25:38

treatment plants and the absence of a dear village testimony for this record.

1:25:45

The fact is Benton County is unable to forecast the risks to Benton County, the burdens to Benton County and the

1:25:51

financial obligations for decades to come. There's questions if this should be

1:25:56

should have been considered, excuse me, a new landfill proposal rather than a landfill expansion application.

1:26:03

David Pat or Patty, excuse me if I get the name wrong, makes a compelling argument in his April 21, 2025 testimony

1:26:11

along with others that submitted for the record. Groundwater contamination risks are

1:26:16

treated with let's blast then see what happens approach. And Commissioner Lee did a great job of outlining those

1:26:22

concerns. Thank you, Commissioner Lee. Lee shape management is not adequately

1:26:28

addressed for this expansion. The Corvallis water treatment plant is no longer an option. It's unclear the

1:26:33

status agreement with Salem and with continuing landfill activity for approximately 12 more cubic yards,

1:26:39

excuse me, 1.2 million. No, that might not be right either. So, I forget the numbers, but over the next 10 to 12

1:26:45

years, regardless of the proposed expansion, it is uh yeah, disregard

1:26:51

those numbers. 10 to 12 years is correct. Lee will increase. So again remember that 60 to 65 capacity that

1:26:58

we're at the 35% that will occur in this space plus the additions with the expansion as well. The leate numbers

1:27:04

will increase. Republic services appears unwilling to comply with or ignores past conditions

1:27:10

of approval because there is no consequence. Despite the condition of the record,

1:27:15

there were community expectations and there are in fact documentable past conditions of approval that have been

1:27:21

not been met. Hiring a monitor or manager is not going to assure compliance. Absence of record does not

1:27:26

eclipse community expectations. Of extreme importance is the

1:27:32

insufficient fire risk management and fire response management in this application. the insufficient planning

1:27:38

for long-term management of this site post closure and in instance of any financial default by republic services

1:27:44

in the first 30 years of its obligations and the leech from the first cells are

1:27:50

still producing millions of gallons of leeades therefore illuminating the risk to county for the next foreseeable

1:27:57

generations. The increasing possibility of cancer clusters cannot be ignored in this

1:28:03

record. Um recommend reviewing of Tom Hughes April 21, 2025 record, but I know

1:28:09

there are several others as well. Um this particular one is the Blue Heron Homes, six of eight homes having members

1:28:15

that have contracted some form of cancer, which is 75% rate, and now citing a total of 13 now in the So Creek

1:28:22

Valley areas as of the testimony, which was not super clearly defined. Um but recognizing that there is an increase

1:28:29

and a lack of analysis, evaluation, and consideration of what could be cancer clusters,

1:28:35

it is commonly accepted that the gene mutations that are linked to cancer are linked to environmental factors. Again, this is directly from testimony. And

1:28:42

regardless of the fact that PAS are not produced by coffin landfill, they are paid generously to manage and mitigate

1:28:48

waist streams, all of them. The disparity between public services claims, DEEQ and EPI site visits,

1:28:55

reports, and actions are also of concern.

1:29:01

I want to just take a minute when Chair Fowler mentioned the weight that we consider given to this testimony, what's

1:29:06

provided by the staff report, provided by the applicant, and also then provided by the public testimony.

1:29:14

I'd like to just take a moment, and again, this is just a synthesizing of information. It could be a narrative

1:29:19

form, but it's just simpler in a bullet point form. the application. In this application for the landfill expansion

1:29:24

hearing, we have heard from countless professionals, subject matter experts, scientists, educators, contractors,

1:29:31

consultants, and I will list by their titles, mechanical engineers, hydrogeologists specializing in

1:29:38

groundwater flow and contaminant transport, environmental engineers, civil engineers, GIS analysts and

1:29:45

spatial data experts, toxicologists, former Environmental Protection Agency

1:29:51

employees, cancer researchers, the fire chief of the Adair rural fire and rescue, uh,

1:29:56

Erin C. Harris, uh, professional, so farmers that have made a career and a livelihood out of

1:30:02

farming, recreational burers, teachers and educators, professors of fish and wildlife sciences at OSU, professor of

1:30:10

policy, public policy and administration at Western Oregon University. Countless numbers of peer-reviewed

1:30:16

journal articles and reports are cited throughout this testimony. Credible news articles are c cited throughout the

1:30:22

testimony. EPA and DEEQ findings are cited throughout this testimony as well

1:30:27

as Benton County talks trash findings and materials from solid solid waste advisory council members and the solid

1:30:34

waste advisory council, disposable site advisory committee members and DESAC as

1:30:39

a whole have been provided in this record. The weight therefore that this public

1:30:45

testimony brings to this space is significant and worth recognizing and acknowledging and again represented by

1:30:51

the folks in this room this evening. So thank you for bringing your expertise to this

1:30:56

space. That is not to diminish in any way the personal frontline experiences of those who may not hold those

1:31:03

certifications, degrees or otherwise experiences who are bringing to us their real life impacts to their livelihoods

1:31:08

and their lives uh quality of life.

1:31:13

questions of compliance and/or violations of past landfill conditions of approval. So, non-compliance,

1:31:19

violations, EPA, DEEQ, I kind of lumped them all together. Uh, the contour elevation exceeding the 600 ft contour

1:31:26

elevation expectation and or limit the interpretation of screenings, fencing or BMS so as to not to see the C coffin but

1:31:33

landfill, which seems somewhat humorous at this point in time. Um, but nonetheless has been a condition of

1:31:39

approval in the past. the odor control and mitigation of which we heard in testimony. Republic services all but

1:31:45

said we could not confirm one or two of 84 reports and much of it was dismissed

1:31:51

as not from the landfill. Reclamations part of the expectations or

1:31:57

conditions of approval. I do not think at any time that Benton County, any of its leadership, any of its planning and

1:32:03

land use professionals, nor the public anticipated a landfill being covered

1:32:08

indefinitely under torn tarps flapping in the breeze, not being reclaimed as was expected to be recreational areas,

1:32:16

use areas, farm areas, um, or green just green areas. To that point, I will point

1:32:23

to Mark Hankle's May 2020 22, excuse me, 2025 testimony that that speaks to the

1:32:30

difference between Coffenbute, the contrast with Colombia Ridge up in Arlington.

1:32:36

First, a 10,000 acre buffer surrounds this site 10 miles south of Arlington.

1:32:42

That buffer is preserved for wildlife habitat, weed farming, cattle ranching, and wind turbines.

People live, recreate

1:32:49

and even hold forage events and animal training clinics right next to coffen but the odors and blowing waste excuse

1:32:56

me odors and blowing waste is coffin but be part second

1:33:02

as you are hearing this can you imagine the young woman whose cow's name was

1:33:08

potato and paisley McKenna was it um her speaking to the impact as a 4er future

1:33:15

leader uh not quite yet out of high school, pursuing a career and a future

1:33:22

in agriculture, having to walk her animals in her pasture adjacent to the

1:33:27

landfill due to the risks that the landfill has brought to their property and in tears before this planning

1:33:33

commission. Um, so this one's for Paisley and Potato, right? Uh second, um Mark

1:33:41

Hankle's testimony, and this is to again Columbia Ridge Landfill, has the capacity to continue running for another

1:33:48

120 years based on volume projections from customers including the metro. Eastern Oregon is a good place for the

1:33:54

landfill in part because of drier weather to protect against to protect against contaminants seeping into

1:34:01

groundwater. And it's just a comparison and one that this planning commission and this body should consider.

1:34:07

Puffany mutations. Again, these are non-compliance or violations that are reported in the record. Coffin emissions

1:34:13

are so high the EPA now considers landfill as a super emitter, a term that is used to describe only the nation's

1:34:19

worst industrial polluters. It's unclear if fires and land all landfill fires

1:34:25

reported are reported to the DEEQ per the operation plan. Uh that's from Victoria Scott's testimony May 8, 2025.

1:34:33

The alternate daily cover use of tarps are non-compliant, leaving working face of landfill regularly exposed and

1:34:39

confirmed by satellite images and additional testimony. Ken Kanega, May 8, 2025.

1:34:44

The failure to cover working face of the landfill with soil tarps or adequate alternate daily cover.

Cell closure

1:34:51

requirements. um it's unclear and bounces around between there are none or there are some

1:34:57

closures. But at the end of the day, we're on cell six and all of those preceding cells presumably have been

1:35:03

closed or are close to closure. What does that cell closure look like? And in effect, it looks like a mountain full of

1:35:09

plastic tarps and otherwise billowing in the wind. There are no obvious

1:35:14

observable closures and the record is inconclusive. The runoff of contaminated tire Excuse

1:35:23

me. The runoff that occurs from contaminated tires, wheels, and trucks into

1:35:28

uncontrolled runoff areas uh constituting hazardous materials or

1:35:33

waste contamination or leachate, the uncontrolled litter, the uncontrolled noise mitigations. of questions still of

1:35:41

compliance are the land use compatibility statements. Um the delays in installation of enclo

1:35:47

of the enclosed methane gas flares requiring DEQ enforcement action that

1:35:53

was presented by beyond toxics Mason Levit May 6, 2025. Republic services

1:36:00

recently acknowledging 10% fugitive emissions. It says last year in this document, I don't know what last year

1:36:05

specifically referred to, but now in the application revised to 25% also from

1:36:10

beyond toxics May 6, 2025. That's a large difference from 10% to 25% fugitive emissions. And that refers to

1:36:17

methane gas emissions. It also refers to hydrogen sulfide, other fugitive

1:36:23

emissions and gases and also particulate matter with contaminants including PAS.

1:36:29

There are inconsistencies in this record with regular the quote of regular surface emissions and monitoring repair

1:36:35

holes in covers and tarps as presented by Republic Surfaces versus the visual observation of torn and unrepaired

1:36:41

covers. The EPA violations found in well documented in 2022 and again in 2024 EPA

1:36:48

being a federal enforcement and federal enforcement actions actually taken subsequently.

1:36:54

Republic services opting not to monitor up to 56% of landfill surface area through legal loophole.

This was also in

1:37:00

beyond toxic toxics and relates to the EPA or DEEQ

1:37:05

um noticed they reported that they were coming. So they were they were given

1:37:10

opportunity to remediate any issues. Uh those enforcement agencies came to the site and what they found were these

1:37:17

loopholes. So, do we feel that Republic Services is best of service and looking

1:37:22

at stewardship of environmental concerns or do we have inconsistencies in this record that point to these types of

1:37:27

questions? Again, the plumes of landfill gas emissions visible by satellite,

1:37:33

inconclusive, un not fully documented, not analyzed adequately. There's no

1:37:40

evaluation and there's no way for this body to actually determine how to analyze the risk that occurs in what is

1:37:46

obvious um record testimony that shows what's happening with those gas plumes,

1:37:54

the explosive levels of methane leaks found repeatedly and there are any number of testimony comments about that.

1:38:00

But the fact is is that our federal and state agency partners have recognized those explosive levels and made record

1:38:05

of it. the section 114 EPA Clean Air Act enforcement served in 2025. If that's

1:38:11

not 100% accurate, that's taking several public testimony, but it is the EPA

1:38:16

Clear Clear Clean Air Act and it is an action enforcement that was taken. The

1:38:23

delays in fence line monitoring for odor pollute pollutants which could have occurred prior to this application.

1:38:28

Incomplete data sets regarding odor monitoring, management of hazardous waist streams, including pesticides,

1:38:34

contaminated soils, batteries, fluorescent lights, pharmaceuticals, paint, solvents, electronics, and refrigerants. If you, any of you that

1:38:42

have farms, gardens, you take care of your vehicles, if you took everything in your garage and dumped it in your

1:38:48

swimming pool, would you jump in? And that might be a generalization, but the fact is these are hazardous materials.

1:38:53

They're entering into this waist stream.

1:38:58

And then the wastewater treatment plant process through the aeration release of airborne PAS as part of this

1:39:03

conversation as well as the process and how it's being mitigated. The undue burdens and and this is I'll

1:39:11

try to pull out the ones we've talked about but there are numbers that I a couple of them that I really want to point to. The data in inconsistencies in

1:39:19

this record and inaccuracies by all appearance um is troubling for how we should make a decision on this actual

1:39:25

application. There is data linking so undue burdens to this community whether it be to

1:39:31

community individuals quality of life seriously interfere um infrastructure our staffing whichever number of those

1:39:38

this all kind of falls in under that umbrella. So there's data linking hydrogen sulfide gas emissions to lung

1:39:45

cancer. What does that mean to our neighborhoods? PAS the notorious endocrine disruptor and carcinogens 10

1:39:52

to 12 years of odor for 10 to 12 years many testimonies would say had not

1:39:57

really experienced odor as an issue but increasing over time with the expanding size of coffin but landfill which can

1:40:03

only be then expected to increase as we fill in that last 35 to 40% of the

1:40:09

currently approved operations and then any extended operations beyond add

1:40:17

it's estimated 6 to 7% of landfill waste is from Benton County. Woohoo is in fact hosting 27 counties up to as many as 36

1:40:25

and Benton County talks trash. It depends on the time frame from which we're talking from three or four states

1:40:30

again depending on which testimony we're talking and Benton County talks trash reporting. So that is from Oregon,

1:40:36

Idaho, Washington and California in the record. That's a tremendous undue burden to Benton County in all capacities and

1:40:42

all ways to all of the subsets of undue burden that we're speaking of with this group. The 2021 application for

1:40:48

expansion unanimously was denied finding it would cause significant harm to Benton County.

1:40:54

Um so up until 2021, this is the position that our planning leaders were taking. Less than 60% of methane

1:41:00

emissions from coffin but landfill are captured per DEEQ submitted by Debbie Palmer May 6, 2025. Again, this is undue

1:41:07

burdens. Ben County's lack of updated waste management plan, the cumulative effect of odor,

1:41:16

noise pollution, air quality, uncontrolled litter, traffic congestion, visual blight, ground and surface water

1:41:22

contamination is indeed substantial and it's emanating from this growing mountain of waste that starkly

1:41:28

contradicts the professed values of our community. the depressed property values resulting in reduced funding for the

1:41:35

airly um airy rural fire and response. Um a a

1:41:41

very clear testimony for those of you that understand how those fire districts are funded. When property values decrease, so to go decrease the

1:41:48

percentages that fund, in this case a fire district. Um what does that mean to

1:41:53

rural fire and rescue? Well, that means reduced capacity, reduced resources. So those depressed property values aren't

1:42:00

only impacting homeowners, they are impacting that small region of

1:42:05

properties that support and fund the rural fire and rescue district, which in fact in in turn can impact their

1:42:12

response to copen landfill specific or related fires. The expansion impacts of

1:42:17

the construction period reported by Republic Services to be up to eight months. A couple of the commissioners have have commented this is not part of

1:42:25

this conversation when we talk about noise. When we talk about traffic, when we talk about impacts and quality of

1:42:31

life to the adjacent property owners, it's not been considered uh in the application and has not been presented

1:42:37

here other than the intermittent testimony from the public. The expansion risk to Wells and Springs

1:42:44

in near Tampico Ridge area, which Commissioner Lee has pointed to very well and very accurately based on this

1:42:51

record. The traffic impact analysis does not adequately improve and this ones we haven't talked about significantly here.

1:42:57

But that traffic impact analysis as presented does not include construction traffic. It does not include the

1:43:05

expansion of the traffic around it and any other planning um and land use applications I've been a part of have

1:43:11

required that we consider what's happening for example in a dair village and how might that affect that traffic impact analysis. Um it seems that that

1:43:20

TIA was very insignificant in its analysis. If I heard correctly, we sat on the corner and we counted a number of

1:43:27

vehicles. It's not really the kind of modeling that I would expect us to use when we are considering this. But at the

1:43:33

end of this day, we have an entire construction phase before even an expansion phase that we are not considering that traffic impact to the

1:43:40

region. The potential future clos the potential future closure of Coffen but Road a

1:43:47

reality whether presented here or not um is a a potential and real risk that as

1:43:53

planning commissioners we should be considering and up to 35% more increase in the

1:43:59

dump's total surface area. What does that mean with the proportional increase in risk impact emissions etc and the

1:44:06

vehicle traffic increase as well? the no- risk analysis of financial

1:44:12

burden to county present um present impacts the closure of the landfill

1:44:17

financial burden to Benton County residents and taxpayers and the post-closure impacts and then the

1:44:22

long-term financial burden as well the risk of excuse me

1:44:30

the risk of reduction in disaster assistance as a rural area and I think commissioner Lee actually pointed to

1:44:35

some of that as well PAS in both leech and in airborne gases is not something that we talked about substantively here.

1:44:43

In particular, the bioaccumulations in surrounding environment found in the groundwater and surface water, but also

1:44:49

perhaps even equally as important in soil aggregates, in plant material, in livestock that exist in and around this

1:44:57

PAS airborne gases plume, which is clearly undefined at this point.

1:45:04

The risk of an expanded or new landfill as an additional source of arsenic uh was touched on here, but we have no data

1:45:10

of which to move forward on making in any deliberation on that topic. The ongoing disturbance to the great blue

1:45:16

heron nesting colony. The DEEQ's unresponsive or lacking follow-through

1:45:21

again in it of itself is another point. How do we rely on an unknown state

1:45:28

partner when it relates to criteria outside of our criteria? But it does relate to our criteria when we talk

1:45:34

about undue burden. Benton County staffing.

1:45:40

How much to accept, categorize, archive, review, and summarize for this expansion application. How much meaning how much

1:45:46

time, how much resourcing, how much financial cost. These are these are positions that are paid.

They are

1:45:52

positions that have benefits. What are we giving up in order to prioritize what

1:46:00

could arguably be considered an undue burden? Would county planning commission residents be better served by using

1:46:06

these limited county resources on other efforts such as the comprehensive plan review that is in process

1:46:14

but slowly. um our citizen involvement advisory committees which have been set

1:46:19

aside um part of Oregon's land use goal number one our interest in fire which

1:46:25

when I first came on the commission had been talked about the planning commission that is had been talked about in 2021 as priorities for this group it

1:46:33

is now 2025 and we've spent little to no time on fire risk management it's a conversation the commissioners have

1:46:39

brought up repeatedly but there's a capacity limit to our staffing

1:46:46

the undue burden to Benton County residents, in particular those on properties near the landfill, being forced to sacrifice their comfort and

1:46:53

livability for the sake of others, not just in Benton County, but regionally and in counties across

1:46:59

Oregon, including Idaho and Washington, that all benefit from the coffin landfill, but do not pay a proportional

1:47:06

responsibility, burden, or fiscal liability to this to this

1:47:11

industrial operation. the inability of those residents to recreate or work outdoors. Children who

1:47:18

are unable to play outdoors, direct health impacts, burning eyes, lungs, tightening of chest, reports of cancer

1:47:24

clusters, all things we've heard in this testimony, the resorting by countless testimony both in writing and before

1:47:31

this planning commission of individuals being forced to close their windows due to extreme odor, the impacts to farming,

1:47:38

the maps documenting methane and odor plumes far exceeding what public services is willing to admit.

1:47:45

Coffin, but Virginia Scott's testimony, the single place in Benton County where more fires have started in the last 50

1:47:50

years than any other location. It points to the fire risk and the realities in

1:47:56

2018, May, and July 2024. Fires at the landfill responded to by Adair Burrough Fire and Rescue.

1:48:06

We have had flare events in that case. We have had grass fires in those case. In this particular instances, it was two

1:48:12

flare proximity fire events in one year, of which Republic Services says they have implemented mitigation that should

1:48:17

have prevented that second fire from happening. After hours fires have been referenced,

1:48:23

the negative impacts on wildlife have been referenced. However, our public testimony far exceeds the applicant's

1:48:30

consultant that provided testimony on the heron rookeries, on the elk migration patterns, on the eagles and

1:48:36

their influence in this space. And we're left to determine again this tale of two landfills. Which which is the truth and

1:48:42

which bears more weight

1:48:50

to the fire risk and Virginia Scott's testimony. I do want to point to the motor vehicle accidents respond to by a

1:48:56

Darboro fire. 111 from 2013 to 2025. How many of those are landfill related?

1:49:02

And that's a question that we cannot answer because we do not have that evidence. Um, it has not been an

1:49:07

emphasis of this application and yet it's here in this testimony looking at us to answer what about those motor

1:49:14

vehicle accidents. What are the hidden costs of this landfill application for expansion

1:49:21

versus the benefits of lower cost waste services? Um, it's a good question.

1:49:26

Omissions, leech, brownwater contaminations, and we're familiar with the list.

1:49:31

20% of individuals of 126 surveyed in Adair village reported modifying outdoor

1:49:37

activities to avoid going outside due to odor concerns of exposure to toxins. We expand the landfill by another 35 to 40%

1:49:44

of capacity and then we consider this application. What does that mean for a dear village?

1:49:53

And I literally have from this record about two more pages of which I'm going to jump beyond a deep burden, but they

1:50:01

are all from this testimony here. And some of them you'll hear and some of them will rec you will recognize. Um the

1:50:07

ones that I really do want to circle back to is the fire risk. And I I've high pointed on them, but Virginia

1:50:13

Scott's testimony in particular on page six of her testimony highlights the

1:50:19

landfill fires, the landfills in the region of the landfill. excuse me, fires

1:50:24

in the nearby area of the landfill and then also the composting site fires

1:50:30

which of course are not the landfill specific but what are the risks of those emerging embers and or spreading embers

1:50:37

in high humidity instances and high wind events. Um to that point, 28 landfills

1:50:43

in that 2013 to 2025 period, 17 of the composting site fires, 111 nearby fires,

1:50:52

the motor vehicle accidents were listed at 195. So I apologize, I cited 195 11

1:50:59

as the motor vehicles, it's actually 195. The 111 is nearby fires. So that's Virginia Scots and that's based on

1:51:06

records of the Adair um fire district. And so when we look at that, do we have

1:51:11

adequate information? I do not feel like I have adequate

1:51:16

information to go yes, just this undue burden alone in today's fire, not only

1:51:22

actually environmental climate, but political climate and the reality of what's occurring in Oregon already this

1:51:28

year with fires. This is a risk that seems has been glossed over and not given adequate or

1:51:34

sufficient burden. The burden of proof has not been met in this space. Um I will point to but not read in any

1:51:41

explicit detail um the full submitt by the fire chief

1:51:49

but I do want to point to number two. There's been a significant increase in daily truck trips to the landfill over the last 5 to 10 years. Has the county

1:51:56

performed an analysis on vehicle trips, motor vehicle collisions, road conditions during this time? Has the

1:52:02

county analyzed data with surrounding counties along major travel routes from counties that transport to coffin but landfill? Has there been an increased

1:52:08

burden on emergency services along these routes? Is the annual tonnage cap, if it is listed, an expected consequence of

1:52:15

any expansion? What additional burden will be placed on transports wasted to our waste, excuse me, transport

1:52:23

transported, I think is what it's supposed to read, waste to our county. How will that burden be compounded if

1:52:28

there is also corresponding drop in property tax revenue? And I think that number two in the chief's statement

1:52:35

really circles around the bigger question here, which is we don't know. We can't plan because we don't know. And

1:52:42

these are real risks and real concerns. Um I'll also point to my sp my comment

1:52:49

about bioaccumulations. Uh we received public testimony from the Mary's River Graange. Just for full

1:52:56

disclosure, I'm a member, although at a distance member of the Mary's River Graange. I did not know they were submitting that testimony, but their

1:53:02

point was sound and that was about the dispersion of PAS through emissions. So

1:53:08

air particulet, we talk about PAS and gas emissions as well and how that impacts our immediate

1:53:15

farms as in our businesses, their livelihoods gathering together farms, right? Green Gable Farms, Sunville Farms

1:53:21

in that area. Um also we have Windy Hill Farm and any number of others up closer

1:53:26

to the landfill. How many farms are out there? There is numerous testimonies in here about farmers who cannot get

1:53:32

workers to come back to their farm because of odors, because of breathing complications and what and how is that

1:53:38

impacting and their scientific data re referenced in this testimony as well that speaks to that bioaccumulation of

1:53:44

these toxins in particular PAS which is considerably smaller than microplastics

1:53:50

and is being found within the bloodstreams of humans and animals at this time. So, we don't know and that's

1:53:55

again an undue burden for this this body and this community. Um, a high point

1:54:00

again, this was a long list and it's extracted from this testimony in the annual reports as well. What's actually going into our landfill? And this was a

1:54:07

question that was difficult to get answered even during Benton County Talks Trash. It would be in that record. Um,

1:54:12

it was also difficult as a planning commissioner to get those questions fully answered and it feels like there's

1:54:17

a lot of wiggle room. So, anybody that stood there with a 5-year-old who's got a handful of cookies and a mouth full of chocolate chips and the cookie jar is

1:54:24

over there going, "Wasn't me." That's how this felt. And it doesn't mean to be disrespectful, but again, it's a

1:54:30

cognitive distance between what we're hearing and what we're seeing and what we're

1:54:35

reading in these records. So, what is going in the landfill based on testimony? Municipal bioolids. And in

1:54:40

fact, what that is is the dilution of any number of toxins, heavy metals, contaminants, including PAS. There are

1:54:47

records and in this testimony as well where those municipal bioolids are used as fertilizer on farmlands and there are

1:54:55

tens of millions of farmlands that are now no longer able to sustain livestock and or crops because of the bioolids and

1:55:02

the toxins that have been carried to those spaces. This has been a marketable product for the waste management sphere.

1:55:09

So we don't really know what we're looking at this application. We hear that the organics are capped at 900,000

1:55:15

tons, but it felt like there was some wiggle room. Just think the cookie jar in that space as well. And I don't feel

1:55:20

like I have answers to say that yeah, we're not concerned about municipal bioolids. We should be anything that

1:55:26

goes into our landfill. Again, the liners will leak. So, what does that look like for leech aid? What does it

1:55:32

look like for fire exposure? What does it look like for gas emissions? Livestock carcasses, animal cattle,

1:55:37

unknown disease and contaminants. In the world of bird flu, reportedly moving on

1:55:43

to hoofed animals including cattle. What does that mean? When we are bringing livestock carcasses to coffin landfill,

1:55:51

unknown other industrial contaminants, solvents, epoxies, fluorescent lights, containers of paint, televisions,

1:55:58

refrigerant systems, e-waste, uh organic fish and slaughterhouse waste. Again,

1:56:03

what does that mean to this coffin but leech and gas emissions ecosystem that

1:56:08

we have housed in Benton County? Other hazardous materials that are unregulated, unknown, including

1:56:14

batteries, agricultural chemicals, major fire and disaster debris we saw in 2020, 2021, and I think I saw references as

1:56:21

recent as 2024. We know that those are hazardous materials as well. We also know that hazardous materials are

1:56:28

specifically and explicitly being taken into coffin landfill. What is the environmental impact over the next

1:56:34

several generations and immediately? Contaminated waste from consumers power was cited in testimony including wood

1:56:40

preservatives for telephone poles. Any of you use telephone poles or railroad ties for your gardens probably know

1:56:45

better by now. Um these are ending up in our landfill or have ended up in our landfill. PCBs from leaking

1:56:51

transformers. Covanta incinerator ash including medical waste. Uh previously have been used as an alternate daily

1:56:57

cover and including heavy metal contaminants. Super fun waste, not just this is a super emitter location. Actual

1:57:04

super fun waste from other locations are being brought to coffin but landfill.

1:57:11

Forever chemicals have been lots of conversations but lots more to come in the future. Uh three four orders of

1:57:17

magnitude smaller than most microplastics is here the reference I have from that now being identified in the circuit system of humans and animals

1:57:24

with the potential to affect growth learning behavior in infant infants and older children. could lower women's

1:57:31

chance of getting pregnant and could increase the risks of cancer. Um, Bill Golati May 6, 2025, but also cited by

1:57:38

numerous others. What else is going into our landfill?

1:57:45

So, the hearing process for me really illuminated a lot of questions. Um, I

1:57:51

thank all of my planning commissioners for their patience in asking those questions, but I really appreciate the

1:57:56

questions that my peers asked as well because I feel like we came to a lot of conclusive information for this record

1:58:03

that helps us with this process. Uh, for me, I am not confident that this application meets any number of burdens

1:58:09

of proof nor protections or mitigations for undue burden for Benton County

1:58:14

residents. Um, I have a list of what's coming out of the landfill. It's in the testimony. I'm

1:58:20

not going to read that. I will read in closing, however.

1:58:28

And you'll bear with me while I scroll to that, please. Oh, I'll cite this before I get to closing. Not only again,

1:58:36

synthesizing data. I we've we've looked at these records. We've sat before the individuals in the community, the

1:58:42

applicant, and the staff report. The membership numbers that were rep represented in this testimony were

1:58:48

significant. It wasn't individuals, couples, and families only. It was the Mary's River Graange, the League of

1:58:54

Women Voters in Corvallis, the Oregon chapter of the Sierra Club, 350 Salem, the great old Broads of the Wilderness.

1:59:00

Thumbs up for whoever named that. That's great, by the way. Um, way to go on that one. We have B-ex

1:59:07

right valley neighborhood neighbors for environmental quality and safety which have had a solid presence here but have

1:59:13

brought a tremendous amount of value in their testimony. The Midwell Lamid Bird Alliance the Audibon Society of Corvallis

1:59:19

and again translate this into numbers of membership because these are official submitts by these bodies. The volunteers

1:59:26

volunteers at Wamtt River keepers. The ENRECH, which is our environmental and natural resources advisory committee for

1:59:31

Benton County, never intended to be tasked with the solid waste advisory council or the disposal site advisory

1:59:38

committee's work and yet came through in this space uh and provided that report for us. Beyond toxics has been present

1:59:45

along the way here. Adair uh rural fire district, the V, sorry, it's the Adair

1:59:51

Fire, help me out. Adair rural fire protection. Thank you. I'm from Paloma. That's

1:59:57

different and I always hear that when I go to say it. So, um, thank you to them as well. Benton County Republicans

2:00:03

submitted testimony in opposition. These are all in opposition. Benton County Democrats, the Lynbenton Pacific Green

2:00:08

Party, private citizens who serve in elected positions as well, not representing those elected bodies, but

2:00:14

in fact recognizing that they sit in that space in our community.

2:00:19

So it's important that we acknowledge the weight of these testimonies as it relates to those bodies and individuals as well. Further, we have had

2:00:26

legislative action taken in this last u in this last 2025 legislative session.

2:00:33

We have seen Senator Ron Weiden, Senator Jeff Mkeley, Representative Val Hoy get

2:00:38

involved on oversight and issues and concerns over what's happening at Coffen Landfill. We have also seen Senator Deb

2:00:45

Patterson. Uh there's another senator up from that area as well. I don't know by name personally, but he's also been

2:00:51

involved in that process. We have seen representative Sarah Finger McDonald has also step into this space of which is

2:00:58

perceived undue burdens and documentable in the record could be arguably concluded that the undue burden is

2:01:04

significant. My concern is this is that

2:01:14

a vote to approve this application is in effect an extension of the status quo with little means to regulate, enforce,

2:01:20

limit, mitigate, or recall any short-sighted, insufficiently informed or pressured decision for minimal

2:01:26

revenues at a tremendous long-term and immediate expense for Benton County residents is

2:01:32

is irresponsible based on our our duties. The threat of increased garbage rates is

2:01:38

not a justification for approving this expansion and it manifested in it. It is

2:01:43

manifested as a small price to pay to protect and reclaim if it is manifested, excuse me, where we incur increased

2:01:50

garbage rates to find solutions to rail dispatch waste to a more reasonable

2:01:55

cited location for waste in the state of Oregon. That increased garbage rate

2:02:00

manifested as a small price to pay to protect and reclaim in Soap Creek Valley and surrounding neighborhoods, the farm,

2:02:07

forest and recreational areas, and the quality of life that we we cherish here

2:02:12

in Benton County. The selling off the future safety, health of our safety, health, and well-being of our residents,

2:02:19

the health of our environment for generations to come is a betrayal and a neglect of the duties bestowed on Benton

2:02:24

County. There is no price tag worth that trade-off.

2:02:30

I hope that the decisions do not bring us to this place, but I imagine what this looks like if we make the wrong

2:02:35

decision here where we have the Coffen Landfill Museum of Benton County, where the herand used to visit next to this

2:02:42

site, where visitors used to fish and recreate, kayak, swim, where bicyclists

2:02:48

used to travel in the region and and appreciate the views and the vistas and

2:02:55

the the um animals and the experience

2:03:00

where wellwater used to be clean, where the air used to be fresh, where farmland

2:03:05

produced clean and safe produce and crops, where homeowners sat, played, and

2:03:10

worked outdoors in their yards, where the Wamtt River was less polluted, where drinking water was safe, where people

2:03:16

were healthy with reduced risk or recovering from cancers. What I see in

2:03:23

that space is a dystopian nightmare of what once was a beautiful Benton County. And I'm a 20-year resident of Benton County as well. 20 actually two this

2:03:31

December. There is no assurance that after a 50-year history of documented gaps in compliance of conditions of

2:03:37

approval, documented violations of EPA and DEEQ environmental regulations and disregard

2:03:43

for the health, safety, and financial solvency of Benton County, that there is any condition of approval, much less 90,

2:03:50

that would serve Benton County. No amount of threatened increase in waste service fees can compensate for the

2:03:55

outlandish risk that Benton County and all its residents are being asked to assume through this application.

2:04:01

A denial of this application secures protections for Benton County from any further expansion at this time. It

2:04:07

forces Republic Services in the waist stream producers to address an in imminent closure of this landfill along

2:04:13

with the requirement for better alternative solutions. Anything less is a denial of the responsibility of Benton

2:04:19

County to protect its residents by honoring the comprehensive plan, the 2040 Benton County Thrivings Community

2:04:24

Initiative, the Benton County Code, and most importantly, the expectations for those served by this county who deserve

2:04:30

a safe, sustainable quality of life through environmental stewardship and protections.

2:04:35

In the end, this landfill expansion is really about revenue generation for republic services versus the frontline

2:04:41

experiences of Benton County residences, their financial futures and public infrastructure and services.

2:04:47

To quote Mark Lee's April 2025, some of you just said it better than I can. These are real people, families with

2:04:53

children, not to mention wildlife and farm animals that are being affected by the mismanagement of this landfill. All

2:04:59

these concerns about the current problems with the landfill obviously need to be addressed and resolved before entrusting more waste into the hands of

2:05:05

Republic Services. I see no reason to believe that Republic Services would somehow do a better job of managing an

2:05:11

enlarged footprint of their facility. The solution to this

2:05:16

mountain of waste that we currently experience is not to expand the location where it is being placed. Ben County has

2:05:22

said loudly, "Set a date and expectations for closure of the landfill. begin reclamation of closed

2:05:28

cells to comply with past conditions of approval and community expectations. Seek alternative appropriately cited

2:05:34

waste locations for regional Oregon. Assure an assurance that through careful

2:05:41

risk management and evaluation of environmental risk reduction will result resulting from current operations. A

2:05:48

fiscal assessment and assurance of adequate closure and postclosure actions and compliance and and to continuing

2:05:54

applications for expansion which has placed tremendous burden on the public Benton County resources, infrastructure

2:05:59

and at a cost of other Benton County priorities and initiatives. A return to breathable air, return to safe drinking

2:06:05

and wellwater, the right to livability and livelihood. Benton County has asked for solutions and not more expansions.

2:06:14

The contempt that Republic Services has shown openly to the public during this process and during Benton County talks

2:06:20

trash for those that were expressing concerns is in fact a contempt for Benton County.

2:06:26

The disregard by Republic Services of the many conditions of approval that by observations alone are in question and

2:06:32

operational best practices at the coffin landfill site is a genuine disregard of Benton County. And the persistent

2:06:39

dismissal by Republic Services, a federal and state regulatory authority is a de facto dismissal of the needs, the

2:06:45

safety, the well-being, and the future of Benton County and its residents. I will leave you with this

2:06:52

undue burden. If just one well is destroyed because of

2:06:58

this landfill presently mismanaged by an oversight mismanagement of oversight

2:07:05

conditions of approval. If just one property is lost, sold,

2:07:11

pressured out of the area because they can no longer procure their livelihood.

2:07:17

If just one parent is lost, if just one child is lost. If one business is lost.

2:07:23

If one family is lost, one horse, one cow, potato and paisley,

2:07:32

which of us would trade places with those individuals and which of those which of us would accept the

2:07:37

responsibility of that loss because that is undue burden. And that is why I cannot and do not support this

2:07:44

application under any conditions of approval. Again, reviewing 50 years of record gives me no confidence that this

2:07:50

applicant is presented application as presented provides enough assurances and guarantees

2:07:59

that this decision if approved will protect the safety, the health, and the well-being of Benton County residents.

2:08:06

So, thank you. Thank you.

2:08:17

No positive or negative comments, please. Now, we're going to take a 10-minute break. Uh because I need one.

2:08:26

Uh and we'll come back. Okay.

2:08:32

Yeah, Catherine's over there.

2:08:38

It's right there going again.

2:08:54

as joined us. Okay.

2:09:14

Okay. We are reconvene.

2:09:20

Uh we have remember uh opening comments are voluntary but uh we have three more

2:09:27

commissioners to provide their uh opening comments uh help us to to

2:09:32

deliberate towards a decision this evening. Okay. Uh and the next person is

2:09:39

uh Commissioner Fulford.

2:09:47

Thank you, Vice Chair Haymon. Um, I don't first off, I want to want to state

2:09:53

I don't think we can say this enough, right? Uh, I want to recognize and thank all who participated in this complex and

2:10:00

weighty process. The time, thoughtfulness, and lived experiences expressed uh during and through the

2:10:06

public testimony have been deeply valuable. Um, I want to also acknowledge the applicant Republic Services for

2:10:13

their detailed efforts, their willingness to adjust their proposal time and time again to responses and

2:10:20

concerns. Also, our Benton County staff worked diligently to compile, review, and present an enormous amount of data

2:10:28

uh data uh and information to support the decision making process. So, thank

2:10:33

you. These type of deliberations are never easy. They carry long-term

2:10:39

implications for our land, residents, environment, and regional policies. As a

2:10:44

community, Benton County faces rising land values and an increasing cost of living, making thoughtful land use

2:10:51

planning even more critical. Decisions we make today, especially concerning

2:10:56

major infrastructure like landfills, will shape the economic environmental well-being of our county for

2:11:02

generations. The coffin land view land I'm sorry coff the coffin but landfill was once located

2:11:09

far away from town. Today residential and economic development has expanded
2:11:15
drawing our communities much more closer to the landfill boundary than we probably ever
wanted to. While the
2:11:22
desert or remote areas served by rail offer uh low lower impact options in the
2:11:28
future, the proximity today of this site to schools, homes, major corridors
2:11:34
raises legitimate concerns about compatibility. Uh my focus is going to be narrowed
2:11:41
today. Uh obviously um sitting next to Commissioner Lee and Commissioner Bisco,
2:11:46
the comprehensive summaries have been pretty much covered. So, I'm going to narrow it down.
Um, the legal policy
2:11:53
foundation is uh Ben County Code 53.220 uh which requires a proposal will not
2:12:01
seriously interfere with use on adjacent property and the use will not alter the
2:12:07
character of the area or unduly burden the public facilities.
2:12:12
Even if mitigation is proposed, serious interference or burdens must be avoided,
2:12:17
not just reduced. approval requires clear evidence that adverse impacts will
2:12:23
not occur, not just promises of monitoring or offsetting after the fact.
2:12:29
So, some key arguments, incompatibility with the evolving character of the area,
2:12:34
the landfill is no longer isolated. Urban and rural residential areas have
2:12:39
expanded, making this land uh use increasingly incompatible. Right? This
2:12:45
is a 25-year decision to 202 in the context of massive residential growth
2:12:51
and land scarcity. Uh staff reports and BCT findings confirm growing public
2:12:58
opposition and a changing standard of uh compatibility. Unsolved legacy and future oversight
2:13:05
failures. Past cup conditions remain unmet.
2:13:10
uh screening boundary violations with significant visual and land use consequences.
2:13:16
Benton County relies on a complaint-based enforcement model acknowledged as insufficient by
both

2:13:22

staff and the applicant. Proposed OP17 third-party monitoring is untested and

2:13:29

does not correct long-standing systemic enforcement issues. If compliance was

2:13:35

inadequate under previous conditions, trust in the future compliance over

2:13:41

three decades is questionable. Um, DEEQ reliance argument fails the

2:13:47

local compat compatibility test. DEEQ and EPA environmental compliance does not negate

2:13:55

BCC or BCC 53220 requirements for land use compatibility.

2:14:02

Local authority remains essential to address noise, odor, traffic, water, and

2:14:08

character impacts. Odor, litter, fire mitigations are promisory. Uh, we've

2:14:14

heard that several different times. Um, the cup undermines county climate and waste goals.

Approval extends coff's

2:14:21

life to 50 20 52, disincentivizing alternative site planning or waste

2:14:28

innovations. but also delays in exploring zerowaste solutions or new regional facilities are likely.

2:14:36

So um based on the evidence of record the proposed expansion does not meet the

2:14:42

compatibility standard of 53220. The landfill is increasingly

2:14:47

incompatible with surrounding land use creates undue burdens on nearby residents. Presents unsolved risk

2:14:54

despite proposed mitigation. A cup for expansion through 2022, especially

2:15:00

without a holistic regional solid waste strategy in place, does not line with public interest. I recommend denying the

2:15:08

application. There you go. Thank you, Commissioner Pley.

2:15:15

Commissioner Thrower. Thank you, Vice Chair Haymon. Um and thank you to everyone um as it's been

2:15:22

said and probably needs to be keep being said that's participating in this process. Um particular to our staff I

2:15:29

want to give um some kudos that at least from my perspective as a decision maker it this process has felt smooth. I'm

2:15:35

sure behind the scenes it has not been smooth. Um but for some someone looking outside in for the it it looks like

2:15:42

I'm sure as someone who works it there have been multiple issues with uploading documents especially the volume that

2:15:47

we've we've had. So um also thank you to the applicant and the community that

2:15:53

have participated. Um it it's this process has gone smoothly much smoothly

2:15:59

than I've seen in other land use um hearings. um to the application um I primarily

2:16:06

focused on um 53.215 in the um in the DCC 53.215 215 in the

2:16:14

code. Um in in particular the you know the proposed use does not sinc seriously interfere with uses on adjacent prop

2:16:21

property with the character of the area or with the purpose of the zone. And for those who know me um who've known me in

2:16:28

the public for a while and in different roles though I try to find the compromise and try to find how how do

2:16:35

the things work and usually when you have conditions approval like this that usually helps you get there but I keep

2:16:41

coming back to this it doesn't work it doesn't fit um even with the conditions

2:16:46

of approval that have been added in um I I there in the record in the discussion

2:16:52

there was um that this that this portion, this expansion is an expansion

2:16:59

of current operations. But for me as someone who's looking at this, I still

2:17:05

can't see how this is actually an expansion of the current operations because it's not connected. It's actually on this southern side of Coffen

2:17:11

Pew Road. It's actually away from current operations. And so, yes, it's an expansion of operations, but to me, it's

2:17:18

not an expansion of the landfill because the land is not actually connected. And so I and that's just how

2:17:25

my mind has has gotten gotten into this. Um I think it does interfere with

2:17:30

adjacent property. Um it's going to change the character of the area because you're increasing you're going not to

2:17:35

have one large and excuse my terminology mountain of trash. You're going to

2:17:41

actually have two that will be separated by road. Um and so it it changes essentially you're creating a valley

2:17:47

with that with coffin road in going in between the two areas. And so to me it does change the character of the area.

2:17:54

Um I agree with everything that um Commissioner Bisco and Commissioner Lee have said as well as Commissioner Fulver

2:18:00

before me um and Cher um Fuller. Um I I'm trying to summarize here um in some

2:18:07

of this so that we're not hearing things over again. Um I am concerned on the

2:18:12

groundwater. I wasn't satisfied in what I heard related to groundwater um in

2:18:18

particular and maybe it's just because that's just the process and how information came in um and what's

2:18:23

happening with the durability and testing groundwater um especially their drinking water. Yes, there was comments

2:18:29

that Coral is testing and their and their um drinking water is clean and that's because it's not coming from the

2:18:35

same source away from the landfill. Um, but I I would have liked to hear more related to an air village and that area.

2:18:43

Um, and so I don't it I do have concern that that that maybe it is not maybe

2:18:49

it's clean at times it's being tested maybe but not at all times. Um, I want to thank Commissioner Lee for her

2:18:56

comments and findings around government services. Um, I believe that does fit in

2:19:01

and I pulled up the code here so I could have it within that um 53.215 215 part

2:19:06

two that that proposed use does not impose an undue burden on any public improvement facilities, utilities or

2:19:13

services. Um I I would agree that includes government services. Um I had

2:19:18

not actually considered that until you had brought that up, Commissioner Lee, so thank you for that. Um and so I again

2:19:24

I I believe this expansion of operation in a setting of a new landfill or a new

2:19:31

um area is would seriously interfere under both U 531 53215

2:19:38

part one and part two and I'll leave it there for our discussion later.

2:19:44

Thank you. Commissioner Wilson.

2:19:50

Thank you Vice Chair Haymon. I appreciate you. Um,

2:19:56

I'm gonna keep it as brief as I can because I think we all of us, my fellow commissioners,

2:20:04

uh, would like to be able to have further discussions to come to a decision. But I first wanted to thank

2:20:11

staff the community development department um who have done yman's work in

2:20:19

preparing all of the materials and not just their reports both first one and

2:20:25

the second one but also preparing all of the public testimony in written form and

2:20:30

available to us online in a comprehensive manner in which we can review uh that material as well as how

2:20:38

it related to the uh the public testimony that we heard at our public hearings. Um that they also facilitated

2:20:47

all of that all of our public hearings has been uh appreciated. Uh and um and

2:20:54

so cuz I and my fellow commissioners, we are citizen commissioners. We're not

2:20:59

subject matter professionals. We're not professionals, professional land planners. uh we are citizen planners

2:21:09

who try to represent the best interests of our community, Benton County. And so

2:21:15

I appreciate the community development department and the work that they've done. I also appreciate the applicants

2:21:21

work and the the diligence and the effort that was put into preparing their

2:21:28

application for this expansion. The information was exceedingly helpful

2:21:34

uh in terms of my ability to uh be able to synthesize all the information that
2:21:41
was provided with regards to how this situation and how this uh expansion
2:21:47
would affect our community. I also want to thank my fellow commissioners because we've all
been
2:21:54
able to work collaboratively in this effort. Uh and I think we've been respectful to each other.
2:22:00
uh and have been receptive to listening to both uh positions and ideas that we
2:22:07
agree with and position ideas that we don't agree with. And so I think that I
2:22:12
appreciate um my fellow commissioners in that manner. At this point, I think that it's I the
2:22:19
words of Chair Fowler that were spoken at the beginning of our hearing tonight speak volumes
as to how
2:22:27
I have uh synthesized and perceived this application.
2:22:32
And Chair Fowler spoke directly to and I think my fellow commissioners are relying as well on
section 53.215
2:22:40
as the criteria is sections 1 2 and three. And I remain unpersuaded
2:22:48
um by the uh the county's staff report
2:22:53
that the uh with these voluminous conditions of approval that
2:23:01
that this expansion will serve uh the best interests of Benton County and our residents.
2:23:07
And so through the deliberation process, as Chair Fowler said, if I can be
2:23:13
persuaded that they can meet the requirements, uh that the conditions of approval could
2:23:19
make the expansion in the best interest as under 53215.
2:23:26
Uh that I am receptive to listening to that as well, but at this point uh I
2:23:31
remain unpersuaded. Um, I want to commend Commissioner Lee, Commissioner Bisco,
Commissioner Fulford
2:23:39
and STRS uh for their um
2:23:45
detail of both the information, especially with Commissioner Lee talking
2:23:51

about the undue burden on government services, uh, and with, uh, Commissioner

2:23:56

Bisco addressing a lot of the public testimony, a lot of which

2:24:02

I think that as we sat through some of that public testimony, some of it was pretty emotional. And I I think that I

2:24:09

can speak for my fellow commissioners that um that testimony uh that we heard

2:24:15

on those uh multiple nights of public testimony uh were very impactful.

2:24:20

Um, I appreciate uh the points that uh

2:24:25

Commissioner Fulford and both others have made with regards to uh the uh the

2:24:32

details about how both with undue burden and with seriously interfering with the

2:24:39

um the uh the adjacent properties uh and the community itself because the

2:24:46

landfill, as I think my fellow commissioners have pointed out, isn't just affecting the adjacent

2:24:52

properties. It affects a much wider community of which I'm a member. I live

2:24:57

in the DARE and uh and live in North Benton County. So, uh it's it is uh it

2:25:05

is a uh uh it is present to uh our community, to the community of North

2:25:11

Benton County, to central Benton County uh and those even in southern uh southern Corvalis, city of Corvalis. So,

2:25:19

uh, all of those, um, I think have a great deal of weight to be considered.

2:25:26

And so, I'm going to close my remarks at this point to allow us to continue deliberation uh, with regards to the uh,

2:25:34

land use uh, application before us uh, so that we can reach our decision. Thank

2:25:39

you, Vice Chair Hammond. Thank you. Thank you, Commissioner Wilson.

2:25:45

Uh I believe that Commissioner Cash was not able to join us. Is that correct? Okay.

2:25:52

Uh we will move forward at this point. Um yes, Commissioner Shrethers. I would have a motion to offer.

2:25:58

Yes. Um, I move that the conditional use permit for expansion of the coffin

2:26:03

landfill be denied based on evidence in the record and findings in opposition and conclusions developed at the public

2:26:10

hearing as well as provided in the opening statements um by plan commissioners tonight.

2:26:16

I can second that motion. Vice Chair Hammond, we have a first and a second motion to deny um

2:26:23

conversation. Yes, I went through the conditions of

2:26:29

approval and you have a microphone. Oh, yes. I went through the conditions of approval. Uh not thoroughly and not

2:26:37

in detail, but I found many of them, most of them, perhaps not all of them

2:26:44

need to be completely rewritten in order to provide any level of enforcement. And

2:26:50

I can give you an example if I can find it. Yes.

2:26:55

um C15. So, is this a discussion to not deny?

2:27:03

No, it's it's to deny. Okay. Yes. I just have a question for Commissioner

2:27:08

Lee. Can you tie that into how you discussed the undue burden?

2:27:14

Yes. Okay. If you want me to. Is this is this appropriate?

2:27:21

Uh, you know, I if I could just read the the undue burden criteria, I think that would help to focus the commissioner's

2:27:28

thoughts. The proposed use does not impose an undue burden on any public

2:27:33

improvements, facilities, utilities, or services available to the

2:27:39

area. So what might be helpful for the people who have to write the findings is

2:27:45

uh if you could have a discussion about specific public improvements that the

2:27:52

application would burden if possible

2:27:58

my comments facilities or utilities or services services is what mine were specifically

2:28:05

right okay so I've heard a lot of discussion tonight that I would say characterizes a lot of

2:28:12

frustration with the county and the lack of county um funding and services. But

2:28:21

the job tonight is to explain why the application that's proposed would unduly burden

2:28:29

those public improvements and facilities. And so, okay, if if we could refocus away from

2:28:37

anything that's lacking in the county services right now and focus on the application and how that would unduly

2:28:44

burden public services that that those would be good findings.

2:28:53

Can I try? Yes, sure. So again, B15

2:29:01

maybe just go

2:29:08

I just wanted to comment and you're welcome to go down this path if we want to do that but I felt that your findings

2:29:13

really defined what we're talking about was that burden to services. I wasn't sure how we would expand on

2:29:19

what I felt were very conclusive already. I'm sorry.

2:29:24

Yeah, unless you had something else you wanted to say. I don't want to I don't want to say that you can't, but I felt that

2:29:30

those findings were very explicit and could easily be captured for this, right?

2:29:35

Whatever you're putting together for next week, right? And this is I appreciate that. I appreciate all this, but point of making

2:29:42

sure I know I don't get to do it very often, but um so we have a motion. Okay.

2:29:48

And so the conversation should be either in support of or not in support of that

2:29:55

motion. And we're trying we're trying to guide this conversation.

2:30:00

to not just have an open conversation about well the world anymore uh to say

2:30:07

this is how I can support this motion you know because because I believe that that the

2:30:15

application falls short in this way in relation to this criteria that's what we get to do at this point

2:30:21

okay okay okay okay I feel able to do that start with what

2:30:26

he said the application relies on conditions of approval to make the

2:30:31

application um approvable make the application

2:30:37

acceptable as a in a as a land use decision. However, the conditions many many many of the conditions of approval

2:30:45

need to be rewritten in very specific terms that would require expertise that

2:30:50

I don't think any of us here have or that would fill gaps in that would make

2:30:57

them enforceable. So for instance, P15

2:31:04

um is a is a fairly good example. It says

2:31:12

uh applicant must provide copies of DEEQ permits from the last 10 years to the county prior to beginning site

2:31:19

preparation or grading activities. Where what does it do? What the county what

2:31:26

does the county do with it? What's the point? Uh P15B says um the applicant

2:31:33

shall prepare the storm water report and all related designs.

2:31:40

Prepare it and do what with it? Well, can I ask a guiding question? Yes.

2:31:45

Are you proposing that we rewrite those conditions of approval? I'm proposing unable to.

2:31:52

Okay. So, there's a there's a really good one. It's OP12.

2:31:58

It's about fire, of course. Um, it says

2:32:06

um, applicant shall maintain a log of all fire incidents

2:32:13

and give them to DESAC. DESAC doesn't exist.

2:32:18

Um, applicants should report all fire incidents to DEEQ. How does that

2:32:24

mitigate fire? It has nothing. It does nothing except report. Reporting is not

2:32:32

mitigation. So in your opinion, the conditions of approval are inadequate

2:32:38

to mitigate the negative impact of the proposal.

2:32:44

Exactly. In those specific instances and I can provide others.

2:32:49

I'm just trying to get Okay. Commissioner Bisco. Thank you, Vice Chair Haymon. Might I

2:32:56

propose, if we're looking at a summary of statements, if you will, to support the

2:33:02

motion as presented to deny the application to Commissioner Lee's unenforceability topic, might I propose a

2:33:10

merging of some of what she said and a little teeny bit of a trail mower, which is the application relies on conditions

2:33:16

of approval to make the application acceptable, maybe a different word there, as a landing's decision. However,

2:33:23

as presented, many conditions of approval as written are unenforceable or failing to provide

2:33:29

enforceability that would comp that would allow this application to comply with criteria.

2:33:35

Is that is that where we're headed? We're looking for statements that will support this motion. I'm not sure if

2:33:41

it's sufficient enough to it would be better if we could go through the just the three criteria in

2:33:48

53215 and if you all could reach consensus on

2:33:54

um whether you think that the application seriously interferes with

2:33:59

adjacent uses with respect to noise for example or odor and and traffic and

2:34:06

water quality and that would give us some bases for denial. And the reason isn't because, you know,

2:34:12

I want to keep you here till 11:00 at night, but it's because if this does get appealed to the board of commissioners,

2:34:18

it's very helpful to them to know exactly or as clearly as possible why

2:34:25

the planning commission thought that the application should be denied. And also

2:34:30

it's um somewhat of a legal requirement to let

2:34:35

the applicant know what they could try to do better to get the application approved

2:34:42

or there's that there's something that's so fatal that it will never be approved and that that is more if the case goes

2:34:49

to Luba but it should be in the back of our minds. Thank you. Thank you for that clarification.

2:34:57

Sure. Yeah. Quick point of order. So, we just went through a long set of quoting all

2:35:02

these different codes and stuff like that. Do you want us to re quote all those codes?

2:35:08

Um, that's why the way I did. Yeah. Well, no, because that's No, no. Seriously, I I had a narrow one.

2:35:15

53 220, right? And do I have to restate it at this point just 10 minutes later?

2:35:21

Yeah, I do. You Sorry. Excuse me.

2:35:27

No, it just seems kind of Is it fair to say that all of the commissioners think that the application

2:35:35

meets none of the criteria? Is that a fair chance to vote? I'm just sort of taking a poll

2:35:41

informally. It would would within relation to 53.215,

2:35:48

I would serious interference with adjacent uses. Uh yeah, I already forget them. serious

2:35:54

interference with the character of the area and undue burden on public health facilities and services. Yes, the

2:36:00

application meets not a single one of those criteria.

2:36:05

That's what I've heard. That's what I would. And so the next thing I'm going to ask you, I'm not going to be your

2:36:11

favorite person by the end of the night, is um to explain a little bit on the record

2:36:18

the evidence that uh why you

2:36:25

assigned more weight to certain evidence over other you you're obviously assigning very little weight to the

2:36:31

applicant's evidence. I think that's a fair characterization. I disagree with you making that

2:36:37

characterization. So please go ahead. Uh because one thing that we need to do is

2:36:44

show that you have weighed the evidence and there is a lot of evidence in the record. It's mostly way over my head,

2:36:52

but there is some evidence that is highly, you know, highly um

2:36:59

very much addresses some of the very highly technical aspects and there's other evidence that also addresses some

2:37:07

technical aspects. And so are you rejecting as credible

2:37:14

some evidence and giving more credibility to other evidence?

2:37:19

Yes. Okay. Where we go? Oh, sorry. That's what I am anyway. Are we going to round table this raise

2:37:25

hand? How would you like vice chairs to engage? [Laughter]

2:37:32

So, um, you again, we're trying we're trying to put together

2:37:37

a defensible basis for a motion. Okay, that's really what we're trying to do here. Okay, we have a motion on the

2:37:44

table. We need to have we need to say we are voting to deny this application for

2:37:51

these five very specific reasons. Okay, my testimony has all that. Well, I

2:38:01

quick point of order. So, um I crafted my response

2:38:07

that specifically in mind. Yes. And I did it during the round table

2:38:12

which I thought we were collecting that information for me to restate it. I could just give you the document.

2:38:19

So, your um your very basis for denial is 53.215. 215

2:38:28

two one and two and two. Yeah. And you had another one and that

2:38:35

which is uh seriously interfere with the use of adjacent property and it alters the character of the area

2:38:41

or unduly burdens public facilities. Okay. So let's start with the use of the adjacent property. So could you

2:38:48

could I go back perhaps to my question? Sure. Chair, vice chair. Okay. First, I'm Is

2:38:55

Cher Pard not joining us? I I did not Is he still on? No, I'm on and I just asked to be uh

2:39:03

unmuted if if I might make a couple of comments. Now, you are free to do so

2:39:08

long. Follow it. And and to uh Commissioner Fulford's

2:39:15

point, um this is kind of a repeat of my my opening comments, but I think it

2:39:22

fulfills what our obligation is to be very specific.

2:39:27

Uh if we are going to bring this motion to a vote, we want to be very specific

2:39:33

as to the areas of deficiency with respect to either uh subsection 1,

2:39:41

subsection 2 or subsection 3. So my concern in subsection one, which is

2:39:48

interference with uses on the property, was odor.

2:39:53

And I found that the uh model uh had inherent limitations that were

2:40:00

admitted by the applicant. uh inherent limitations associated with topography

2:40:06

and microclimates and could not be reconciled with the overwhelming public

2:40:12

input that odor was a serious interference to their peaceful enjoyment

2:40:18

of their property and to their ability to hire retain workers on agricultural

2:40:24

lands and so forth. So that's a serious interference for me. uh and I haven't

2:40:31

heard in our deliberations uh mitigation sufficiently to overcome

2:40:37

that my objection. The the second serious interference in my mind was

2:40:42

noise and we had testimony that the noise from

2:40:48

blasting uh was interrupting the livelihood of a

2:40:53

livestock farmer and equestrian trainer. Uh that is serious interference and I've

2:41:01

yet to hear any proposed condition that would mitigate that interference.

2:41:09

Uh in terms of uh subsection two, it doesn't propose it doesn't impose an

2:41:15

undue burden. My my uh issue on subsection two has to do with water

2:41:21

quality specifically PAS. uh and I have not seen in the record

2:41:29

anything other than the risks of PAS. I have not seen how to mitigate those

2:41:35

risks with a condition of approval. And and so that is for me uh an undue

2:41:42

burden on facilities. And then the other area in subsection 2 that I am concerned

2:41:49

about is the general area of is this operation

2:41:56

too complex to be effectively monitored, managed and

2:42:02

effectively managed uh by our our local uh county government, our state uh

2:42:09

enforcement agencies and our federal enforcement agencies. So those were my

2:42:15

areas that I would need those are currently deficient in my mind in the

2:42:20

application and in order to get over that deficiency there would either need to be a condition of approval that met

2:42:28

with with uh with my acceptance or I would have to vote to deny.

2:42:33

Thank you Chair Feller. That's a that's just a great way to get it going. Can I ask you one question about the undue

2:42:39

burden on the uh county systems? Um do I

2:42:44

understand that to be that the the applicant's late proposed uh condition to fund a county uh compliance and

2:42:52

enforcement position is not sufficient in your mind?

2:42:59

it. I I very much appreciate the applicant's um uh response and putting

2:43:05

putting that in. Uh I am on the fence as to whether it's sufficient because to a

2:43:14

couple of my other commissioners points, monitoring is is the first step. it it

2:43:21

is not the end all beall in terms of effectively managing the risks and and

2:43:26

so that is admittedly that's an area that I continue to ponder whether it is

2:43:32

uh sufficient to mitigate the undue burden

2:43:37

okay Wilson so in line with that my concern is that

2:43:43

because I'm a resident of Adair we rely on the Adair rural uh fire and rescue

2:43:49

and they are the only responding agency locally to any fires in the area. It's

2:43:55

the 18 square miles as uh indicated in their public uh testimony uh that

2:44:01

supports us. Uh it is a volunteer uh uh rural and fire rescue department.

2:44:08

Uh and my concern is that in terms of undue burden that it that any activity both on

2:44:16

the south side and on the working phase of the existing landfill that any fires that may occur uh or fires that

2:44:23

especially on the southern uh on the southern expansion zone where there's a forest conservation zone which is close

2:44:30

to for you know it is a forested area uh that any type of wildfire that could be

2:44:37

uh created by the activities of the applicant in the southern zone or from

2:44:42

the working phase would place uh you know both an undue burden on our own

2:44:48

rural and fire rescue department to the point where it puts our own residents at risk because they're not available

2:44:55

because of the demands of the uh of the uh of the working face of the landfill

2:45:01

and of the southern expansion. There's blasting. There's uh all of the emissions uh from uh from the working

2:45:10

phase of the landfill. All the risks that are associated with uh fires and potential w wild wildfires

2:45:17

uh are present at that point. And I don't know I the one I I think that in

2:45:22

their subsequent or closing uh application they indicated that they would add a second working water truck.

2:45:29

Uh and while I commend that, I I don't know that that's sufficient to mitigate the impacts uh and the burden upon our

2:45:36

very rural fire and rescue department. Thank you, Commissioner. That's very helpful. Thank you.

2:45:42

Very specific. Thank you, Commissioner Lee. I think I can do this. So, I have my

2:45:48

list. Uh 53 2151. Groundwater interruption would seriously interfere

2:45:55

with uses on adjacent property and the applicant's plan is in inadequate to

2:46:01

prevent or mitigate. They have used conflicting information

2:46:06

uh they have presented conflicting information about the character of the

2:46:13

um fractured bedrock. They have made assumptions about the

2:46:20

southern area based on uh information modeling done on the

2:46:25

northern area but they haven't finished the work on to characterize the southern area. So they there's no they have not

2:46:32

they they have not proven they have bailed the burden of proof on groundwater interruption

2:46:39

um on groundwater uh and and

2:46:45

groundwater interruption um would would be permanent and

2:46:52

irreversible and would completely destroy the value and the of homes and

2:46:58

and farms. Thank you. And I have several of them. I can I can

2:47:04

keep going if you want me to. Unless unless Ed wants to do one or we haven't figured out how

2:47:11

I've got one. Yeah. All right. Go. Um, so, uh, incompatibility with the evolving

2:47:17

character of the area. Okay. So, let's see. It's

2:47:22

the serious interference character of the area. So, are my

2:47:28

understanding when you say incompatibility, you mean serious interference. That's right. Okay.

That's right. Uh, urban and rural

2:47:34

residential areas have expanded, making the land use increasingly incompatible.

2:47:41

The landfill is no longer isolated.

2:47:48

Okay. Thank you.

2:47:53

We all need not close by going.

2:47:59

Were you going to repeat? You want me? I need better hearing aids. So do I.

2:48:06

Okay. This is There we go. The juices are flowing. All right. Is that you gonna repeat

2:48:12

that? No. No. Okay. My god, my list is way too long.

2:48:20

So, undo burden. I'm going to talk about bio aggregation or accumulation

2:48:27

of PAS and other gas emission or

2:48:32

particulate matter toxins. Um I think that's call falls under undue burden and seriously interfere.

2:48:40

Okay. So that's an undue burden on public facilities.

2:48:47

I don't have that list. I wish we had undue burden on public improvements, facilities, utilities or services in the

2:48:54

area. Okay, let's stick with then seriously interfere and then seriously interfere with is

2:49:00

with adjacent uses and charact or character of the area.

2:49:05

So impacts this would be to uh farms quality of life because it's so

2:49:13

personal use and or production the bioaccumulation or bioagregation of heavy metal toxins PAS

2:49:22

unknown contaminants in produce and livestock.

2:49:30

I see no plan that was not addressed. It's in testimony, but it was not addressed by the applicant and unknown

2:49:37

means to mitigate. Okay,

2:49:42

Mr. others. I I think you've all at least hit the

2:49:49

one that I Well, I was going to add another one because it it it relates to uh

2:49:55

Commissioner Bisco's point about the bioolids, Dorothy. Uh and uh commission chair Fowler's points about the PAS uh

2:50:03

in terms of a public utility uh a DARE operates its own uh water system

2:50:11

providing water to the residents of Adair. of water is drawn from the Wamtt River

2:50:17

and um the the additional solids, the

2:50:24

additional uh pollutants that could be created by expanding the landfill to the

2:50:29

southern face, increasing the amount of LED, which Commissioner Bisco spoke to, that LED

2:50:36

has to be treated. And if it's treated at any public waste uh waste treatment

2:50:42

utility, that places an undue burden um on that waste treatment utility and

2:50:49

it also places an undue burden on a DARE water treatment plant if the waste

2:50:54

treatment of that meat shade enters the Wamtt River downstream up. Thank you. All

2:51:01

of it is upstream upstream from us. uh and our capacity to be able to provide

2:51:07

clean and safe drinking water to our residents in a day. So could you also add undue burden to the

2:51:14

transportation infrastructure because that waste is hauled offsite. It is

2:51:20

that it is currently uh and so that traffic is uh that if there is an increase in

2:51:27

the traffic on the roadways um of transporting that lead chase from the

2:51:33

existing the working phase of the landfill and an expanded the expansion area that would be um I assume a twofold

2:51:42

I don't know the amounts but somewhere an increased amount of leech production

2:51:47

that would have to be treated and So therefore more trucks uh transporting um and addressing the

2:51:55

issues about traffic and uh public safety on the highways.

2:52:00

Could I ask about the uh if there's consensus on the meaning of undue burden

2:52:08

because a lot of what um of the reasons for denial given have been

2:52:14

um that these these things will happen and

2:52:19

they will be bad. But the code says undue burden. And so I want I would like

2:52:25

to go back to that phrase and make sure that the planning commission is focusing

2:52:32

on the fact that it's not that is in fact an undue burden. It is I want to

2:52:38

say paraphrase and say significant or I can't find that page in the staff.

2:52:43

I have here. So I I like this part really well. It

2:52:48

says um burden on public infrastructure and

2:52:55

service is likely undue if it overloads the system or causes significant

2:53:00

degradation in terms of quality effectiveness, timeliness of

2:53:06

infrastructure or service. Lesser burdens may be undue if the effect

2:53:11

jeopardizes people's health, safety or welfare. Burdens that the county has

2:53:18

typically not considered undue include those that can be mitigated through

2:53:24

things like conditions of approval, blahy blahy blah. For planned

2:53:29

improvements to be reply to to be relied upon in determining if a burden is not

2:53:36

undue, the implementation of those improvements must be certain. In other words, if an

2:53:44

undue burden jeopardizes people's health, safety, or welfare,

2:53:52

any mitigation must be certain. Commissioner Lee, and there you're

2:53:58

reading that from from the staff first staff report. The source of that definition is

2:54:03

is the BCC formal formal workg groupoup polling luf-9c

2:54:09

[Music] a unanimous uh finding from BCC.

2:54:16

So I can't ask anybody on this planning commission but my recollection was that

2:54:23

there was concern about the fact that the legal land use subcommittee which was

2:54:29

comprised of Benton County uh legal council Vance Crony two were

2:54:36

public services representatives lawyers excuse me and one member of the Benton

2:54:43

County Talks trash work group were predefining the definition of undue burden. Whereas in this testimony in the

2:54:50

record, we have also read that that's not only not allowable, that difference

2:54:55

is given to this group to quote unquote define in this case undue burden, but

2:55:01

also referring to not a legal definition because it is not a legal defined term.

2:55:09

It is in fact a general pick up a certain dictionary. I think it was Mr. Kleinman's testimony that referred to

2:55:15

this specifically. My concern is that if we are using this because it was presented in the staff report, not

2:55:21

considering or giving weight to the fact that there's no legal basis for us to take the Benton County Talks Trash legal

2:55:26

land use subcommittee predefined definition a difference given to this

2:55:32

group that we are already off track in defining undue burden ahead of this land

2:55:38

use process. Okay, I like this definition.

2:55:44

I don't dis I'm not saying I disagree the board like so procedurally speaking that was a very

2:55:51

significant point of contention. Okay, I don't have the consensus statistics

2:55:56

for that. I actually thought we struck the definition predefined on undue burden. I thought we struck it from

2:56:02

Benton County talks trash but I may be misremembering. I do not and am certain I do I'm certain I'm not misrepresenting

2:56:10

the concern about predefining a term that's not a legal term in advance of a

2:56:16

land use application hearing. Are you I the planning commission can define

2:56:21

that the words undue burden. They're not defined in the code. We would we would

2:56:26

do that by looking at the dictionary definition of the word undo and the

2:56:32

dictionary definition of the word burden which it's my understanding that Benton

2:56:37

County talks trash kind of did and it's crazy that I can't find this in the

2:56:43

staff report. I disagree with that position as a member of Benton County Talk trash. So that's just what the staff report

2:56:50

says. I am but because we're using that as a basis of testimony and record here. The weight that we give to that discussion

2:56:57

does matter here. You're correct. Thank you, Commissioner STS. My concern is again,

2:57:03

the difference given to this body at this time should not be relying on the legal land use subcommittee definition

2:57:09

of undue burden in the Benton County talks trash process of which was in it was contested.

2:57:15

Let me approach it a different way. Does the planning commission accept

2:57:20

the uh characterization of the meaning of

2:57:25

the phrase undue burden that is included in the both the first staff report and

2:57:31

the supplemental staff report as a consensus? Is that the definition that Commissioner

2:57:37

Lee just read? Yes. I do not

2:57:43

I don't accept the constraints to only that definition. Do you want to propose a different definition?

2:57:51

Well, if I had been prepared to propose a different definition in this process, I might have a better one to offer at

2:57:56

this moment. Um, I object to us using that narrowly to define undue burden for this process.

2:58:03

So just getting back to the reason that I asked is that um the identification of

2:58:11

uh interferences and burdens has been very specific

2:58:16

but the code language refers to serious interferences and

2:58:21

undue burdens. And so I wanted to sus out that that so that

2:58:29

Pedro can furiously type again.

2:58:34

So I think uh have a proposal yes for um undue burden a situation where

2:58:41

requirement or action is excessively difficult costly or impractical to fulfill effectively preventing or

2:58:49

significantly hindering someone from exercising a right or fulfilling an

2:58:54

obligation. That sounds like a dictionary to me. Yeah. He like us. He like

2:59:00

fine. Whatever. Great. Works. Fine. Whatever. Is that it works?

2:59:07

I like it both. I just want a reference. It has a reference.

2:59:12

All right. And then the definition of excuse me, the proposed interpretation of the

2:59:17

phrase serious interference. Okay. Well, even the staff report couldn't nail that down.

2:59:23

Okay. So, this is going to Sorry. Um, the staff report summarized

2:59:29

the BCTCCT exercise and also summarized took a look at other

2:59:37

prior decisions within the county that have applied the serious interference

2:59:42

standard and summarized what those decisions, you

2:59:48

know, thought it meant. And do we have record on when that definition has

2:59:57

survived challenge or not? It hasn't. Okay. So it has never been challenged. Has never been challenged.

3:00:03

Okay. Okay. That does not define sir vice chairman.

3:00:08

Yes. Might I offer from the record

3:00:14

Mr. Kleinman's testimony who references a Luba case, stop the

3:00:19

dump coalition versus Yam Hill County, another case dealing with proposed expansion of a landfill. Luba examined

3:00:25

the meaning of significant, which is part of our discussion here. There's a little more after this. Also, because

3:00:31

the term significant is undefined and of common usage, it is permissible

3:00:37

to consult dictionary definitions. The most pertinent definition of significant in Webster's third New International

3:00:43

Dictionary app, there's citations here which I won't read, appears to be having or likely to have influence or effect

3:00:50

deserving to be considered. Because OS 215296 is framed in the negative, the

3:00:56

applicant must demonstrate that the proposed use will not force a significant change to the scope of the statutory part of this process. It seems

3:01:03

appropriate to consider related acronyms such as the term insignificant, etc., etc.

3:01:08

The above discussion sets out the most accurate and appropriate definition for the planning commission to apply. In

3:01:13

summary, seriously equals to a serious extent. Serious equals significant

3:01:19

equals likely to have influence or effect and deserving to be considered equals not of little size or importance.

3:01:28

So this cites a luba reference, Luba case reference. So the land use board of appeals for those that might not know.

3:01:35

This group probably does, but everyone might not know what that is. It's a legal precedence establishing that

3:01:40

definition. I was only Oh, sorry. Dump was a case that involved the farm

3:01:47

impacts test, which is not this is the county's own code provision, not the

3:01:53

farm impacts test. But the county does not define significant seriously interfere. And we

3:01:59

are talking about the definition of your local code. So you have a lot of discretion. We are. Yes, including considering the

3:02:06

land use board of appeals definition acceptance of the word significant and

3:02:13

serious and serious. So what I'm hearing commissioner BCO say is we could accept the libert definition

3:02:19

if we wanted to. I would add it in addition to it's not the same phrase,

3:02:24

right? No, it isn't. But uh I mean you could say serious

3:02:30

interference we think means the same thing as significant impact

3:02:36

or significant disruption significant or just significant well the the statute

3:02:43

that is at an issue there is a significant impact that's the phrase okay so serious interference significant

3:02:49

impact and you could say we're going to go ahead and equate those two in the first staff report I did note on

3:02:55

page 18 that they do they do quote from the BCT

3:03:01

about how they felt to define seriously interfere but again I don't I was not a

3:03:09

part of that and I don't know if that was by consensus or if it was just by

3:03:15

acclamation I don't know where that is in the record presently. I do know that that was of concern that it was predefined

3:03:22

and I think that's the issue in this discussion. I do like Commissioner Colford's proposed addition addition

3:03:28

perhaps or just definition with addition to what we have just talked about from LUBA because that's very broad

3:03:35

and it gives us and it's defining undue burden and right and it identifies for us the

3:03:42

criteria that we're providing. So I would agree.

3:03:49

So now that now that we have the definitions, we can just go backwards and all of the concerns that you all

3:03:56

summarized, you you feel meet both of those definitions. Undo burden and

3:04:02

serious interference. Yes. They're not just burdens. They're undue. And they're not just interference. It's

3:04:09

serious. Okay. Is that a consensus? Well, I said yes.

3:04:33

Yeah, like a two second break. So, can I talk to staff? Sure.

3:04:40

You can take more than two seconds.

3:04:48

Commissioner Lee, this is actually the process that answers the question you asked earlier is what will the

3:04:55

commission use in reviewing and this is what we're doing right now

3:05:01

answering that question. My statement is based on that.

3:05:09

Does that have to be verbal? has to be verbal rather than written for their record.

3:05:16

The only thing that is going to get our decision and the

3:05:22

basis for our next and we're adding content to that right

3:05:30

now. That's okay. It's assuming you're actually going to vote on this eventually. So,

3:05:35

do we need a reset? Do we do we need to take a break here? Do you want another break? Oh, yeah. I'm

3:05:41

trying to figure out if that's what there's been. All right.

3:05:50

Okay. So, just a reminder, I Yeah, just a reminder. Okay. We're trying to

3:05:56

substantiate our rationale for the motion on the table, which is to deny.

3:06:02

Okay, that is what we're trying to do and we are interacting legal counsel to try to get that as clear as possible so

3:06:10

that should this be whatever we do those appeals the basis for our decision will

3:06:16

be clear. Okay. And clearly reference to specific

3:06:21

issues of of compliance of the code. Okay, that's it.

3:06:28

May I provide either one more or additional whatever.

3:06:33

I would like to amend my first one. My first one was uh groundwater interruption

3:06:40

seriously interferes with uses on adjacent property and the applicant plan

3:06:45

is inadequate to prevent or mitigate. So that was based on

3:06:51

characterization of the south expansion based on assumptions from the

3:06:59

north and on this conflicting assumptions about the character of bedrock. Now in addition to that

3:07:07

I stated that this is serious because um dewatering of someone's domestic well

3:07:15

is permanent and irreversible. I also noted that

3:07:20

uh OP 13A1 is inadequate to prevent serious interference and propo proposes

3:07:29

unknown mitigation after the fact if it occurs.

3:07:35

A1 proposes that adjacent property owners must prove that their water loss

3:07:41

is due to the expansion and not climate or other factors. But without prior baseline data, it may be impossible to

3:07:48

satisfy the applicant. Nor does the condition of approval provide any thresholds to use as an acceptable

3:07:56

measure of proof for that. nor have the applicant made any effort to gather

3:08:02

baseline data themselves for comparisons after the construction even though

3:08:08

they've had time to do so. The ME uh applicant's mitigation plan in

3:08:14

OP13 does not specify the frequency of monitoring other than that it is regular

3:08:20

nor does it specify how it will determine the baseline established prior

3:08:25

to excavation since the wells will not be installed until after the excavation.

3:08:30

These abs absences make the condition of approval essentially unenforceable as a

3:08:36

mitigation measure. I can give this to you online in on in you know whatever.

3:08:42

So the rest of mine are all like that where I have used the code language

3:08:49

described my concerns described how the uh

3:08:56

what does P stand for? OP and P1 in operating operating

3:09:01

of approval for operating and preliminary op

3:09:06

whatever. So I've got those here in writing if you want me to continue now.

3:09:12

I think we've got that one. Yeah. Shall I go on or do you want to Are we doing round robin? I haven't figured

3:09:17

this out. I think we've got about three or four bases for denial.

3:09:24

Always better than one. Yeah. Well, I can give you several more. I'd like I'd like them to be included.

3:09:30

Yes. Um, groundwater contamination from Lee seriously interferes with uses on

3:09:36

adjacent property and with the character of the area. Okay. Based on the absence of

3:09:43

how how does it seriously interfere? Groundwater contamination from Lee if if

3:09:49

it happens would interfere with uses on adjacent property. like it's going to go into the

3:09:56

wells is what you're saying. Yes. It's going to contaminate wells. It's going to contaminate the river. It's going to contaminate the watershed.

3:10:03

So, evidence shows that it has in some instances already. Is it not an if? Well, E Wilson is the the wildlife area

3:10:12

right across the highway from the um from the from the working phasal

3:10:17

landfill. And I has testing been done do evaluation don't know

3:10:22

analysis we know the WMT river and other rivers or river in testimony has

3:10:28

documented PAS contamination we know that there's groundwater contamination

3:10:34

already surrounding the land it's not an if question it is potential expansion

3:10:40

yes so that's how increasing so my I oppose so I'm saying leech eight

3:10:47

leap Lee has long-term impacts on adjacent property in the character of the area because it's toxic

3:10:53

because it'll impact the wells, health, safety, and well-being. Yeah. And but OP13B

3:10:58

proposes to mitigate these risks by monitoring arsenic in sentinel welds.

3:11:04

But this condition of approval is inadequate for four reasons.

3:11:10

Um the uh condition does not specify how

3:11:17

changes in arsenic will be attributed to the landfill operation versus other factors. The presence or absence of

3:11:24

arsenic has been a source of conflicting interpretations and other contaminants are more certainly to come from the

3:11:31

landfill and they should be used instead. The OP13B quote the sampling program

3:11:39

will begin before landfill construction. This activity should be become a

3:11:44

preliminary condition of approval. It should not be an operating

3:11:50

condition of approval. Uh and um on that just just thinking about the even the

3:11:58

optics is trying to conflate the the um

3:12:03

what you think is inadequate of the conditions might just be a mute point

3:12:08

and focusing on the denial itself as opposed to what you think is inadequate about the conditions will make it a

3:12:16

cleaner set of findings. So using the content um without the

3:12:22

context of the conditions I think would be more effective.

3:12:28

I'm sorry it didn't I got a little confused. Um just uh as opposed to uh using the

3:12:36

inadequacy of proposed conditions as a reference point for the denial. use the other um

3:12:45

evidence as the point of denial. The other evidence. Okay. So,

3:12:51

so don't worry about the inadequacy of the conditions at this point. We've

3:12:57

we've passed that stage. I'm just saying they're unenforceable. Correct. And we've established

3:13:03

that generally, but we don't need to get into the specificity of that. Shut up. In other words,

3:13:10

okay. problem. The problem is the leachate in the water which can damage it. Yeah. So there's two issues here though. We're

3:13:17

mixing arsenic which is a different issue than pas leate and pas. We have

3:13:23

two separate groundwater contamination issues that I think should be identified in

3:13:28

what is being put put together here that that arsenic discussion and basalt versus riolytic I forget which which

3:13:36

geological feature I didn't that's a different discussion than lie pas and otherwise groundwater contamination

3:13:44

so uh 53 2151 and two wild fire and

3:13:50

wildfire risks that uh seriously interfere with uses on adjacent property

3:13:56

with the character of the area and provide an undue burden on services because

3:14:05

that relates to Commissioner Wilson's concern about the burden on the fire department

3:14:10

the volunteer volunteer fire department. Exactly. but also because their

3:14:15

consultant did not include windblown embers from fires offsite in their

3:14:22

mitigation plan. That's a deficiency in that's a deficiency in their the

3:14:27

applicant's presentation and something that they might be interested in

3:14:32

amending and the fire risk reported by a dear

3:14:38

rural fire and rescue were far greater than what was presented in the application.

3:14:44

Right. And then you, if I may, you also had additional evidence, I believe, that was

3:14:50

provided as testimony where you you had some numbers specific to crashes to

3:14:56

fires fires in the area. Yeah. So, there were some evidence. There's a it's

3:15:04

so significant. Yes, that's what we were talking about.

3:15:09

How many you don't want anymore? I I can quit. Whatever you want. So I just for a point of clarification if we are not

3:15:16

including the concerns brought by this body in totality

3:15:24

this under an appeal scenario goes to the board of commissioners

3:15:30

they will not consider then the other concerns that this body has brought forward if it's not in this document or

3:15:36

summary that we are correct. Oh, no. It's Tenovo. Uh what they're doing is to

3:15:43

start operation um your considerations, but they will also be using their own process to

3:15:51

review all of the documentation, all of the public hearings,

3:15:56

including this one, including this, including this. Yes. So to be clear again, we are not

3:16:03

being asked to present the full body of our concerns and reasons for denial and

3:16:10

they will yet still be considering all of the full reasons that were presented in this hearing today. Deliberation,

3:16:18

the board of commissioners doesn't it reviews it to NOVO. So it's essentially

3:16:23

a new review of the application. So it doesn't review the planning commission's decision per se

3:16:29

under any kind of differential standard of review, but it is in the record. Yes. So I'm concerned then

3:16:36

why are we defining any criteria for denial when we've already made opening

3:16:41

statements that kind of sort of define that if it's not going to be considered in an appeal before the board of

3:16:47

commissioners. Okay? Because who if the applicant decides to appeal the denial, they need

3:16:53

to know the basis on which the application was denied. Right?

3:16:59

They wouldn't understand that, right? Yeah. But we're not providing writing. So we are not. So here's the sticky thing

3:17:05

about Benton County Talks Trash COP review. COP reviews for 50 years. It

3:17:10

wasn't in writing, quote unquote. It wasn't enforceable. these conditions even though they were

3:17:16

there because we didn't cross the tea and dot the eye and that's part of this

3:17:21

narrative around well those conditions didn't really apply and we think that you were in compliance at such and such

3:17:26

a points this is important to be clarified here if we do not clarify our

3:17:32

reasoning for denial have we provided the record in writing

3:17:39

as you just said that we need to provide next week there are going to be written

3:17:44

findings things that uh we'll be preparing summarizing the decisions including the

3:17:51

bases for denial and so well just clarification. So

3:17:59

what the record we have created tonight during our deliberations will be prepared for next week which we vote

3:18:08

which we also then vote on to adopt the decision. we adopt the decision that we make tonight

3:18:13

and that's what I understood. Yes. But now I'm questioning why are we providing any summaries right now then

3:18:19

if you're going to synthesize our conversations this evening in this deliberation big

3:18:26

I believe that we were pro we are preparing providing them with what we think are the most salient points for

3:18:33

them not everything but the most salient points for them to incorporate into the

3:18:38

actual document which we address okay then may I provide some more

3:18:45

salient points that I would like incorporated into this document. I guess you can. I I'm I'm of the

3:18:52

opinion that that that the strength of an individual point is

3:18:57

diminished when it's in the context of 100 points. So,

3:19:04

and a counter to that, right? If we have 100 points and they're all strong, but we only show five, then we're not really

3:19:10

making the true point of the document, right? Amen. You can do it. Okay. I'm just one point.

3:19:18

Don't kill us. I can't hear you. Good. Not yet. We haven't.

3:19:23

No, we haven't. So, we spent we spent three hours, right? So, may I then in the interest of

3:19:30

continuing so that we go home at a reasonable hour this evening hopefully. Um then I would like and find it very

3:19:37

important provided in testimony in the record the methane gas emissions

3:19:43

and the plume maps methane. Yes. Hydrogen sulfide.

3:19:49

Okay. So is this serious interference with adjacent uses or the character of the area?

3:19:54

Adjacent serious interference. Yes. With the community sorry

3:20:00

and that is and and undefined. So and the application has not only not

3:20:07

responded to that testimony. there's nothing in the record that shows that it's being

3:20:14

evaluated um analyzed or evaluated for impact. So,

3:20:20

it's an unknown. Um, additionally, the

3:20:27

quality or lack thereof or quantity of the components of what is actually going

3:20:33

to this landfill, but public testimony to actually draw out for this record. It

3:20:38

was not conclusive in BCTT to the extent that it exists. It was also not

3:20:44

conclusive in this hearing process. So the unknown uh waste

3:20:53

what's the word components the waste materials creates an unknown risk.

3:21:01

The applicant has not provided the evidence of the con of how do I want

3:21:07

to say this? Applicant has not provided what's going into the landfill but also therefore cannot provide any source of

3:21:12

mitigation and the record on the methane. Nope.

3:21:18

Nope. You're talking well yes solid and liquid waste

3:21:23

unidentified solid unidentified. So identified and unidentified. So we're shearing livestock carcasses. That

3:21:29

wasn't in the record in accepted testimony, but I know that that came up as well as hazardous materials in BCTT.

3:21:35

So So sorry, is that undue burden? Undo burden and seriously interfere

3:21:42

because the waste components including radioactive materials

3:21:47

impacts the leate impacts the seriously interfere. Yes. So this is both I would

3:21:52

propose. Um there is no proposed mitigation to not only manage this

3:21:58

adequately but to predict and mitigate risk future risk of an an expansion

3:22:05

would increase that future risk.

3:22:15

I have some more if is it my turn.

3:22:23

So, I have the um 30,000 foot level undue burden on Benton County's government services

3:22:31

and the uh evidence is that Benton County government

3:22:37

did not engage in institutional learning because it did not uh provide in the

3:22:45

staff report conditions of approval that could be enforced because Benton County

3:22:50

does not monitor conditions of approval. because it lacks capacity.

3:22:56

Um because Bon Bitten County doesn't include fire wildfire risks in the

3:23:04

community wildfire protection plan because it doesn't because it lacks the capacity to do so.

Benton County ignores

3:23:12

BCC77.41 because it lacks the capacity to do so.

3:23:18

Benton Mr. Lee, can I ask you? So is it the undue the applica the criterion asks

3:23:25

does the application uh unduly burden public facilities or

3:23:31

services unduly burdening the Benon County government? Okay. I'm sorry but and then what you

3:23:37

said is the county lacks a wildfire plan and the county doesn't have proper staffing.

3:23:43

So how so walk me through how the application causes those things.

3:23:50

I'm saying the application results in an in an undue burden. The

3:23:58

Yeah. Isn't that clear? It seems to me like what you're saying is that the existing conditions are very

3:24:03

poor and the application is going to make them even worse.

3:24:09

Could I comment? Yes. So, I don't think that's what it says at all. I think it's very clear and that

3:24:15

undue burdens exist because of not just this application as it sits here today, but this process. As planning

3:24:22

commissioners, we have sat for years now and heard that we're going to do this aspirationally. We're going to do community outreach. We're going to do

3:24:28

comprehensive plans. What has happened is this has been come become all-consuming. The amount of training,

3:24:35

the amount of um focus on this process is in fact the

3:24:41

reality of that burden. It's not just this hearing tonight. It's not just this application moving forward. It's the

3:24:46

whole process of this application and how it has impacted Benton County's capacity.

3:24:52

Yeah. So does not just because they have exercised their

3:24:59

right to apply for the application is not a burden

3:25:05

on the county. That is that is their right um for the county to provide that service. But the expansion is if it were

3:25:13

to be approved. I understand.

3:25:19

It's been articulated is that you're saying the things that the county has been um inadequate in doing previously

3:25:28

will potentially be exacerbated by the application. But

3:25:34

we're we're not able to say to bring into what the county has done previously

3:25:42

and their actions. That's not fair to the applicant. No, what I'm saying is that if the

3:25:47

application were approved, it Benton County is not

3:25:56

stepping up to its responsibility because it can't

3:26:02

because it does. it lacks the capacity to do so. That's not necessarily true. They

3:26:08

subject or it chooses not to or whatever. I'm saying it it

3:26:14

Well, I know I'm getting Let's not Sorry. Well, I knew this one was kind of

3:26:21

weird and potentially not. Well, it's been a reoccurring issue through all this conversation, but I, if

3:26:27

I understand it correctly, I've had some as is whatever inadequacies we perceive

3:26:32

in the county, they can't be used against the application itself.

3:26:38

Right. No, I'm not trying to say the application, it's against the

3:26:43

application. I'm saying if the application were to be approved,

3:26:48

but you're using you're presenting an argument to disapprove an application and the argument is based on

3:26:56

the inadequacy of the county which is not which is not okay

3:27:02

which can't be done. It's okay. We can it's okay. I'm just saying it's okay.

3:27:07

I knew that it was sal it's okay. To Commissioner Lee's point, the county

3:27:13

saying that there are no plans to enforce current conditions of approval. Could that not be interpreted as there

3:27:19

are also no plans to enforce since we don't know what those conditions of approval would be?

Staff

3:27:25

capacity has been part of this testimony and the expansion has brought up the concerns of staff capacity to manage

3:27:32

this expansion. Is that not to this point as well?

3:27:38

That has occurred. My understanding is that can't be used to as a basis for

3:27:44

denial. That's my understanding. Management of conditions of approval and the capacity of the county to do

3:27:50

I think it's within the possibility whether for the county to choose to do

3:27:58

what it's supposed to do. But that's why I used the definition that I liked because that would have to take place

3:28:05

with certainty in an undue in a in a situation involving an undue burden.

3:28:14

It's because I'm suggesting this undue burden is undue because it jeopardizes health,

3:28:22

safety, and general welfare or whatever the terms are. That's why I liked it. But I and you know it just gets to be a

3:28:29

word salad and I don't want to argue about it. Is it possible for Commissioner Lee to consider what she's

3:28:35

trying to synthesize and forward it to staff for our consideration next week? The record is closed.

So

3:28:42

yeah, it's we can't take anything that's not okay. Can you synthesize what she has

3:28:47

said to an extent then in her record? I cannot because it's not an appropriate

3:28:53

basis for denial. So I would not include that. Okay.

3:28:59

I just have a point of order. Uh Vice Chair Hammond, do we at this point do we

3:29:04

have enough basis? Have we articulated enough of a basis for denial to consider

3:29:10

a vote? I believe we have. Okay. Could I add one more that I think is

3:29:15

very salient and it's very short. Vice Chair, thank you. Um the in the

3:29:21

testimony and um in this record is the statement according to the US Geological

3:29:28

USGS publication has noted that the EPA has concluded that all landfills

3:29:34

eventually will leak into the environment. I think that's relevant. The applicant has not provided

3:29:41

any mitigations for such a scenario from cells one and 1A are not online, but

3:29:46

every cell subsequently since is theoretically been lined and all future expansions should be as well. If we have

3:29:53

recognition by experts on these topics that all landfills eventually will leak into the environment, it seems to me

3:29:59

that's relevant. What's the reference in terms of code? That would be undue burden and seriously

3:30:06

interfere. So leaking leake into the environment, toxins, heavy metals,

3:30:13

dioxins, right? I just So the fact that we've acknowledged in

3:30:20

this record that all landfills will eventually leak seems to me an imminent imminent and relevant discussion to

3:30:27

consider when we're looking at expanding our risk through this expansion.

3:30:35

I have a few more that are real quick in the interest of of Ed's comment that

3:30:41

serious. So I want to ask a general question here. There there some of us who believe

3:30:46

we have enough. There are some of us who want to be exhausted. I'd like to have some sort of consensus

3:30:53

around cuz I think we have enough to support this.

3:30:58

I think you share that perspective. Um, I'm just trying to decide when do we

3:31:04

stop. Could we clarify again from council what so I hear denovo you know the appeal

3:31:11

it'll be a denovo review what we're providing is important but then we don't really have to provide it all could we

3:31:17

get more just a recap of that please you go ahead

3:31:22

um yeah so this is an this is an important juncture right so the planning commission um decision is going to

3:31:29

hopefully have a lot of weight with the board of commissioners but they're also responsible for starting starting at the

3:31:35

very beginning of the process reading the entire record um so taking in consideration and

3:31:42

bring coming to their own conclusions as well. So, um, what you put in the

3:31:48

denial, um, and its specificity

3:31:53

is probably less relevant than the general, um, reasoning, um, like we

3:31:59

started the process. Um, as uh, Chair Fowler had pointed out, um, odor, there

3:32:05

is copious evidence around odor, copious evidence around,

3:32:11

noise and things of that nature. So, just citing the evidence

3:32:17

in a summary statement of the denial is sufficient in my professional opinion.

3:32:22

Okay. And is traffic on that list? Uh uh I know you've spoken to that but I

3:32:28

don't think we put the transportation analysis yet. And just to clarify again, this denovo

3:32:33

process is different than an appeal process. Are they the same and labeled

3:32:39

because process triggers their denovo? Okay. Right. And should there be an appeal of

3:32:45

their decision, it then goes to the Lis Board of Appeals. So it goes to Luba, not a circuit court.

3:32:50

Correct. Okay. Okay. Thank you. If we could add traffic to that, I'd appreciate it. Okay.

3:32:56

So traffic is under that. We haven't talked yet.

3:33:02

It would be seriously interfere with adjacent property but also undue burden on the infrastructure. Yes. Yes. Yes. Commissioner Per,

3:33:11

I'd like to move to allow um Commissioner Lee her last two points. Two only two said I had a few

3:33:19

motion. Okay, I can move it into two. One of them is um

3:33:24

um impacts the character of the area relating related to housing.

3:33:33

Um so that's impact to the character of the area. um

3:33:40

as in seriously interferes with the character of the

3:33:46

the character of the area due to um conflicting housing which is what Ed

3:33:51

said I'm not sure if that's been summarized yet. Okay. So uh what you mean by conf housing is

3:33:58

there are more houses um

3:34:03

the community is growing out the aging character of the area and then commissioner full service comment

3:34:08

where do I put this uh the expansion impacts housing growth potential for the

3:34:14

area due at least to the noise odor litter and general industrial character.

3:34:20

the applicant didn't consider these in relationship to the character of the area.

3:34:32

And then my I'll just do this last one. Litter um

3:34:40

seriously interferes with uses on adjacent property documented um hazards to livestock.

3:34:50

That's it. Dangers to lives a danger to livestock and also it's an undue burden on the county that um as

3:35:00

how do I put this um is it is necessary to provide um a service on a regular

3:35:08

basis to clean up the litter that uh is distributed along the highway towards

3:35:14

the landfill. You're talking about

3:35:20

999 mainly around there. Okay. Yes. So, it's highway and also airborne,
3:35:27
correct? Yeah. Well, that would be the danger to livestock because it's airborne and danger to the
3:35:34
right. There's a lot of that could go a lot of ways. Yes.
3:35:39
Okay. If everybody ready. So,
3:35:45
we have a motion on the table and a second. Um, and you've had discussion.
3:35:51
What? You've had discussion. We've had discussion. Uh, we can start. All in favor of the
3:35:59
motion. Um, it's a negative motion. All in favor of the negative motion.
3:36:04
Right. Did you read the motion for clarity sake?
3:36:10
Motion. It's in the It's in the packet. Well, it's in the packet one. Quite in the packet one, but yeah.
3:36:16
Yeah. Well, you read it right from there. I started from there. Let me pull it back up. I'm pretty
sure I can phrase
3:36:22
it. Prove the denial. So, I move that the conditional use permit for expansion of the coffin but
3:36:27
landfill be denied based on evidence in the record and findings in opposition and conclusions
developed at the public
3:36:34
hearing, including the opening statements by planning commissioners tonight. So, I added that
last part of
3:36:40
the sentence to the motion that's in the packet and I made a second to that motion.
3:36:46
Do we have to do a roll call vote on this or we just can do it? I'm comfortable on that. Okay.
3:36:52
You entertain an amendment to include the discussion the subsequent discussion
3:36:57
those two words um the opening statement. As long as you're okay, we don't have to have a
second on that rules. Okay. So,
3:37:03
okay, that is included. Okay. But we'll take a boy a roll call
3:37:10
vote. We don't need one, do we? I didn't think so. Unless we have dension.
3:37:16
What about Nick? So correct. Nick's online. It's actually not.
3:37:21
Chair Fowler, is he still online? Chair Fowler, are you still online? Yes. Yes, I'm online. Yes.
3:37:29

So, uh, we're going to take a vote. Okay.

3:37:34

All in favor? And I would suggest I would suggest it be a roll call vote.

3:37:44

Yes, that's funny. The uh obviously ineffective chair has been overruled

3:37:51

and we will take a roll call vote. Easy. Certainly

3:37:57

call us. We'll start with Sher follow.

3:38:03

Yes. Uh, Chair Haymon, will can I abstain?

3:38:12

Oh, well, let me look at the bylaws. Uh, for the sake of moving forward, I

3:38:17

will vote yes. Uh, Commissioner Lee, yes. To deny.

3:38:24

Commissioner Bisco, yes. Commissioner Fulford, yes.

3:38:30

Commissioner STS, yes. Mr. Wilson, yes.

3:38:36

We have an unanimous vote. I now have other things to read.

3:38:41

Yes. This is the final oral decision of the Benton County Planning Commission. The

3:38:48

decision of the planning commission becomes final upon the date of the vote of the planning commission rendering a

3:38:54

decision and adopting written findings of fact and conclusions of law. The

3:39:00

planning commission will meet at a previously noticed meeting on July 29th,

3:39:06

2025 to adopt the final written decision, including findings of facts

3:39:11

and conclusions based conclusions of law based on the planning commission's oral

3:39:16

decision tonight. The notice of decision will be mailed to all persons entitled to notice in accordance with Benton

3:39:24

County Code 51.625 625. An appeal of the decision of the

3:39:31

planning commission to the board of commissions shall be filed within 14 calendar days from the date of the final

3:39:38

decision adopting findings of fact and conclusions of law.

3:39:44

Final decision of the planning commission may be appealed to the Benton County Board of County Commissioners

3:39:49

within those 14 days of the planning commission's final decision adopting the written findings of the fact and the

3:39:56

conclusions of law. The fees for appealing the planning commission decision in the landfill site

3:40:03

zone in Benton County Board of Commissioners is set forth in board order D2023-091.

3:40:12

The fee is the actual cost of the county to the county of the appeal with a

3:40:17

\$5,000 deposit due to from the appellant at the date of that the appeal is filed.

3:40:26

This meeting is now recessed until July 29th, 2025 at 6 pm.

3:40:32

Thank you. Thank you. Good job.

Can I do a uh sound check? Am I able to be heard? This is Nicholas Fowler.

0:18

I hear you loud and clear, Nick. Great. Thank you. And I apologize my video won't be on. um got a very narrow

0:25

bandwidth line. So, uh I'll have to keep my video off, but I hope the other commissioners can keep their video on so

0:33

I can uh see who wishes to to speak and uh and so forth. Um I see that it is

0:41

6:00 uh and so why don't we begin? We are at

0:48

the finish line and so let us uh try to be efficient and effective this uh this

0:54

this evening and I'll begin uh by thanking Vice Chair Haymon for so ably

1:00

chairing the meeting last week that resulted in a uh decision. But let me

1:06

now call the role. Commissioner Bisco

1:14

here and a sound check. We can hear you. Uh, Commissioner Cash

1:22

present. Commissioner Fulford.

1:28

Uh, Commissioner Fulford, I think your audio was off. Maybe if you unmute, we can check your sound as well.

1:42

At least I am not hearing you. I am seeing you. So move. We know you're present. And

1:47

can you hear me now? Yeah, now we can hear you. Thank you. All right. Uh Commissioner Lee,

1:56

thank you. Uh Commissioner STRS here. Commissioner Wilson

2:02

here. Vice Chair Haymon Brother. Very well. I will note for the record

2:08

that we have a quorum and uh Commissioner Cash, as uh you were not

2:15

present for the meeting last week and our bylaws uh are are not clear on uh

2:24

whether it's permissible for you to uh to vote without having been present for

2:29

deliberations. Um, I invite you to participate in uh all of the uh the

2:35

meeting. Uh, but we won't be recording your vote. Uh, I apologize for that. Our

2:42

bylaws are are not clear.

2:47

Understood. Understood. Nick, thank you. And per usual, I've got some

2:52

things to read into the record before we can begin. This is the time and place

2:58

for the continued public hearing in the matter of LU-24-027,

3:04

an application from Republic Services for a conditional use permit to an expand an existing landfill. This is a

3:12

continuation of the quasi judicial hearing previously held on April 29th, May 1st, May 6, May 8, July 8, July 9,

3:22

and July 22nd, 2025. The purpose of this continued hearing is

3:28

for the planning commission to adopt the final written decision, findings of fact and conclusions of law that planning

3:35

staff has prepared in support of the planning commission's July 22nd, 2025

3:40

decision to deny Republic Services application for a conditional use permit to expand an existing landfill. At the

3:49

July 22, 2025 continued public hearing, Commissioner Stru's move to deny the

3:55

application based on evidence in the record and findings in opposition and conclusions developed by the planning

4:02

commission at the public hearing. The motion was seconded and after deliberations on the motion,

4:07

Commissioner Strers amended the motion to specifically include Commissioner's opening statements. The commission

4:14

deliberated on the amended motion and voted 7 to zero with Commissioner Cash

4:19

absent in favor of the motion. The public hearing was recessed until

4:25

tonight in order for the planning staff to prepare the final written decision including findings of fact and

4:32

conclusions of law. So, our sole uh agenda this evening is

4:38

to adopt the planning commission decision made on July 22nd.

4:43

Uh the record is closed and deliberations are concluded. This meeting does not reopen deliberations.

4:51

We're here to adopt the decision and findings. It has not been the role for

4:56

the planning commission to write those decisions and findings. The staff writes them. I'll readily acknowledge that the

5:03

decision and findings document is not how I would have written it. And I'm betting that it's not how any of you

5:09

would have written it either, but anyone who's been charged with writing up consensus from a meeting of seven very

5:15

active participants can appreciate just how difficult a task it has been for the staff. The document should reflect our

5:23

intent and our conclusions. Each of us has spent many, many hours listening,

5:28

reading, digesting, and pondering the many pages of written testimony and hours of oral testimony. So, it's

5:35

natural that we might feel somewhat let down by this document when all of our effort is boiled down to a few pages and

5:42

we don't explicitly see our words, our sentiment, or conclusions reflected

5:48

directly. We need to remember that this document is not a union of all of our work. It is the intersection that

5:55

reflects those conclusions that garnered a majority view. As we review, there is

6:00

a spectrum of potential input. That spectrum could range from correction of errors all the way on the other end to

6:07

matters of writing style. Certainly, correcting errors is exactly what we're

6:12

looking for. But what we're not looking for is to comment on matters of style.

6:18

in that middle gray area. Those areas that might make us feel uncomfortable or even squirm a bit are not exactly and

6:26

they may not exactly be errors, but any proposed edit that we discuss should be

6:31

simple and straightforward so as not to jeopardize the schedule and must reflect

6:37

the majority intent of the commission. Should the applicant exercise their right to appeal to the board of

6:43

commissioners, we want to ensure that the board has sufficient time to exercise their process. So with with all

6:50

of that said, I would like to entertain a motion from the commission and the

6:59

form. Let me see if I can find the form of the

7:05

motion that uh Ms. Ryan provided for me. Here it is.

7:14

The form of the motion should be something as in I move the planning

7:19

commission adopt the written decision and findings prepared by planning staff in support of the planning commission's

7:25

20 Jul July 22nd 2025 decision to deny the application. Once the motion is made

7:33

and seconded we'll open the floor for some discussion. I see Commissioner

7:39

Wilson, you have your hand raised. I do. Uh, Chair Fowler, um, I was going

7:45

to make that motion and I was listening intently to what you read from the

7:50

script that the was provided to you, but I'm not certain that I'd be able to incorporate it all as I don't know that

7:57

I can do that uh after one pass and I don't have it in front of me. It was not

8:03

included as a part of our um material. So, but I can entertain the motion if I

8:10

can get as close as possible.

8:15

Right. The form of the motion is something to move that the planning commission adopt the written decision and findings prepared by planning staff

8:22

in support of the planning commission's July 22nd, 2025 decision to deny the

8:28

application. Okay. Uh, I move that in the matter of,

8:35

excuse me, LU24-027 that the planning commission adopt the

8:40

planning commission decision uh, regarding denial of the conditional use permit and the accompanying report

8:49

that was prepared by the planning department for the commissioners. Is that close?

8:55

By George, I think you've got it. So, uh, could I ask for a second?

9:04

Second. Commissioner Fulford has seconded and so the matter is open for discussion.

9:14

Commissioner Fulford. Uh, a quick point of order. I did um

9:21

have a correction on my attachment. Uh, I argued to 53.215, 215, but I

9:27

referenced uh 53.220. And so I've corrected that and sent that attachment in.

9:36

It's basically uh a couple small changes in the document, but it makes sense. Instead of arguing

9:42

to the conditions of approval, it's arguing to the criteria which the whole document's built around.

9:49

Chair Fowler, can I add then to the motion that in the adoption of the

9:54

prepared document and the attached uh opening statements provided by the commissioners that in the case of

10:01

Commissioner Fulford that his amended um opening uh statement be adopted in

10:08

the official record? What what I'd like to do since there may be a number of proposed amendments, uh

10:17

we we will act on each amendment and then as motion maker, Commissioner

10:22

Wilson, I'll ask that uh whether you're amenable to amending your motion to uh

10:29

to incorporate those amendments approved in our our discussions.

10:34

Oh, yes, I am. Thank you. So, uh, is there a second to

10:41

Commissioner Fulford's proposed change to the, uh, written findings?

10:49

I would second. Commissioner Haymon has seconded. Any discussion on the motion made by

10:56

Commissioner Fulford? I would like to make a couple comments

11:02

or corrections possibly. We'll we'll do them in order, Commissioner Lee. So, we'll we'll

11:08

dispense with um the motion made by Commissioner Fulford, and I'll come directly to you next.

11:15

Chair Fowler, I just have a quick question. Uh, in with that in mind, with

11:21

um Commissioner Fulford's um amended statement, are we asking that his
11:27

original um the original statement that was included that had the

11:33

typographical error, I suspect, of just referencing the wrong code. Um, do we

11:39

have that withdrawn or does that stay and the his amended the commissioner's

11:44

amended opening statement stays as well? Uh if I could jump in here, Chair

11:50

Fowler, I think the plan was to uh correct the typographical error and

11:56

change the reference from uh 220 to 215.

12:02

Sounds great. And that's all. Okay. Very well. Then I will uh ask then for a

12:09

vote on Commissioner Fulford's uh correction of some typographical errors.

12:14

All those in favor signify by I. I I any opposed?

12:22

Thank you. That uh that has uh passed. Now we'll move to Commissioner Lee.

12:29

Uh thank you very much. Uh so when I read this document I found uh

12:38

just as you described uh Commissioner Fowler, Chair Fowler uh areas that I did

12:46

not recognize and some of them rise to the

12:52

to my uh belief that that they are omissions.

12:57

And so I would like to present my case that uh they be changed.

13:06

And in one case I have a simple one-word change that could

13:13

resolve the issue. And in the other I don't well there and there's a you there's just some well you know me I

13:21

just read things and I I read them carefully. So I want to be sure about

13:26

the meaning meaning. So uh beginning on page four of the

13:32

document weighing of evidence. So I'll try to go chronologically

13:39

through the document. Um, I believe we discussed this at the

13:46

during the deliberations and um,

13:52

um, Missy Ryan asked us a asked the question verbally, are you giving pre

13:57

preference to the testimony given by the public and their consultants? And I

14:04

heard more than one voice, including my own, say, "No, we are not."

14:09

So there wasn't a real vote on whether there was an agreement on that statement. So I'm confused as to why

14:15

this statement appears in the in this document

14:20

when I believe we made it clear that that was not the intent. In fact, um

14:32

when I was looking at this, um

14:37

it was my understanding that

14:42

the applicant that my my justification was based on the applicant and the

14:48

application, excuse me, the application. And while I valued and appreciated the

14:55

public testimony and the public testimony gave life to my

15:00

justifications, my justifications were based on um the application itself that included

15:08

inconsistencies, assumptions, and deficiencies. And that those in themselves would have been ample basis

15:16

for denying the application. So to me the application itself is evidence and

15:24

that evidence um failed to meet the burden of proof that the expansion

15:33

would meet the criteria of 53-215.

15:39

So this is the one I don't know how to how to quickly change in one word or or

15:45

or not. I would say um the planning

15:50

commission finds the testimony and evidence subi submitted by

15:59

I I wouldn't say it that I would not say that uh it was it was

16:05

unnecessary to say this because the application itself was its own evidence.

16:13

So, are we go should I go through my other points of discussion or should we uh

16:19

open this one to to to the group to feel out?

16:25

Well, do do you have a proposed change that uh that the the group could

16:32

consider? Is this section required in this document?

16:40

I would like I would weighing of evidence. Um

16:46

I guess I would say the planning commission found the testimony and evidence submitted by opponents.

16:57

Well, I don't know. I don't know how I would write. I I did not plan to be to have to rewrite this. Sorry.

17:04

Well, and and we're not looking to rewrite the document, but we are looking to make sure it is an accurate

17:10

reflection of deliberations. Well, and then I would say some planning

17:16

commissioners found the testimony and evidence submitted by opponents

17:22

um including but not limited to testimony and testimony and evidence

17:28

submitted by VNEQS and Beyond toxins to be more credible than testimony and

17:34

evidence submitted by the applicant, the applicant's experts and the county's third-party reviewers. Not all planning

17:41

commissioners required that

17:47

uh

17:54

so change in credibility. I don't know. I don't know. Yeah. and and we we need to be very

18:00

careful that we are not reopening deliberations and and so um we we need to look at

18:07

changes that are uh discreet and correction of errors but I be let's um

18:14

get a couple of the hands that are raised. Commissioner Bisco.

18:21

Uh yes, Chair Fowler. Thank you. So, I'm going to go back to Commissioner Lee's question, which is, is that statement

18:28

required in this document? Because I too uh don't agree with it. I believe that I

18:34

know in my testimony and I heard in others references to inconsistencies in the application and applicants

18:40

testimony, uh inconsistencies, discrepancies, omissions. I know I also called out um their inability to answer

18:48

what I would consider fairly basic questions. And so let's circle back to the question of is that statement

18:54

required to be in this document? And if not, I would recommend that we remove it. I find it inconsistent with our

19:01

deliberations. Commissioner Strers, you have your hand raised.

19:07

I actually would like the question to be answered as well. And yeah, I actually would like to thank you, Chair Fowler,

19:13

for your sort of statement that um this is may not be the way you written the document because um I that's that is the

19:21

one section where I'm not quite that's not how I would written that. Um I actually had to go back and

19:28

watch our meeting from that night um from last week and um I actually we

19:34

actually didn't discuss the waiting of evidence um really at all. I actually timed it was a minute and 15 seconds

19:40

that this was sort of asked and then we sort of pivoted pivoted to other discussion. Um and so I don't think we

19:47

actually discussed the weighing of evidence um and came to a true consensus.

19:55

Okay. I I will ask uh Council Ryan, is that sentence required in the document?

20:06

It is not required. It is helpful to let the board of commissioners know when the

20:13

planning commission is engaging in a weighing of evidence, but it's not required.

20:20

Okay. I I would then uh look to Commissioner Lee's comment as a motion

20:28

to delete that sentence. Is that accurate, Commissioner Lee?

20:33

That would meet my needs. Yes. Is there a second? A second.

20:39

Any further discussion? We'll call for the vote on the uh motion

20:47

made by Commissioner Lee. All those in favor signify by I.

20:52

I. Opposed.

20:58

That sentence is deleted. Uh, Commissioner Lee, you can move on to

21:04

your next comment. The next comment is also on page four.

21:09

It the sentence starts, the planning commission finds the character of the area to be largely urban and rural

21:16

residential uses. I found that to be uh very strange. I

21:24

would I would certainly not uh characterize the area to be largely

21:31

urban. Um I would suggest that a change would be

21:41

um the planning commission finds the character of the area to be diverse a

21:48

diverse mix of egg forest wildlife refuge and urban and residential uses.

22:01

I I would observe that this falls dangerously close to words smmething uh

22:07

and matters of of style. Um so I do want to be careful that we we

22:14

don't uh we're not attempting to rewrite the uh the entire document. Uh I believe

22:21

if uh I don't mean to put words in your mouth, but it is the word urban that uh

22:26

is troublesome. It is the entire concept that the

22:33

character of the area is largely urban and rural residential

22:38

uses. That excludes the the large wildlife refuge right next door, the um

22:47

agricultural and forest working lands.

22:52

I mean that statement is just it's just absurd to me. And it's for many

22:59

reasons and one of those reasons is that it is assumes that the character of the area is defined by the space on highway

23:07

99 from North Corvalis to coffen but what about the areas to the

23:14

north west and east. So it that statement that

23:20

first line is absurd to me.

23:27

comments about that line uh chair for a lot. Yes, this this uh this is sort of

23:34

heading into revisiting deliberations again. Um my recollection from the

23:40

meeting that was a few of the commissioners did raise the issue that is addressed in the findings and I do

23:48

not recommend reopening this issue because it it would uh reopen deliberations which have not been

23:55

noticed and we certainly don't want to uh to

24:00

open deliberations. Uh,

24:07

so I I totally agree, but I mean, am I the only one who read that and went, "Whoa,

24:14

that's I I did read that and I reacted to urban uh the the word urban and I thought it

24:22

was restrictive, but I I dismissed my concern as a matter of style as opposed

24:28

to matter of substance." Commissioner Visco, you have a u a hand raised.

24:33

I do. If we were to look at the generally accepted definitions of urban and rural residential, do those

24:41

definitions include the farm, forest, the agriculture, production, and I all

24:46

the things that Commissioner Lee inquired because if not, then that is a

24:53

a factually incorrect statement. And since it it leads into the whole

24:59

character of the area which is part of Benton County Code 53.215, it seems important that we are accurate

25:06

in that statement, I don't feel that it represents how I perceived or presented that area when we talked about the

25:12

character of the area either. So I'm not sure what the resolution is, but it it appears to me when you look at those

25:18

definitions of how it's written that it's factually inaccurate. I'm not sure that's a deliberation, I

25:24

guess, is my point. I think it's a correction. So where it get gets into deliberations

25:32

is trying to rewrite it. Um if we uh delete it um then I don't think that is

25:41

going back into deliberations. So how about this? Here's a compromise.

25:48

Just re remove the word largely. The planning commission finds the character

25:54

of the area to include urban and residential uses.

26:05

I'll look to uh Council Ryan to confirm. That doesn't sound like we're reopening

26:10

deliberations. That sounds fine.

26:15

Commissioner Bisco. Uh yes. Thank you, Chair Fowler. Again,

26:21

I find that statement is even even if we remove the word largely is still

26:26

factually inaccurate as to the character of that area. And because it's in code, it seems important.

So, I'll go back to

26:32

your question about if we deleted it, can we then repropose?

26:38

So, it's not a deliberation on that statement, but can we repropose a different I I didn't hear like a

26:43

resolution. If we were to delete it, do we just delete it and move on or can we propose an alternative?

26:50

Well, I don't want to get into word smithing uh and and creating this

26:55

document with seven eight of us um trying to chime in on on each sentence.

27:01

So very simple fixes uh such as Commissioner Lee has uh has

27:08

suggested uh I think falls within our realm to consider going much beyond that

27:14

in terms of constructing new sentences that worries me. How about a how about a a compromise to

27:22

the compromise, right? The planning commission um let's see where did it go?

27:29

finds the character of the area to be diverse and to include urban and rural

27:35

residential uses.

27:41

I'll uh ask uh Council Ryan whether we are overstepping our our bounds there.

27:50

I think you probably are overstepping. I think that the the any any discussion

27:59

that heads uh in the direction of what was said or I remember

28:05

uh I I remember thinking last week or this was my position a specific

28:11

commission is really for deliberation.

28:19

So, I understand, you know, countless hundreds of hours on this, but um you

28:24

know, this sounds a lot to me like things that that should have been

28:29

discussed during deliberations. For example, um we talked a little bit

28:35

during deliberations about the meaning of some of the phrases in the code, but we did not talk about the meaning of the

28:41

character of the area. Um that was one thing that we could have talked about and nailed down, but it didn't happen.

28:50

So, Commissioner Lee, uh, your previous compromise sentence, uh, appeared to be

28:57

acceptable within the, uh, constraints of not reopening deliberations. Would

29:03

you like to phrase that as a motion?

29:10

Um, okay.

29:16

Oh, you Oh, you want me to phrase it as a motion? Okay. Yes, please. So, I move that this statement

29:24

um on page four change to state the compl the planning commission finds the

29:31

character of the area to include urban and rural residential uses.

29:39

Is there a second to the motion? I would second that.

29:44

We have a duly made and seconded motion. Any final discussion? Commissioner

29:51

Bisco. Thank you, Chair Fowler. Um, I do have a a final question, but before making that

29:57

comment, could uh Commissioner Lee please restate her proposed

30:03

wording again? Yes. Uh the planning commission finds

30:08

the character of the area to include urban and rural residential uses.

30:15

Okay. Thank you, Commissioner Lee. So, I will just point to council Ryan's comment that this planning commission

30:21

did not, and I'm general generally capturing what she said, uh did not really discuss character of the area. I

30:27

then find that staff has put that definition in there. Um I'm concerned

30:33

about the term urban. When I think urban, I think downtown Eugene, downtown Portland. I don't think Corvallis even is

30:41

urban, per se, uh, by definition. And so I'm curious

30:46

why we would include a definition that was created without planning commission discussion of character of area and

30:52

really admittedly just now by staff. Um, I disagree with the definition wholly if we're going to include urban and cannot

30:58

revise it otherwise. appreciate the comment. In the interest

31:04

of time, I'm going to call for the vote on this particular one. Um, all those in

31:10

favor of the motion signify by I. I. I.

31:16

Opposed. Opposed.

31:22

Motion passes. Commissioner Lee, I believe you you're you still have another suggested

31:28

correction. I do. I believe this is a just a correction.

31:33

It's on page six. Fire services um

31:39

the planning commission concludes that the land use landfill use will undo

31:45

burden unduly burden sorry fire services provided by Adair Rural Fire District

31:52

which is a small which is small and comprised of volunteers. I think if you

31:57

just add largely of volunteers because it does have at least one paid staff.

32:09

Very well. Is there um a second to that correction?

32:19

I second. Any further comment?

32:26

We'll call for the vote on this minor change. All those in favor signify. I

32:32

I I opposed.

32:37

Uh change is accepted. And Commissioner Lee, do you have another?

32:42

I have one more. Uh right below that, water facilities.

32:50

Um the second line after the comment uh comma starts due to the transmission

32:57

into the will river of PAS from lie.

33:02

I would just delete PAS and just say of lie because the concern

33:11

is a range of toxins including PAS and lie the word leate

33:18

covers all of it. I'm not just concerned. We are not just concerned about PAS from lie. We're

33:24

concerned about all of the lie.

33:30

Okay. Is there a second for that change? Andrew, I'll second.

33:38

Comments on this suggested change.

33:44

And Commissioner Bisco, I see your hand. Is that uh for for this comment or is that uh Okay, thank you.

33:52

I'll call for the vote on this suggested change. All those in favor signify by I.

33:58

I opposed. Change is accepted.

34:05

Do uh does any other commissioner have a correction to make in this document?

34:13

Commissioner Bisco. Thank you, Chair Fowler. Um, there is uh one to get

34:19

started here is that we have defined uh let me get back to the document here. We

34:26

have not defined adjacent and I recall a number of

34:31

commissioners and in our deliberation having conversations about what is the definition of adjacent. More commonly

34:38

accepted is that shared property line uh with the landfill or buffer zones. I

34:43

believe that we should define for the purposes of this record or this document

34:49

um what I believe to have been the intent of adjacent was not just those

34:54

immediately sharing property line properties but more of a regional definition. I'm not sure if that's the

35:00

word we want to use, but I would like to see us acknowledge our deliberations in

35:05

that word adjacent meaning more than just what has commonly been accepted in

35:12

the the code definition. Well, there is no definition. Um, what's been commonly accepted, I guess I'll just say

35:19

that sounds like deliberations to me. I don't I do recall the commission

35:25

agreeing during deliberations on um

35:31

Commissioner Fulford's propo proposed definition of undue burden and also

35:37

uh the the definition of seriously interfere. I don't recall anything during deliberations that discuss the

35:43

definition of adjacent. I remember some of the opening statements proposing

35:49

what each commit a particular commissioner's view of the meaning of

35:54

adjacent but I don't I don't recall any consensus on that. So I I feel this

36:00

strong strongly that this reopens deliberations. And to be clear, council Ryan, then if

36:06

something was not actually come to consensus in the deliberation process,

36:12

then does that not meet what is required for it to be entered in this record? Because I see topics of which we did not

36:18

vote on the housing consideration either and I see that as part of uh the findings in this document. So I'm not

36:25

sure that we actually formed our deliberations on a matter of is there a consensus of the planning commission for

36:32

the opening statements and the deliberations. I guess what I'm saying is I don't

36:38

remember any discussion during the deliberations portion of any particular

36:43

meaning of the word

36:55

I'm losing council Ryan almost every time. Agreed. Yes, I've lost her completely.

37:03

Sorry, I'm on vacation so I have a little bit of spotty cell coverage also.

37:10

We we observe I would observe that the the

37:15

motion that passed unanimously a week ago uh referenced opening statements and

37:23

those opening statements included those from Commissioner Fulford who I believe was the originator of the uh that the

37:31

housing uh references and we did vote on on that uh to incorporate those opening

37:38

statements. ments and and so that that was something that was voted into the uh

37:43

during deliberations um as something that was included in our decision.

37:51

So going back to our Thank you, Chair Fowler. So going back to our deliberation discussions, we did not

37:56

vote, I don't think, on anything other than that final vote to include those

38:02

opening statements um which presents itself as we will be incorporating what's within those opening statements

38:08

and the deliberations that occurred uh on last week's meeting. So to be clear,

38:15

how did we decide which of those opening statements were incorporated into this document and which ones were not?

38:21

because a consensus process is not how we framed the deliberations nor any content from our opening statements.

38:31

So the original motion was amended to include opening statements and there was

38:38

a call for those opening statements to be delivered to county staff to be

38:43

incorporated as supplemental findings in this decision document.

38:50

That's that's correct and I understand that part. Thank you again, Chair Fowler. But my question is, how did staff determine which elements of those

38:57

opening statements and our deliberations at last week's meeting to include in this document?

Because I do not see

39:05

I'm not sure that I see represented all of the things within those opening statements. Certainly, some of them are.

39:11

Um, so I'm just looking for clarification on how what were how was it decided by staff what to extract from

39:17

the deliberations conversations and what to extract from these opening documents.

39:29

I am not a able to to to answer that but I don't I'm I'm trying to understand the

39:36

significance of that since the opening statements were incorporated as supplemental findings.

39:41

Okay. I'll step back this way then if I may. Um thanks again chair feller for trying trying to answer a question that

39:47

I'm asking that I'm not sure that we all have the answer to. In my opening statements

39:53

um excuse me just a moment. the ones that I read largely from and then having not having that written as a read

40:00

verbatim and including also conversation and reference to materials when I was giving my opening statement in the third

40:06

paragraph my opening statement reads this adjacent properties quote unquote

40:12

for the purpose of this hearing related to criteria found in Benton Benton County code 53.215 215 has been

40:19

determined to far exceed the immediately adjacent by quote shared property lines property owners with documented risk and

40:26

impacts as far as North Albany early independents in Poke County, South Corvalis, Lewisburg, Bomoth and rural

40:32

unincorporated areas of Benton County. I guess that's my point. So that was part of my opening statement. I know that

40:38

we've acknowledged that. I can't cite where everyone else is, but I I don't feel that I stand alone in that. And yet

40:43

I don't see it in this document. And I think that that that definition has relevance here because it is outside of

40:50

the normal normally how we interpret and the planning commission has the ability to

40:57

interpret it. It's outside of how normally maybe just because of the size and scope of the impact of this or just

41:02

because of the complexity of this record. But we did acknowledge adjacent properties and I'm looking to get that

41:08

in this document.

41:14

statement in the incorporated fire.

41:19

It is a part of the findings. What I'm advising tonight is not for the planning

41:26

committee not to

41:33

Yeah. Unfortunately, councilor Ryan, we are are not able to follow your statements. The planning commission not have a what?

41:46

was not able to hear. Uh, council me. No,

41:52

let me try to turn my video off. Can you hear me now? Yeah.

41:59

Commissioner Bisco, the statement you just read is part of the incorporated findings. So, it is a part of the

42:05

findings. But what I'm suggesting that's not shouldn't happen tonight is

42:11

deliberating as a body on what the meaning of adjacent is.

42:17

That did not occur last week and it cannot occur tonight.

42:24

The findings are necessarily abbreviated. They're not going to be as comprehensive

42:31

as the entire record. But your statement including everything in it is part of

42:38

the findings.

42:46

So I I respectfully disagree that this should not be in those findings. Um and

42:52

I disagree fully with findings being abbreviated. Having reviewed 50 years of

42:58

this land use record. I feel that's a risk um that not only disrespects the

43:03

comprehensive nature of this application and the public testimony, but it also leaves open risks for

43:11

any potential appeals that may occur out of this space or any potential future applications out of this space that

43:17

looks back to this document and says, "Well, that's not in there." Which is really what you're doing right now.

43:22

that's not in here or staff decided that that the findings will be abbreviated. So, we're not going to include the

43:29

definition of adjacent. Now, if in fact that needed to be done

43:35

that night when we were discussing other definitions, then I would have relied on council and staff to point that out. But

43:40

because opening statements were intended to be part of this and then this process was not very well defined as far as what

43:47

this this meeting would be this evening, I disagree with that statement and

43:53

disagree with findings being abbreviated. I'll be clear here. Do I have the

43:59

opportunity to present this as a motion, Chair Fowler, to incorporate that

44:07

definition as in the opening statement that was read? Not objected to either.

44:12

So, it wasn't discussed, but it wasn't objected to either. Meaning we didn't. I am deferring to

44:20

councilor Ryan that such a motion would essentially or explicitly be reopening

44:27

deliberations. You do have you can create a motion to

44:33

reopen deliberations. Uh recognizing that reopening

44:40

deliberations would uh put the schedule in in

44:46

jeopardy. It it would basically eliminate uh the opportunity for an a robust

44:53

appeals process, hypothetical ab appeals process, but it would it would obiate

44:59

the ability of the board of commissioners to manage a robust appeals process. So you are you may make the

45:07

motion to uh reopen deliberations. There are risks associated with that.

45:14

Very good. Chair Feller, then I make a motion to reopen deliberations

45:20

uh recognizing your statement that it would put a potential appeal in jeopardy, but I feel that an incomplete

45:26

findings of record here for reasons for denial would also put an appeal in

45:33

jeopardy and that providing the board of commissioners a clarity on something as important as adjacent if you look to see

45:39

how often that's referred to in our record and in the public record testimony, but also So in this document,

45:46

I think it's important that we as a planning commission define what that was presumed to be for this entire process.

45:55

So I'm going to truncate your your motion to you move are moving to reopen

46:02

deliberations. Thank you. Yes. Uh is there a second on that motion?

46:14

I see none. So, the motion dies for want of a second. Do you have additional

46:20

corrections you'd like to propose? Yes. Uh, let's see here.

46:33

Many documents. Give me a moment here to locate the correct one.

46:41

Um, I would like to change the word experts in this document, uh, which is

46:47

often cited in testimony and evidence submitted by the

46:53

applicant, the applicant's experts, and the county's third party reviewers. Uh, it is most often

47:00

cited in relationship to public testimony, which I believe we have documented in this record. We have a

47:07

number of professional experts, doctors, um, highly educated. The list was read

47:13

in our discussion, but I I take issue with the word experts. And I think that a better word might be consultants. Um,

47:20

because there's a wide definition of expert uh to disenfranchise all of the

47:25

actual professional experts that testified seems to me to be inaccurate in this document.

47:33

So my proposal is we change the word experts in this document to consultants. I I don't know that it's used anywhere

47:39

else other than related to the applicants consultants.

47:45

Is there a second to Commissioner Bisco's proposal? I would second. This is Andrew.

47:52

comments on the change from experts to consultants.

48:02

I will then call for the vote on the change of experts to consultants. All those in favor signify by I.

48:09

I I opposed.

48:15

Change passes. Commissioner Bisco, do you have more?

48:21

Uh, I do. Um,

48:36

getting to the right place in the document. Again, excuse me for the delay. Not not trying to have that

48:41

happen by any means.

48:51

I am not sure if this has been answered already. Um but I I do want to point out

48:57

that when reading the opening statements, which of course was part of our deliberation uh and discussion last

49:04

week, um I am seeing what appears to be 12 findings.

49:11

when I go back and read um Chair Fowler's Commissioner Fulford's

49:16

Commissioner Lee's and my submitts for those opening statements which of course were part of our deliberation.

49:24

I find that we have 67 um near as I could. So, Chair Fers yours were a

49:29

little bit more narrative version, but just trying to give a a good guess of what could be turned into 67 and some

49:37

very explicitly depending on who wrote them. So, Commissioners Lee's and I know mine as well um to an extent

49:43

findings for reasons for denial. Um I'm a little bit unclear why we only have 12

49:50

and and has been mentioned. Um they were I don't know if it was abbreviated, but I do wish to point out

49:57

some of those emissions and I'm not sure what that process is. For example, litter and maybe this is just a change

50:03

but the litter I believe it was it may not have been seriously interfere but wherever litter is sitting in the

50:09

document um it does not address what was in the record about the highway litter.

50:15

It does it only addresses the litter as it relates to agricultural lands and livestock around it. I recall that.

50:22

And I'm gonna I'm gonna inter interject here, Commissioner Bisco, because this falls into the category of the document

50:28

is not an exhaustive union of all of the uh proposed

50:35

uh criteria on which the commissioners felt that the uh application was

50:41

deficient. Um there's some judgment here. the staff is responsible for

50:47

writing this and uh we need to respect their their judgment and not attempt to

50:53

rewrite the document. Okay. So to the extent then with that comment being made

51:02

for what I believe to be omissions of some key findings, we have no mechanism

51:07

to revise this document. just for a point of clarity.

51:15

So, rewriting the document would uh essentially be reopening deliberations

51:22

uh and we we've already had that that motion. Now, if there is uh

51:30

an a clear error, we can we can address it. But uh I I don't think we can go

51:38

through a list of things that were omitted either unintentionally or intentionally by by staff. We we need to

51:46

rely upon the their judgment. It is their responsibility to write the uh the document. Um I see a hand raised from

51:53

Commissioner Strument. It is a comment, Chair. Thank you. And I, Commissioner Bisco, I I understand

51:59

where you're going and I'm trying to find and I've heard uh what counselor

52:05

Ryan has said as well that what was written in the staff findings or what

52:10

was provided in that document is for the lack of better terms and this is my my wording, right?
Um the summary of what

52:17

we discussed last week, but on top of that everything all the statements are

52:23

being added as supplemental finding. They are part of the findings. they are just not summarized in the main

52:29

findings. And so those what you referenced 67 or so other findings are

52:34

part of the overall document. It's just they're not summarized. You just have to read through all 54 pages to get this

52:42

and to sort of um find a good way to a metaphor for this. And I apologize if

52:48

this is not a proper place to discuss to make up a metaphor, but with the first what six pages could be you could

52:55

consider, you know, the document coming from a judicial ruling because we are acting in a quasi manner. We're acting

53:01

as in a in a judicial way. All the other is additional

53:08

um statements to to support those findings or support those additional findings. So I would from my leg from my

53:14

viewpoint all 67 are be included in those findings because they these statements are being included in the

53:20

overall findings

53:25

and thank you commissioner struthers. I appreciate that. Um I I will use an example of where I I feel like that's

53:31

just deficient. So part of the conversation was bioaccumulation for example of

53:37

particulate matter. Particulate matter is not and that was extensively discussed in the record and also in our

53:43

discussions. I'm not seeing that in these findings or I'm also not seeing um closure and

53:49

postclosure which obviously if you have a landfill there needs to be proposals for that closure and postclosure.

53:56

Uh that was absent or insufficient in the record as well. So, I hear what you're saying and I I respect that, but

54:03

having, you know, navigated through the Benton County Talks trash process and

54:08

recognizing how a lot of the findings that you could read in the documents were underwhelmed by either legal

54:13

loopholes or manipulations, I'm concerned that those additional things that are in our opening statements are

54:19

not going to be held with the same force in any appeal situation or any future um

54:27

whatever any future situation. I feel like it's weakened the document by not including those. So, I will just make that statement. Um, I think you've all

54:34

heard where I'm coming from. Um, another important one for me is is the health impacts has not been mitigated,

54:40

measured, or otherwise. And that too did not rise to the level of staff believing that that has merit in this final

54:46

document. So, I'll I'll stop there. Um, I think that's all I have. Thank you, Chair Fowler.

54:52

And thank you, Commissioner Bisco. Any other proposed amendments to the

54:58

original motion? Commissioner STS. Uh, I just want to first thank again,

55:04

Commissioner Bisco. I I I thank you for your last part of that statement. That actually helps me understand where you're coming from and I and I

55:10

appreciate what you're saying. Um, especially from that history of past.

55:16

Um, sorry brain pausing there, but thank

55:21

you. Um I do I don't know how to phrase it as a

55:28

amendment yet but I since we removed the weighing of evidence sentence uh we we

55:33

you know we remove that there is what's referred multiple times in here um it

55:39

throughout this document that there's this one sentence that reads and I'll find an example. So on page

55:45

uh I'll use page five. Page five under blasting for landfill um cell preparation there's a statement that

55:51

reads um the planning commission finds the applicant experts which we've now changed to consultants. I'll read that

55:57

as that way. The the planning commission finds the applicants consultants evidence and the county's third party

56:02

reviewers evidence regarding interference with wells on adjacent properties to be less credible.

And it's

56:08

that last less credible part that is referenced multiple times in these different sections

56:15

that I'm not sure we that goes back to weighing the evidence. We didn't weigh if one was more credible or not. And so

56:21

I don't know if there's a way to change the word credible or less credible or if we find those like those specific

56:27

statements like that to to remove them. So, it's maybe more just a statement that I I feel like we're still weighing

56:33

the evidence in various parts where we say less credible um because we didn't really get into that.

56:40

Yeah. And I'll I'll uh I I believe that the the less credible is essentially a

56:46

term of art and ask Commissioner or Counselor Ryan to uh to see if if I'm

56:55

accurate in that. Uh thank you, Chair Fuller. Uh it is a

57:01

term of art and it's it's not necessary to keep that sentence if uh the

57:06

commission chooses to strike it. Uh as I mentioned before, under the striking of

57:11

the weighing of evidence section, it is helpful uh for decisions to be sustained

57:17

on appeal when it's clear that the planning commission did actually engage

57:22

with all of the evidence and ma and made a determination as to which evidence it

57:28

believed more. But it's not necessary to the decision.

57:39

Commissioner Strus, are are you inclined to make a motion or accept it as it is?

57:46

I'm I'm I'm mulling. I want to hear what others have to say either on the document or that section. I just I I'm

57:52

not as as you said trying to to avoid worksmithing is what I'm trying to avoid, but I just want to raise the point. It just it feels odd.

58:03

I agree. Oh. Oh, excuse me. I agree with uh

58:08

Commissioner Andrew and I feel as though

58:13

it's so my my my whole point of

58:20

struggling with this is not understanding the future uses of this document well

58:27

enough. And I did try to ask about tonight's meeting well in advance a month or so ago. I said what's the per

58:32

what are we going to be doing at this 29th meeting because July 29th meeting

58:38

because we've never done this before. So this feels

58:43

like you know words are important words are uh have

58:49

the life and we don't know what the life of this document is and the purposes and the nuances. So it is a very challenging

58:58

uh moment to be looking at this and saying I wouldn't say that I but I don't know how important my opinion is on this

59:05

or how I don't know I don't know what's going to happen to these documents.

59:10

So, um I agree with uh Commissioner Strawthers that I would that that

59:17

statement does not ring true to me for the reasons um that we discussed in

59:26

uh the removal of the weighing of the evidence paragraph. it. Um,

59:33

but on the other hand, strategically, if counselor Ryan is saying that this

59:39

document has some uses that we are inexperienced with

59:47

and cannot foresee the potential outcomes, it leaves us in a really

59:52

awkward situation. So, in the interest of time, I'll ask uh

59:59

again on this topic whether either Commissioner STS or Commissioner Lee would like to phrase their concern in

1:00:06

the form of a motion.

1:00:13

I'm just raising it for the for the discussion at this point on the overall findings.

1:00:20

Okay. I see Commissioner Bisco's hand raised, I guess. Um to Commissioner STS and

1:00:26

Commissioner Lee, I agree with their concerns about the actual word and words do have meanings um very clearly defined

1:00:33

and there are court cases one on a a period or a lack of a period or a comma

1:00:38

or a lack of a comma. Um I don't feel that that is reflective of the true

1:00:44

nature of how we wade evidence. I feel that words like inconsistent,

1:00:50

deficiencies, uh, inaccuracies are more of the words that were used um,

1:00:56

both this evening, last week, throughout the hearing process and questions, and I know in my opening statement as well. I

1:01:02

I can't speak to everybody else's from memory. I'd like to see that type of award if it could be Wordsmith, not

1:01:08

Wordsmith, but replace that. I'm sorry, I can't look at six documents at a time. Just a minute here.

1:01:15

Well, I'm I'm going to jump in and again if there is a motion to make a specific

1:01:21

change, uh we can entertain that motion. Uh but we're again approaching a a dangerously

1:01:29

close in both words word smithing and by doing the word smithing dangerously

1:01:35

close to uh coming back to deliberations and we've already acted on the motion

1:01:41

that we are not opening deliberations. So, is there a motion, a specific motion

1:01:46

on a word change? I can try, but it's I'm struggling here

1:01:52

to do it in real time here. Um,

1:02:00

so the the second to the last part here, the planning commission finds the applicant

1:02:07

evidence and the county's third party reviewers evidence regarding interference with wells on adjacent

1:02:13

properties to be inconsistent, internally inconsistent.

1:02:23

I can't do this. I have to do it with a pencil. Well, I I I think the reason we are

1:02:28

struggling with it is it's not an an easy change. We may be uncomfortable with certain areas of the the document.

1:02:37

Uh how however going further gets into words smithing uh which is not

1:02:44

appropriate. We need to defer to the professional staff that they have

1:02:50

appropriately written this this document based on observing our deliberations.

1:02:55

Chair, yes, Commissioner Bisco. Excuse me. So, I propose that we strike

1:03:00

that last sentence. I'm trying to see where it all is at, but it generally reads, "The planning commission rejects

1:03:06

the applicants. In this case, it's traffic experts evidence and the third party reviewer experts review of the

1:03:12

evidence and relies on testimony and evidence submitted by the opponents. I I find that factually inaccurate. Um I

1:03:19

feel like all of us have considered that applicants quote unquote experts now change to consultants. I make a motion

1:03:25

that we just strike that statement where it exists in this document which is both in the seriously interfere. Um,

1:03:34

the motion is that we strike that. I don't know how to categorize that last sentence. Is it the one on blasting, Katherine?

1:03:41

Well, it is multiple times in here. So, on blasting, it's the planning commission finds the applicant experts

1:03:46

evidence and the county's third party reviewer evidence regarding interference with wells on adjacent properties to be

1:03:52

less credible. I don't know that any of us said that. So, that last sentence that But how do you, you know, do you go

1:03:58

one by one? I would I you know I'd move that we strike that sentence. The next one down is very similar. The planning

1:04:05

commission rejects the applicants consultants evidence and the county's third party reviewers evidence and

1:04:11

relies on the evidence submitted by opponents including but not limited to and that one goes on. So I disagree that

1:04:17

we have rejected I think we've considered seriously. I also disagree that we relied on and that implies only

1:04:24

if we rejected the applicant and their consultants. It implies that we relied only on the evidence submitted by

1:04:32

opponents. So I I move that we strike

1:04:37

help me out chair feller that sentence wherever it appears and I think it appears in nearly every one of these. So

1:04:45

does it have to be one by one a motion? Well, I I think we should be highly

1:04:52

cautious when there is such a wholesale uh proposed set of changes.

1:05:00

Um and and so yes, it would need to be on each and every instance uh

1:05:08

separately, but I will caution that this is a significant set of of changes to a

1:05:16

document that is uh has already been prepared by professional staff and is

1:05:23

reflective of our deliberations on July 22nd. So I can entertain a motion if you

1:05:30

have a specific motion. So, my motion is that we remove

1:05:42

um my motion is that we remove any sentences that refer to the planning commission rejecting the applicants

1:05:50

consultant applicants application and consultant evidence

1:05:58

relying only on evidence in testimony submitted by opponents. I I think that

1:06:03

will cover it. I I just I I cannot reject is an

1:06:09

inaccurate word for me for my fellow commissioners. I don't feel like any of them said I reject the applicant's

1:06:15

expert testimony. I think they considered it very seriously and and a lot of it is valid, but I do and did

1:06:21

hear inconsistencies. And I also do not in any way believe

1:06:27

that myself or any of my commissioners based on our conversations and deliberate meetings deliberations

1:06:33

opening statements that we relied solely on evidence and testimony of the

1:06:38

opponents. So I think it's it's misleading at best. It's factually inaccurate

1:06:43

at the outs. So again, I'll ask for a specific motion. Yes. My motion is to remove from the

1:06:50

findings any statement that includes the words planning commission rejects the

1:06:56

applicant's evidence and relies on the evidence and testimony

1:07:01

submitted by opponents.

1:07:08

Is there a second? I would second. Further comments or discussion?

1:07:16

Yes. You're welcome. Yeah. The only the only issue I have with that is that it doesn't read the

1:07:22

same way in each of these paragraphs. In other words, in groundwater

1:07:28

contamination, um, it goes it goes on to, you know, it

1:07:34

says, um, we're saying the consultants evidence

1:07:41

and then it goes on to, in other words, in that paragraph, it goes on to as as

1:07:47

that is a a it's like a prerequisite sentence to the following statement. And

1:07:53

so then I don't know how much in that particular paragraph how much that statement how much we lose in terms of

1:08:01

the context of the statement. That's just my comment about how that might work. And maybe others can

1:08:07

speak Commissioner Fulford. Um maybe we can simplify instead of

1:08:13

saying rejects the applicant's expert evidence maybe we consider it but it it

1:08:19

um and just swap out rejects with consider. Um because like Katherine

1:08:25

said, uh we weren't throwing it out. It was like, uh yeah, that's good. This is

1:08:31

a little better. And it was just weighing it back and forth. So maybe the word rejects is hardcore all the way to

1:08:38

the left or the right. And considers is more of a kind of a middle of the road.

1:08:44

You know, we're we're taking the information in. Um Commissioner Fer, I'm sorry. I cannot

1:08:51

find the uh how the place in Zoom where you hold your hand up. So, I've been searching and searching for that, but I

1:08:58

apologize for interrupting. But I I think it's important um to recognize

1:09:03

what Commissioner Wilson said is in that each of these findings uses a sentence

1:09:10

that is worded differently and does not necessarily use the word reject. I mean,

1:09:16

I think we should go finding by finding and look at them each individually.

1:09:23

So, Chair Fowler, could I amend my motion? Uh, you you may withdraw your motion and

1:09:30

make another motion. So, Chair Fowler, may I withdraw my motion and make another motion,

1:09:36

please? Okay. I um I formally withdraw my original

1:09:43

motion and I submit this for consideration to the planning commission. I would like to see excuse

1:09:50

me. My motion is is that we replace the words the planning commission rejects

1:09:55

with the phrase the planning commission considered and we replace the phrase.

1:10:04

It's hard in that groundwater one, Commissioner Wilson. So give me a minute. Right. Replace the phrase and

1:10:10

relies on with and considered. So we replace rejects with the word

1:10:17

considered. We replace and relies on with considered which would then read to

1:10:24

commissioner Wilson's on the groundwater contamination. Just the sentence that I'm focusing on.

The planning commission

1:10:29

considered the applicants ex excuse me. The planning commission considered the applicant's consultant. Excuse God. The

1:10:38

planning commissioner rejects the No. Okay, we'll get it. The planning commission considered the applicant's

1:10:45

consultant evidence and the county's third party reviewers evidence regarding groundwater contamination from Lee and

1:10:53

considered the opponent's evidence including without limitations evidence submitted

1:10:58

by. So that would be an example of replacing rejects with considered replacing the word and or phrase and

1:11:04

relies on with considered. Um for the next one below traffic for example it would read the planning commission

1:11:10

considered the applicants traffic experts evidence and the third party

1:11:15

reviewer experts review of that evidence and considered on u considered testimony and evidence

1:11:22

submitted by opponents. So, it's a simple swap out of those two words rejects and

1:11:28

reli and phrase relies on with the word considered. So, if you want the

1:11:35

Well, and no, you're fine, Commissioner Bisco. I what I'm I'm thinking I'm trying to I'm trying to um to coales it

1:11:44

makes it makes especially in that groundwater and I'm going to use that as the example. So we are changing rejects

1:11:52

that one word and we change it to considered and we've already changed and voted on

1:11:58

expert is consultant and in that sentence when you said

1:12:03

considered um and considered the um opponents because

1:12:10

I know in that sentence there's and relies on. I'm wondering if you're okay with and considered

1:12:18

the opponents. I'm just adding the word the instead of on. Okay. So, I am I'm not sure. So, I I think

1:12:25

we're place we're replacing two words, but the grammatical changes depending on what they look like in each one of these

1:12:30

findings. Right. And I I I defer to council to make sure that we're not just

1:12:38

getting too far in the weeds. We we are definitely falling into the

1:12:44

rewriting of a document with the risk of disrupting the fabric of the document as

1:12:50

it was written. I agree with that, Chair Fowler.

1:12:59

I do as well. And and so there is a motion on the table that uh has been made and

1:13:06

seconded. I think we've exhausted comments. We'll now call for the vote.

1:13:11

All those in favor signify by I I I

1:13:18

I opposed. I So, I'm going to roll call because I

1:13:24

couldn't tell from the uh the voice vote. Um I need to bring up my uh let's

1:13:32

see. Commissioner Bisco, I Commissioner Fulford.

1:13:38

Hi Commissioner uh Strs.

1:13:44

Hi, Commissioner Lee.

1:13:51

Commissioner Lee, I didn't hear you. I Thank you, Commissioner Wilson.

1:13:58

I, Vice Chair Haymon, no. And I vote no. The motion does carry.

1:14:11

So this is the last call for changes. We are in the process of rewriting the

1:14:16

entire document and uh that that is inappropriate use of uh of a planning

1:14:22

commission. So I will entertain one final uh call for specific corrections

1:14:30

of errors.

1:14:35

Then I will return to Commissioner Wilson and ask that uh you remake the

1:14:41

original motion to include as amended. Very well. Uh, Chair Fowler, in the

1:14:48

matter of LU24-027, I

1:14:55

move that the planning commissioners adopt the planning commission decision

1:15:00

conditional use denial of conditional use permit report as amended by the

1:15:06

planning commission and the included opening statements

1:15:13

of the commissioners that are also included with the amended change of commissioner Fulford's opening statement

1:15:21

that it was revised and be included. Sorry. Okay, that was a lot.

1:15:27

I think we got the the the gist. Essentially, it is approving the document as amended through this

1:15:34

proceeding. Do we have a second? I'll second. Very well. Uh any final

1:15:42

uh comments prior to calling for the vote?

1:15:48

Just to clarify, an I vote is to support the motion that was made. Correct.

1:15:53

Correct. An I vote is to support the motion to deny. So roll call. Commissioner Bisco.

1:16:02

I. Commissioner Fulford. Hi.

1:16:07

Commissioner Lee,

1:16:12

I believe you're on mute. Commissioner Lee,

1:16:18

at least. Can you hear me? Yes. Okay. I

1:16:24

Commissioner Strs I. Commissioner Wilson.

1:16:29

I, Vice Chair Haymon, I. And I vote I as well. The motion uh

1:16:39

carries to adopt the uh findings of fact and decision prepared

1:16:46

by planning staff as amended through this meeting. A decision becomes final

1:16:52

upon the date of the vote of the planning commission rendering a decision and adopting written findings of fact

1:16:58

and conclusion of law. The just adopted written findings and findings of fact and conclusions of law is the final

1:17:05

written decision of the Benton County Planning Commission. The final decision of the planning commission may be

1:17:10

appealed to the Benton County Board of County Commissioners within 14 days of the planning commission's final decision

1:17:17

adopting the written findings of fact and conclusions of law. The fee for

1:17:22

applying appealing the comm planning commission decision in the landfill site zone to the Benton County Board of

1:17:28

Commissioners is set forth in board order D 2023-091.

1:17:35

The fee is the actual cost to the county of the appeal with a \$5,000 deposit due

1:17:41

from the appellant on the date that the appeal is filed. This hearing is adjourned.

1:17:50

And a comment to our audience, our next planning commission meeting will be

1:17:55

August 19th. And so if you have an uh interest in observing additional

1:18:00

planning commission uh activities uh August 19th and I'll also mention that

1:18:07

we do have a vacancy on the planning commission. And if you have an interest

1:18:12

in filling that vacancy, there is an interest form on the Benton County website.

1:18:19

So, thank you all for your your patience and your diligence on getting this

1:18:25

matter done. And I wish uh councilor Ryan, do you have I just Thanks. This is just

1:18:32

see I just wanted to say that I heard from the planning the sorry

1:18:37

I just wanted to confirm that the uh changes have uh the planning staff has tracked all of the approved uh technical

1:18:45

corrections to the findings that were made tonight and that will be

1:18:53

posted on the website tomorrow. Thank you for that confirmation.

1:19:00

Excuse me chair for interrupting.

1:19:07

Very well. And now we are adjourned. Thank you all. Thanks all.