

LU-24-027 IN-PERSON TESTIMONY SUBMITTAL COVER SHEET

Received From: Catherine Biscoe

Date: October 23, 2025

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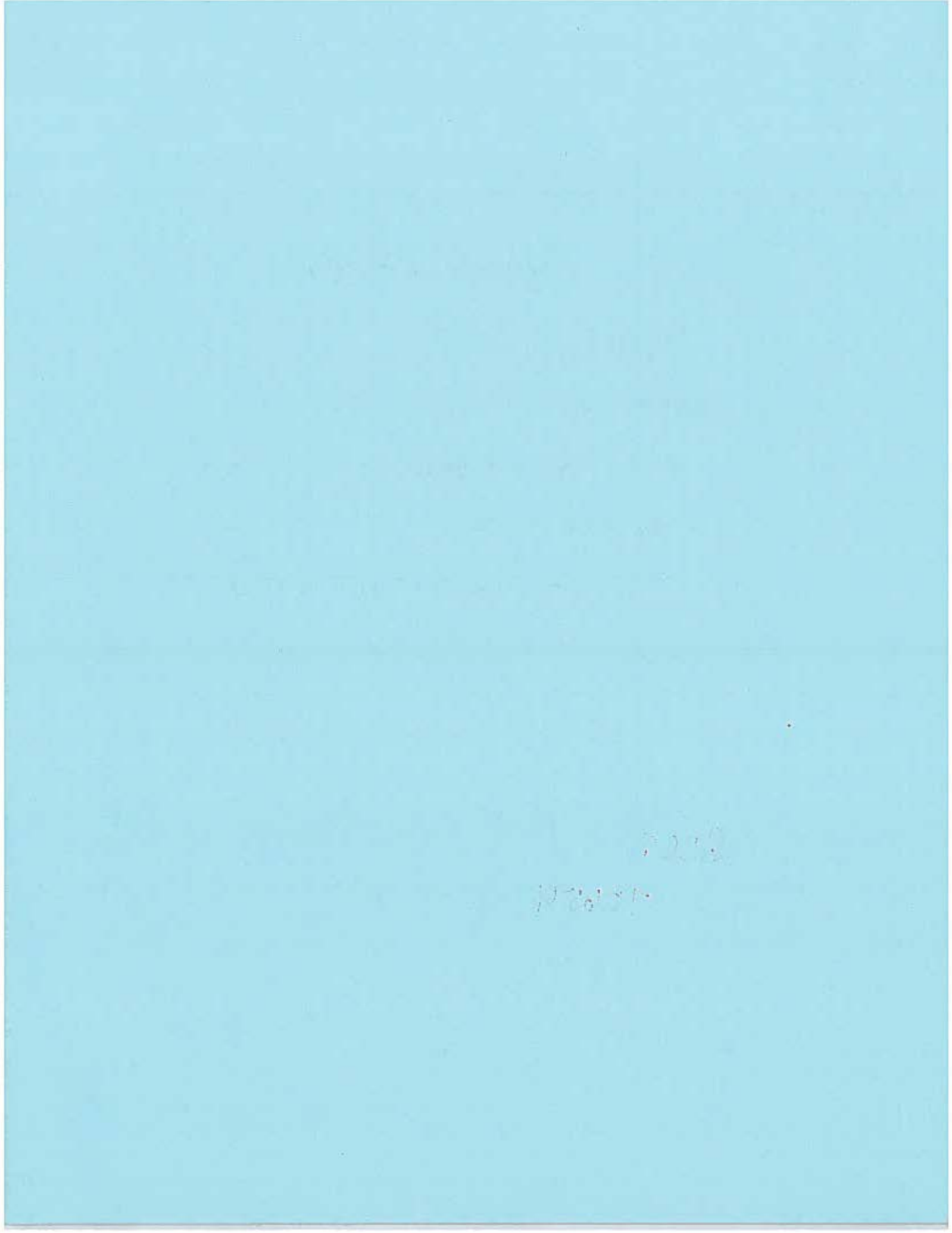
Address: PO Box 102

City, State, Zip: Philomath OR 9730

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BOC ID: BOC2

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Attachments

- ~~Benton County Comprehensive Plan~~
 - Benton County 2040 Thriving Communities Initiative – Core Values
[PowerPoint Presentation](#)
 - Biscoe, Opening Statement document, drafted July 28, 2025
 - Biscoe, Reasons for Denial of LU-24-027
 - Email sent with Reasons for Denial, July 28, 2025
 - Link to Oregon's Statewide Land Use Planning Goals
 - Summary for Planning Commission – July 19, 2023 - BCTT CUP sub commit
 - Particulate matter – Pacific Power pays out \$125 million for negligence
[PacifiCorp reaches \\$125M settlement with Oregon wineries, vineyards over wildfire smoke damage to crops - oregonlive.com](#)
 - OSHA Cites CBL for safety violations
[Coffin Butte Landfill given citations after worker complaints](#)
- Request submittal for the record of all public testimony, all revisions of the application and all revisions of the staff report. Including audio recording of July 22, 2025 and July 29, 2025 meeting recording
- Submitted for this testimony is 87 pages of written material to Benton County at the front desk during hearing at Auditorium

Testimony

Benton County - Chair Wyse and Board of Commissioners

Catherine Biscoe, Philomath, OR

Resident of Benton County for almost 22 years

- Former City of Philomath, City Council
- Member of the Benton County Planning Commission, since January 2023
- The only PC that also served for the 8 months of the Benton County Talks Trash 2022-2023, and a member of 1 of 5 subcommittees, the past land use application conditions of approval
- Served on Oregon's DLCD Local Official's Advisory Committee
- 10 years of local government land use experience, Philomath, Corvallis and Benton County.

- Graduate - 2021 Land Use Leadership Initiative by 1000 Friends of Oregon
- Toured twice of the CBL – 1 during BCTT fall 2022, and second time with Governor’s Regional Solutions Team September 2023
- Had the opportunity to attend the neighborhood tour sponsored by BCTT, fall 2022

One of 7 PCs that unanimously denied this landfill expansion application in 2025 after review of an estimated more than 7000 pages of record and approximately 20 hours of public testimony.

Providing this testimony as an individual and not representing members or the full body of the Benton County Planning Commission or BCTT Work Group.

A TALE OF TWO LANDFILLS

The Planning Commission and the public are hearing two disparate landfill stories – first the assertions and records from Republic Services the applicant, and then very differently from the public testimony, eye witness accounts and personal experiences and observations, much of this testimony was very compelling.

The question we are to consider, is whether Republic Service’s application for landfill expansion has met the burden of proof using code criteria, in particular BCC 53.215, regarding “seriously interfere”, “character of the surrounding area” and the imposing of “undue burden.” This is the focus of my opening statement.

The applicant has portrayed an operation that is fully in compliance with regulatory agency, and one that is operating as a good neighbor and with regard to Benton County residents. Public testimony from hundreds of Benton County residents, member organizations representing hundreds more, environmental groups, visitors to Benton County, neighbors of the landfill, areas outside of Benton County and observers have noted that compliance with past conditions of approval, regulatory oversight and safety protocols may not be occurring.

DEFINITIONS – AN ISSUE

Defining: Seriously Interfere

Serious (root word) by Merriam-Webster – common language – 11th edition

Having important or dangerous possible consequences

A matter of importance

Excessive or impressive in quality , quantity, extent or degree

Seriously

in a sincere manner – earnestly

To a serious extent – severely, extremely

Interfere by Merriam-Webster

To interpose in a way that hinders or impedes

To enter into or take a part in the concern of others

To act reciprocally so as to augment, diminish, or otherwise affect one another

- Would the loss of springs or wells on a person' property be serious interference – yes
- Would the loss of carefully selected breeding or show animals for a livestock program be serious interference – yes
- Would effluent from millions of gallons of untreated leachate dumped in the Willamette River be serious interference to downstream drinking water and recreational users be serious interference? yes
- Would confinement to one's home to avoid offensive odors outdoors on one's property be serious interference – yes
- Would inability to hire farm workers to manage organic field crops be serious interference? – yes
- Would health impacts from known cancer- and other disease causing emissions or pollutants be serious interference? – yes
- Would bioaccumulation of air borne toxins, heavy metals, bisphenols, phthalates, PFAs and cancer-causing substances known to be dispersed through methane emissions, dust and wind be serious interference? – yes
- Would any uncontrolled fire scenario that impacts regional resources, threatened homes and businesses, harms local wildlife refuges be serious interference? Yes
- Would road hazards from trash litter and debris on route 99W be serious interference? – yes

Regarding Cumulative Effects (Yamhill Co v. Stop the Dump)

In this case, the Oregon Supreme Court determined that the code criteria had not been applied with consideration to the "cumulative effect" of the impacts of the landfill expansion.

The staff report and applicant present no such evaluation instead choosing to minimize impacts by isolation – alleging odor can be addressed, that noise can be addressed, that traffic impacts can be addressed, etc...many through extensive conditions of approval – more than 80 during the PC hearing. Past conditions are known to be left unenforced by the county, non-compliant by the applicant and Coffin Butte Landfill current operations, documented as adverse effects to county residents, visitors and travellers that use Hwy 99W, and in many cases extreme including closure of residential wells, possible cancer cluster (remains unstudied), fire mitigations to address legitimate landfill fire risks, risk of loss of livestock, inability to hire farm work, actual

(not projected) loss of property values and unknown bioaccumulation risks to person, livestock, agricultural and vineyard crops.

Here as in Yamhill Co v Stop the Dump, the analysis of cumulative effect of adverse impacts was not taken into consideration and should be as it relates to BC criteria seriously interfere in particular.

Would cumulative effects of odor, noise, pollution, contaminants, toxic bio-accumulations, traffic impacts and hazards, well water risks be seriously interference? Yamhill Co vs. Stop the Dump Coalition says yes

Adverse by Merriam-Webster – common language – 11th edition

Opposed to ones interests

Unfavorable, harmful,

Undue by Merriam-Webster – common language – 11th edition

Excessive

Much has been said about the term “experts” as guided by legal counsel before the PC and in the staff findings drafted for adoption, and in the Republic Service PR campaign Benton Clean and Strong and the current de novo application before the BoC

Expert according to Webster...

Having, involving, or displaying special skill or knowledge derived from training or experience...experienced

Can imply extraordinary proficiency and often connotes knowledge as well as technical skill, special aptitude as well as proficiency, having experience in a trade or profession.

As a member of the Planning Commission, I found that the expert consultants provided by the applicant were unable to answer numerous basic questions of clarification posed by the PC. Through the questions process during the hearing, this gap in skills and knowledge was repeated on subjects of traffic, odor modeling and reporting, wildlife impacts, groundwater impacts, methane and fugitive gas emissions, bioaccumulation of toxins, heavy metals, PFAs; leachate contamination (we don't produce it so not our problem), fire management and fire risk mitigation, and impacts to wildlife refuge and preserve areas. As a PC, I expected the experts to be able to answer the differences between hazardous and special waste, to respond intelligently about contaminated wastes coming to the landfill, to circumstances that may required the landfill to take hazardous wastes, the risks of medical waste used as alternate daily cover, and the assurances that waste was checked for contaminated or illicit materials...surely the discover of human remains of two women, one in 2022 and one in 2023 show gaps in this load checking process.

I expected the landfill to provide evidence of compliance with DEQ and EPA compliance on federal and state requirements, expected CBL to comply with OSHA regulations on safety and training to protect their employees...the record reflected considerable gaps in these assurances. To that point

Coffin Butte Landfill has been cited by DEQ, EPA and OSHA in recent years for violations...additional investigations are incomplete. *~ are they experts?*

Not in Webster's Law Dictionary, but rather in Webster's

Definition of Adjacent – nearby...nearby counties, acreage, cities, special districts? Neighborhoods?

In use Webster cites, "the city and adjacent suburbs" suggesting that adjacent is not simply a matter of shared property lines

Adjacent not limited to shared property lines...Adair Village as a city is adjacent to the landfill...Polk county is adjacent to Benton County

"in close proximity" – how to define close...areas that are subject to impact?

Not necessarily limited to "adjoined" or contiguous"

Keeping perspective the definition of "adjacent" as it relates to the impact (as established in criteria BCC 53.215) is prudent and relevant...without the landfill site at this location, the neighborhoods, farmlands, vineyards, small businesses and communities would not be experiencing the same impact that is clearly evidenced in this record.

Criteria Issues with the Code...

Same criteria applied to this expansion as for something as minimalist by comparison as a church expansion in a rural residential as a hundreds of acre's landfill, more than 600 feet rising from the nearby rural lands...how to define "adjacent"

For perspective...the church (a recent land use application – does not affect nearby counties with risks of contaminated water, air quality and odor issues, , miles of neighborhoods, and downstream river waters

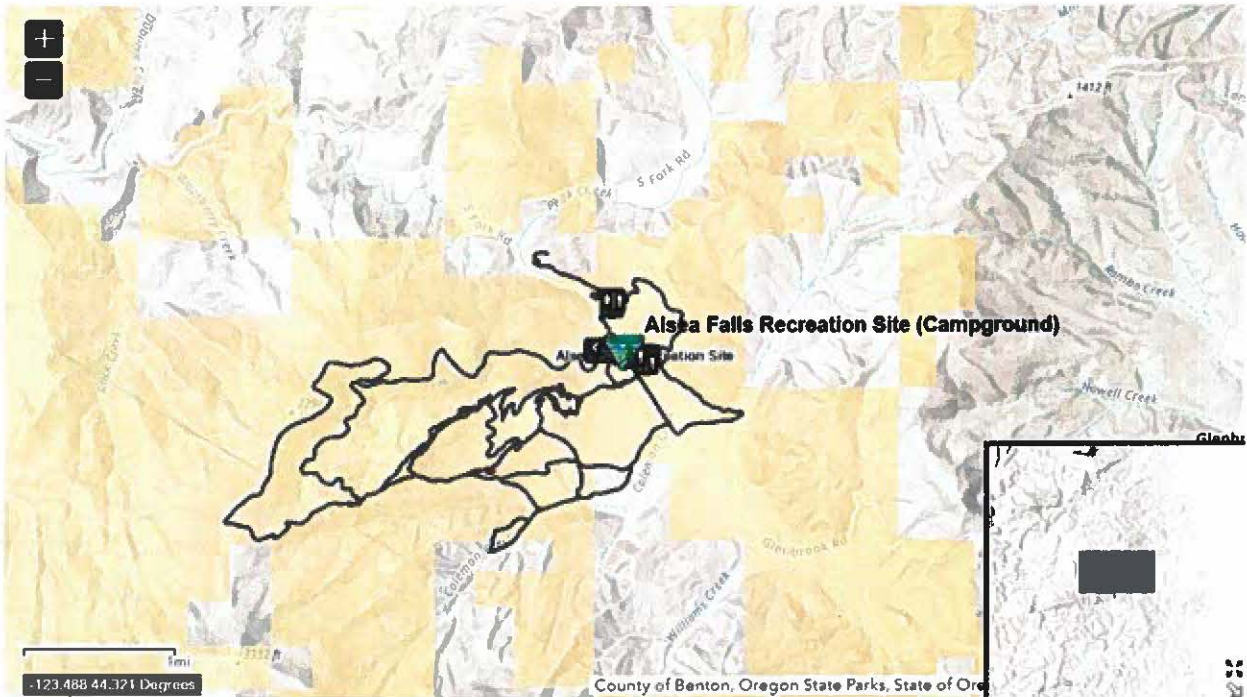
Cite examples of ambiguous interpretations of "adjacent" in recent BC land use decisions

LU 25-022

Application to reestablish and improve an historic campground located on a 115-acre parcel zoned Forest Conservation(FC), proposed to be operated as a public campground owned by Benton County with infrastructure improvements.

Adjacent property impacts included to the Alsea Falls Recreation Site / Campground BLM states coverage of 3244.5 acres of wilderness. The staff report and PC hearing process did not limit or interpret the definition of "impacts" in this case, however risks of wildfire were a considerable part of deliberations.

Also considered adjacent were properties owned by Bureau of Land Management, Tall Corn Forestry LLC, Weyerhaeuser Timber Holdings and Nystrom Land and Timber LLC...totalling 100s if not thousands of acres of "adjacent" properties cited in the staff report.



At the August 19, 2025 PC hearing for the application of XXX, staff in discussing impact to adjacent owners referred to the approximate 1 mile trail that links Alsea Falls to Grant Peak Falls – no pre-defined definition of “adjacent” was provided by staff to the PC and no limits were placed on the interpretation of “adjacent” to PC.

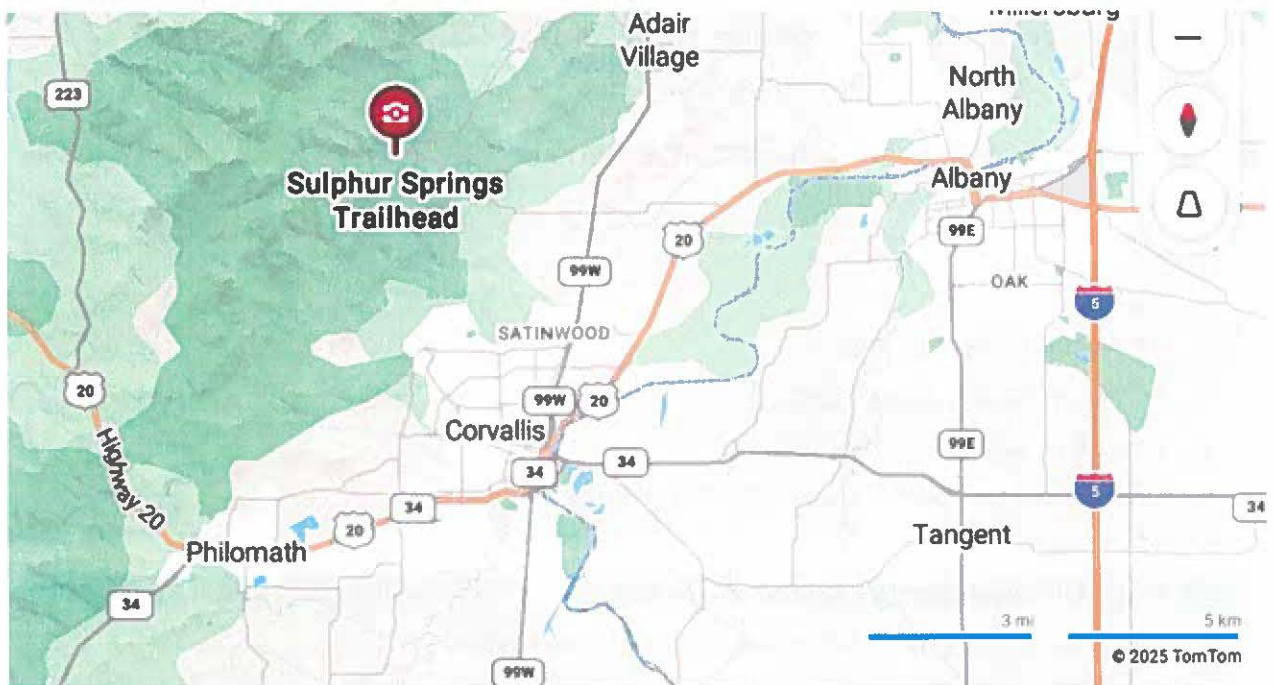
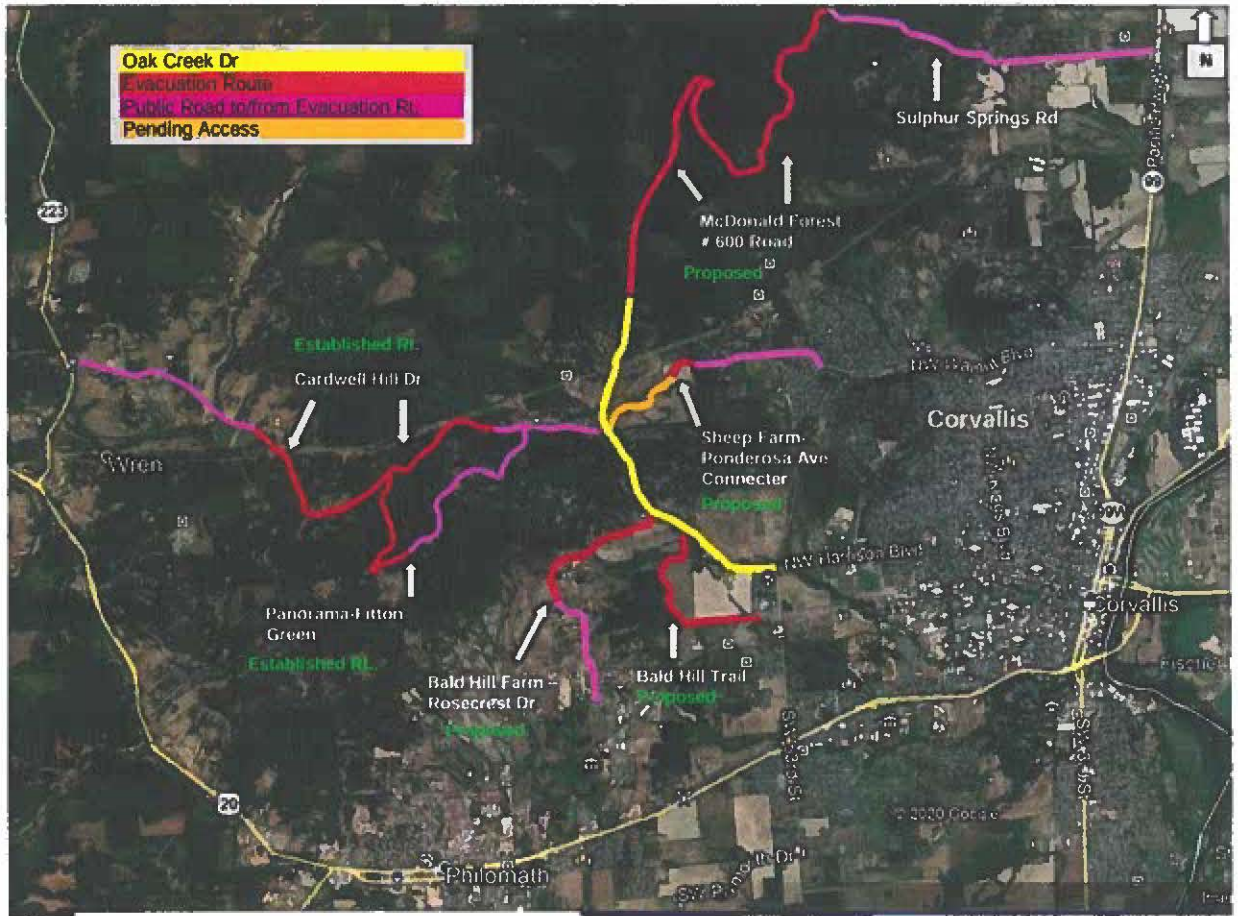
Extensive deliberation by the PC was allowed to be had on fire response times, fire protection service, road accessibility to fire equipment. Present was the fire chief of Philomath Fire District to provide testimony.” This was not the same case for the Coffin Butte landfill expansion application.

In 2023, the adoption of an evacuation route through an OSU sheep pasture.

In this Benton County land use case, impacts of the application were considered far exceeding the impacts of the CBL as proposed by the applicant...from West of Corvallis to Wren, North Philomath and Hwy 99# near Sulphur Springs Rd.... a distance as the crow flies by as much as 6 miles.

Cite map (Exhibit A) from 1/16/24 PC meeting packet.

CANON 11 A



Per LLU-F-25a "The current CUP criteria give the Board discretion and, under the existing statute, LUBA and the courts will defer to the Board's interpretation of its criteria so long as the interpretation is "plausible."

- The claims that this is the historical interpretation now in use for LU-24-027 are untrue...BC own staff reports of land use decisions made in 2023 and 2025 do not indicate a pre-defined interpretation of "adjacent" nor do they limit review by a limited range of impact such as the ¼ mile being used in this landfill expansion application. In some cases, as much as 6 miles away (2023) or hundreds of surrounding acres (2025)
- Surprise at how many questions could not be answered from PC to staff and the applicant during the hearing process
- Inconsistencies between application and public testimony – both cannot be true on all topics

Opposing voices from organizations representing 100,000 individuals in membership, including many experts...

Ref: Benton County current population: 98,900 in 2024 (AI)

- BC Dems – 25,129
- BC Republicans – 12, 089
- BC Pacific Green Party - 281
- League of Women Voters Corvallis
- Oregon Chapter Sierra Club - 58,000 stateside members
- 350 Salem
- Great Old Broads of the Wilderness – 100
- Valley Neighbors for Environmental Quality and Safety (V-NEQS)
- Mid-Willamette Bird Alliance (4/14/2025 testimony opposed)
- Audubon Society of Corvallis

- **Volunteers of Willamette Riverkeepers**
- **ENRAC: Benton Co. Environmental & Natural Resources Adv. Comm.**
- **Beyond Toxics**
- **Adair Rural Fire & Rescue**
- **Elected officials submitting as private residents**
- **Willamette Riverkeepers**
- **Luckiamute Watershed Council**
- **Willamette Grange**
- **Mary's River Grange**
- **1000 Friends of Oregon**

CREDIBILITY OF PUBLIC TESTIMONY

We have heard testimony in opposition from highly educated and credentialed experts from within the community, accounting for lifetimes of work in their fields have shed light on this application for landfill expansion...scientists, educators, contractors, consultants, farmers, and environmentalists, some listed below, but many others found in the record.

- **Mechanical Engineers (Bill Gellatly)**
- **Hydrogeologists specializing in groundwater flow and contaminant transport (Joel Geier)**
- **Environmental engineers**
- **Civil Engineers**
- **GIS Analysts; Spatial Data Experts (Mason Leavitt)**
- **Toxicologist (Shelley Su)**
- **Former EPA Employee (Shelley Su, May 8, 2025)**
- **Cancer Researcher (Shelley Su, May 8, 2025)**
- **Fire Chief, Adair Rural Fire & Rescue, (Aaron C. Harris)**
- **Farmers – Generational, emerging, organic and traditional**
- **Vineyards and Wineries**
- **Recreational Birders**
- **Teachers and Educators**
- **Professors of Fish and Wildlife Sciences, OSU (Daniel Ruby, April 22, 2025)**
- **Professor of Public Policy and Administration at Western Oregon University (Mark Henkels, May 6, 2025)**
- **Peer reviewed journal articles/reports cited throughout testimony**
- **Credible news articles cited throughout testimony**
- **EPA and DEQ findings cited throughout testimony**
- **BCTT findings and recommendations cited throughout testimony**

- Solid Waste Advisory Council members – materials and testimony
- Disposal Site Advisory Committee members - materials and testimony
- Environmental and Natural Resource Advisory Committee
- ...and more.

Additionally, in-person testimony of those most directly impacted by the landfill, with testimony overwhelmingly opposed to this landfill expansion carries more weight than those **not** directly impacted by the landfill's adverse impacts. The weight therefore that this public testimony is given is significant given the common language definition of "expert."

OPENING

Much has been made in public conversations, through PR campaigns, and this appeal process about words like "adjacent" "experts" "seriously interfere with

But this landfill and its proposed expansion does not just affect nearby properties and residents of Benton County...testimony shows it is impacting surrounding municipal and rural Benton County, and nearby Polk County...farm and agricultural lands are subject to landfill litter, and particulate matter pollution, leachate toxicity, contaminants from heavy metals, bisphenols, unknown particulate matter, forever chemicals, local and regional groundwater and surface water pollution and up to 1/3 of Oregon's residents subject to pollution of the Willamette River. Methane emissions during the hearing were documented

Community Expectations – Ed Pitera – social contract between County and it's residents

Benton County Comprehensive Plan – Chapter 50 of BC Code
50.005 Comprehensive Plans Incorporated by Reference.

(1) "The Benton County Comprehensive Plan, including the Comprehensive Plan Map, is hereby incorporated by reference into the Benton County Code.

(2) The Comprehensive Plans of the Cities of Adair Village, Albany, Corvallis, Monroe and Philomath are hereby adopted as part of the Benton County

Comprehensive Plan for the respective areas between the urban growth boundary and city limits of the above mentioned cities [Ord 90-0069]

No Benton County city councils or mayors provided testimony in support of during the hearing

50.010 Purpose. The Comprehensive Plan is the official policy guide for decisions about growth, development, and conservation of natural resources in Benton County [Ord 90-0069]

50.015 Relationships to Development Code. The policies of the Comprehensive Plan shall serve as the basis for developing the implementing regulation of the Development Code. The policies of the Comprehensive Plan are not implementing regulations and shall not be directly applied to individual applications except as provided by the Development Code. When the interpretation of a particular Development Code provision is in doubt, the Comprehensive Plan shall be referred to for policy guidance. [Ord. 90-0069]

[Chapter 50 - Comprehensive Plan - Community Development, Benton County, Oregon](#)

The Comp plan serves as a guide to implementing BCC53.215...

To help us interpret BCC 53.215 (1)(2) and (3)

There is notable testimony regarding the inconsistency of this landfill expansion with the language of the Benton County Comprehensive Plan.

Benton County 2040 Thriving Communities Initiative

cited often in testimony reflecting community expectations

“Benton County Government endorses and will operationalize the Core Values identified by the 2040 Thriving Communities Council and will specifically recognize and promote Health, Equity and Resource Efficiency. “

[PowerPoint Presentation](#)

Core Values

1. Community Safety – BC commits to ensure ALL people enjoy safe, just, welcoming, and supportive communities.

2. Emergency Preparedness – BC commits to secure resilient communities where individuals and the county govt can survive and recover from emergencies, shocks, and disasters by appropriate levels of threat awareness, preparation, mitigation, response & capacity for recovery.
3. Outdoor Recreation – BC actively promotes a range of outdoor recreation activities and will responsibly protect, manage and develop our parks & natural areas.
4. Prosperous Economy – BC commits to support a prosperous, balanced, equitable, and sustainable economy.
5. Environment & Natural Resources – BC commits to protect, conserve & enhance our treasured, limited natural resources & prepare for future environmental challenges.
6. Mobility & Transportation – BC will ensure people are efficiently connected to the places they work, play, shop, learn, enjoy, and receive services through transportation options that promote activity, reduce congestion, & build community.
7. Housing & Growth – BC will strive for access to affordable, safe, and stable housing for all while retaining a sense of place in the face of growth pressures.
8. Arts, Entertainment, Culture & History – BC will actively promote vibrant, inviting, and enriching artistic and entertainment opportunities while recognizing our history and celebrating our communities.
9. Food & Agriculture – BC supports local agriculture and forestry and celebrates our rural communities.
10. Lifelong Learning & Education – BC recognizes that learning never stops and will ensure professional and personal education opportunities for all ages.

PLANNING COMMISSION HEARING FOR LU-24-027

Reasons for Denial

The process of the July 22 meeting for deliberations and the July 29, 2025 adoption of findings appeared littered with lack of clarity, barriers to PC members to present and opine on their hearing findings, and restrictions to full deliberation of the PCs findings resulting in an rushed documentation of the full findings of the planning commission. During the July 22 meeting, Concerns were raised that this

incomplete process would result in incomplete record findings, and even opening statements were not accepted by staff and counsel at this meeting. These process concerns were confirmed when PCs were not allowed to submit documentation of reasons for denial, or allowed to address concerns with the staff developed findings document as presented on July 29, 2025 for PC final approval. The original findings document draft appeared highly prejudicial, with a heavy bias toward the applicant, while insufficiently documenting the PC deliberations and concerns. Meeting minutes for the July 22, 2025 meeting were also absent key discussion topics, and amendments were not initially accepted as revisions to these minutes.

Among these were bio

In attempting to address the omissions and procedural irregularities of the July 22 deliberation meeting for the LU-24-027, as a PC I submitted a list of 40 reasons for denial to the county...these were not acknowledged in the PC record despite request, but are being included in my testimony documents for this record.

Of these 40 reasons for denials, these are some that rise to the top.

- The application for landfill expansion was inconsistent with Benton County Code, in particular BCC 53.215 regarding “seriously interfere” “undue burden” and “character of the area.” In interpreting this code, one must apply other guiding documents such as Benton County Comprehensive Plan, and the 2040 Thriving Communities Initiative, Vision for Wildfire Management, Community Wildfire Protection Plan and BCTT... these often cited in public testimony - showing community expectations of Benton County by its constituency
- The undue burden of hosting an expanding landfill in Benton County
- The adverse impacts to and the use of surrounding natural areas
- The USGS publication noting “all landfills eventually will leak into the environment” of which the application failed to provide mitigation
- The risk of the construction of the expansion area, specifically the basalt ridge blasting and unpredictable fractures that may have adverse impacts to region water.
- The bioaccumulation of heavy metals, toxins, phthalates, and other in biogas emissions, leachate and dust.

- The failure to address non-compliance and lack of safeguards regarding state and federal regulations, permitting, Land Use Compatibility statements, and site plans.
- The lack of management and adequate oversight or load checking to prevent uncontrolled, contaminated, illegal and hazardous wastes for entering the landfill. If a body can make it past these checkpoints what else is finding its way into the landfill and subsequently the leachate?

August 10, 2022 body of woman found in landfill - Kaylee Birdzell, 27

[Body found in Coffin Butte Landfill; suspect charged with homicide | News | kezi.com](#)

August 16, 2023, body of woman found in landfill – Kara Rayleen Taylor, 49

[Human remains found in Coffin Butte](#)

The application failed to sufficiently meet the burden of proof as to how RS will mitigate undue burden, serious interference and impacts to the character of the area, as well as other regulatory and safety compliance including handling of hazardous waste, leaving the PC with insufficient application evidence to approve the expansion.

BCC Chapter 53 allows for an application to be heard in a review process using clear and objective standards. **Specifically 53.215 Criteria.**

- (1) The proposed use does not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone.
- (2) The proposed use does not impose an undue burden on any public improvement, facilities, utilities, or service available to the area; and
- (3) The proposed use complies with any additional criteria which may be required for the specific use by this code. [Ord. 90-0069]

53. 220 Conditions of Approval

The County may impose conditions of approval to mitigate negative impacts to adjacent property, to meet the public service demand created by the development activity, or to otherwise ensure compliance with the purpose and provisions of this code. On-site and off-site conditions may be imposed.

With 84 original conditions, and a record of non- compliance by RS and non-enforcement by BC?

Behind the scenes,

BCTT

Past Land Use Application Conditions Subcommittee Charge:

Subcommittee work dates: October 2022-April 2023

A chronological history of key Coffin Butte Landfill topics

A) Conditions of past land use approvals;

B) Compliance with prior land use approvals and SWMP

The Past Land Use Application Conditions Subcommittee was charged with providing the Benton County Talks Trash Work Group with a report of the near 50-year available record of Coffin Butte related historical documents, starting in 1974, with an emphasis on compliance of Conditional Use Permit (CUP) conditions of approval. The historical record included documents provided to the subcommittee by Benton County and an extensive review of DEQ records provided by the agency office in Eugene, Oregon. The subcommittee report in the BCTT Final Report provides the context needed to better understand how Benton County got to where it is now regarding the Coffin Butte Landfill and offers a summary of subcommittee's conclusions of the compliance/non-compliance as evidenced by available record.

What the subcommittee concluded after review of the near 50-year history of the landfill, was an inconsistency in compliance with land use application conditions of approval, and an inconsistency in landfill management of both documented or intended conditions, leading to today's differing interpretations of what "compliance" means, how it has been managed by the landfill, and how it has impacted public expectations regarding the landfill. The disparity is evident, and supports at a minimum a review and as-needed updates to Benton County code language, compliance management, and records management where appropriate to ensure public expectations, public safety and environmental safety are at the forefront of the counties land use policies and actions.

Findings:

Updates to county record keeping processes

Improvements to county administrative, land use and regulatory process

Improvements to oversight of CBL land use conditions of approval

Improvements to how public concerns are addressed

Improvements to emergency response planning and firefighting resources

Enforcement of cell closure, land reclamation, screening and public expectations

per conditions of approval

What was insufficient or missing from Republic Services expansion application

- Adequate controls, mitigations or improvements to address persistent odor issues, not just reporting
- Adequate evidence of ability to manage uncontrolled methane and other biogas emissions
- Adequate measures to address leachate impacting local surface and groundwater - leachate contaminants – industry known fact – and also know and documented is that all landfill liners will eventually leak – an adverse impact that will increase with expansion as has not current mitigation protocols known.
- Adequate evidence in application of natural resource areas protections for EE Wilson,
- Impact analysis of traffic did not address construction traffic
- Evidence of adequate checking of waste loads coming into landfill for toxic materials, hazardous waste,
- Adequate measures to address particulate matter contramination
- Ability to address the safety risks inherent with medical waste
- Sufficient planning and measures to respond to fire risks and uncontrolled fire scenarios

Reclamation conditions of approval and cell closure questions could not be sufficiently answered by the applicant

Conditions of approval – don't and have not worked – 50 year record that shows that – RS has not voluntarily or in good faith managed the landfill – and past conditions have not been enforced by the county

Landfill expected by neighboring property owners to be closed by year 2000.

Missing from landfill expansion application – evaluation of cancer clusters – what is known as “dump deer” in other parts of the country now being discovered

Missing in traffic impact analysis was – accident rates, nearby road impacts, county data cited, traffic types (heavy truck v. personal use vehicles), construction traffic, estimated counts and impact projections, road maintenance costs and projects, impacts to other road users such as road hazards, rock chips, pot holes, broken windshields, and pot holes.

No assurance of cost of closure and post-closure as there are large loopholes allowing for default – the application does not provide adequate information on the closure/post-closure costs to maintain, clean-up – no estimated cost for potential future litigation

Application was full of inconsistencies between assertions made by RS and adjacent property owner impacts – both cannot be true – and further inconsistencies in various application version by applicant.

Republic Services in application hearing before PC assured

- Odors were not from the landfill
- Methane is being contained and within compliance
- Noise – doesn't set off noise meters
- Traffic – expected little to no change (did not consider 4 years of construction/development of new site, lifting of tonnage cap increasing truck traffic, which is a serious interference for the surrounding communities
- Assurances that leachate contamination was not an issues
- Assurance of no groundwater pollution
- Assurance of no negative impact to heron rookery, other wildlife (elk population)
- Assurance of compliance with DEQ and EPA

Intersection of Benton County Code, the Benton County Comprehensive Plan and Oregon's Statewide Planning Goals.

"Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations aka code...Cities and counties must build their comprehensive plans on a factual base and follow their plan when making decisions on appropriate zoning. City and county plans must be consistent with one another. Special district and state agency plans and programs must be coordinated with comprehensive plans. Comprehensive plans must comply with the requirements of each applicable statewide planning goal. **The comprehensive plan and zoning ordinances are the guiding documents for local government land use decisions.**

[Department of Land Conservation and Development : Goal 2: Land Use Planning : Oregon Planning : State of Oregon](#)

[goal02.PDF](#)

Oregon's Statewide Planning Goals

Oregon's statewide land use goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comp plan and the zoning and land-division ordinances need to put the plan into effect.

Local comp plans must be consistent with the Statewide Planning Goals. Comp plans are reviewed for such consistency by the state's Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government plan, the plan is said to be acknowledged. It then becomes the controlling document for land use in the area covered by that plan.

Goal 1: Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 2 Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 4: Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Goal 5: To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 6: Air, Water, and Land Resources Quality: To maintain and improve the quality of the air, water, and land resources of the state.

Goal 9: Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.

Goal 12: To provide and encourage a safe, convenient, and economic transportation system.

Goal 15: Willamette Greenway: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

- Landfill is currently at approximately 60-65% capacity...impacts are then at 60-65% impact with approximately 1/3 more waste volumes that will increase these impacts.
- Landfill liners fail – industry known and acknowledge in LU-24-027
- Fire calls occur to the Benton County Landfill and nearby areas more than any other region in Benton County
- Litter is a problem resulting from the volume of trash hauling to CBL
- Odor's are impacting residents persistently – an the applicant can provide no alternative to the source of odors, while claiming it is not the landfill...unsurprisingly, DEQ does not receive the same volume of odor complaints from any other source in the region.
- Most testimony speaking to serious interference, undue burden and supporting comp plan policies, all well within the criteria of which to deny a landfill expansion
- The landfill expansion is not consistent with the requirements of Oregon's Statewide Land Use Goals, 1, 2, 4, 5, 6, 9, 12 and 15.
- The record of past compliance illustrates two things (1) that Benton County has not managed the Conditions of Approval for the landfill site and (2) that the landfill, while able to do so on their own without compliance, has neglected to follow the same COAs.
- Clarity on the difference between hazardous materials and special waste materials that would ensure protections to BC land, water, air.

In the end the application simply does not meet the criteria to allow for an approval of LU-2025-, the expansion of CBL

Even our Oregon House Representative Sarah Finger McDonald, Oregon Senator Sara Gelser Blouin, U.S. Representative Val Hoyle, U.S. Senator's Ron Wyden and Jeff Merkley have weighed in through their positions regarding the landfill. The Oregon Legislature voting to approve a

Surprised at the lengths of which Republic Services, its consultants, certain employees would go to deceive the public, the Planning Commission, local officials in pursuing this landfill expansion

For Republic Services it has increasingly become obvious over the decades of operations at CBL, that this expansion is not about stewardship of the land, not about sustainability, not about best practices or industry standards...but rather a deflection of responsibility, - the landfill is not responsible for PFAs because they do not manufacture it, challenging DEQ and EPA and OSHA, key regulators, because they disagree about investigative findings on methane and landfill operation requirements...this expansion is not about what is best for BC residents but for the corporate benefactors...and the costs and burdens will be BCs forever.

What we saw was a community rise up and say NO to any more “seriously interfere”, disruption to the “character of the area” and to any more “undue burden”

The PC heard from people living up to 8 miles away about the direct impacts to their lives, from eye-watering, burning sensation odors, noises from large trucks, blasting, beeping, (more), industrial light pollution piercing the tree lines to residential neighborhoods

We heard from employees of Republic Services who reported shocking mismanagement and safety violations harming employees, with dangerous risks to the environment and groundwater

We heard disparate reports of how Republic Services claims the landfill is managed that was wildly inconsistent with the obvious facts observed by even the most casual observer

BCTT established a record of near 50 years of non-compliance of conditions of approval – the assurances that the landfill would be managed to meet community expectations, protect the environment, respect the relationship between Benton County and their commercial enterprise has failed to come true.

The current landfill operation has impacted the area; an expansion would increase those impacts to

Odor
Noise contamination
Well water risk
Leachate production
Traffic

Can't have your own set of facts – Harris Faulkner

CLOSING

A vote to approve this application that fails to meet its burden of proof, is simply an extension of the status quo, leaving Benton County and its residents little means to regulate, enforce, limit, mitigate or recall any short-sighted insufficiently informed decision at a tremendous long-term and immediate expense for Benton County residents.

LU-24-2027 does not meet the criteria set forth in BCC 53.215 by showing how it will NOT create a “serious interference” or undue burden,” and therefore should be denied.

The application as submitted illustrates how Benton County residents will bear the undue burden of this expansion, while landfill operations will continue to seriously interfere with their quality of life, their financial futures, and with adverse consequence to public facilities and services.

STATE AND FEDERAL ELECTED OFFICIALS TAKE NOTICE

The risks, burdens and unsuitability of the geographic location for Coffin Butte Landfill, its impacts to public safety and consequences of any expansion, are being noticed by state and federal elected officials. The proximity to high density populations and the risks therein are being recognized far outside of Benton County communities. The Oregon Legislature has taken action and recently passed two bills in the 2025 session. Those involved include **Senator Sara Gelser Blouin, Senator Deb Patterson, Representative Sarah Finger McDonald, U.S Senator Ron Wyden, U.S. Senator Jeff Merkley, U.S Representative Val Hoyle,** and others, each recognizing the risk and unsuitability of this landfill and any future expansion at its current location

Excerpts

Opening Statement – Commissioner Catherine Biscoe

This prepared statement was not fully presented orally for the record out of respect for meeting time and with consideration of subjects previously covered by other commissioners. This full opening statement is presented in this written version and submitted for the official record of the Planning Commission deliberation record.

This statement is a synthesis of review of the public record, now well over 7,000 pages of staff report, application and written testimony, in an attempt to reduce it to some of the most salient points related to Benton County Code and established land use criteria.

“Adjacent properties” for the purpose of this hearing related to criteria found in BCC 53.215, has been determined to far exceed the immediately adjacent by “shared property lines” property owners, with documented risks and impacts as far as North Albany, Airlie, Independence in Polk County, South Corvallis, Lewisburg, Philomath, and rural unincorporated areas of Benton County.

The LU-24-027 application and its numerous revisions revealed data inaccuracies, conflicting testimony and omission of key facts necessary to determine burden of proof and refute inconsistencies and the shifting “data” and “fact” appearing to change in response to public concern and planning commission inquiry...seemingly to improve position to meet the applicant’s burden of proof. Many questions asked by the Planning Commission of the applicant were deflected and many were not followed up on as promised, leaving insufficient clarity of key issues and eroding confidence of the information presented by the applicant. This contributed to the weight given in evaluating the record.

Much of the public testimony both in person and in written submissions was thorough, largely consistent, used citations and references that supported their facts, much of it from scientific journal, credible sources, federal and state agency lending credibility that was missing in many areas from the application.

As the only member of the Planning Commission who was also a member of the BCTT Work Group (2022-23) and served on the Past Land Use Conditions Subcommittee, it was noted that missing records and poor administrative process limited the ability of this subcommittee to confirm conditions of approval, while leaving others unenforceable due to administrative error. The burden then falling to the county and its residents when the landfill operator appeared to disregard the agreements. This also contributed to a lack of confidence in the applicants promises to address community concerns and compliance for any expansion in the apparent absence in the current operations.

A TALE OF TWO LANDFILLS

The Planning Commission and the public are hearing two disparate landfill stories – first the assertions and records from Republic Services the applicant, and then very differently from the public testimony, eye witness accounts and personal experiences and observations, much of this testimony was very compelling.

The question we are to consider, is whether Republic Service’s application for landfill expansion has met the burden of proof using code criteria, in particular BCC 53.215, regarding “seriously interfere”, “character of the surrounding area” and the imposing of “undue burden.” This is the focus of my opening statement.

The applicant has portrayed an operation that is fully in compliance with regulatory agency, and one that is operating as a good neighbor and with regard to Benton County residents. Public testimony from hundreds of Benton County residents, member organizations representing hundreds more, environmental groups, visitors to Benton County, neighbors of the landfill, areas outside of Benton County and observers have noted that compliance with past conditions of approval, regulatory oversight and safety protocols may not be occurring.

The Benton County Planning Commission has been given great deference in the interpretation of the code in regards to criteria, evaluating the public testimony, the applicant’s burden of proof in meeting the requirements of the code.

If it is determined at the end of this evening and think this is important for us to keep in front of us, that the application has failed to meet the burden of proof regarding certain criteria...the PC the right to deny this application.

APPENDIX A

**Document: Opening Statement, Planning Commissioner Catherine Biscoe
Submitted as requested to be part of supplemental findings for LU-24-027**

LU-24-027 Hearing

Benton County Planning Commission

July 22, 2025

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RECOGNITION AND APPRECIATIONS

My recognition of Benton County staff and the applicant for their efforts to present to the Planning Commission a thorough summary of an unprecedented record for our consideration, a process which has been substantive at now over 6,000 pages and counting.....that effort is noted.

To my colleagues on the Planning Commission and to Chair Fowler, my appreciation to each of you for the obvious commitment this process and your willingness to become knowledgeable on arguably one of the most complex and consequential land use applications in this county's history.

To the individuals and orgs providing testimony, the countless hours of public service to this process are a measure of the greatness of this community....and want to recognize all of you by sharing we on the Planning Commission have seen and heard you.

Without the comprehensive and compelling public testimony based on personal experience, impacts to life and livelihood, extensive research, and through the lens of their professional careers...this Planning Commission would be limited in navigating the complexities and nuances of this application and the supporting materials submitted for the record.

Two of my colleagues on this Planning Commission, Chair Nick Fowler, and Commissioner Evelyn Lee served as commissioners during the 2021 landfill expansion. This expansion application was denied in a unanimous vote of 6-0.

Two members of this Planning Commission served on Benton County Talks Trash. Commissioner Andrew Struthers joining mid-way in the work group process, and myself having opportunity to participate from the beginning, and on the Conditional Use Permit (previously named the Past Landfill Applications) Subcommittee. On that subcommittee were Ed Pitera and Mark Yeager, as well as Republic Services Jeff Condit and Benton County's Inga Williams. Ed Pitera has passed away since serving on Benton County Talks Trash, and before this application was submitted, however his point often repeated during BCTT was the critical importance of "community expectations" reflected in the 50-years of landfill land use actions and how Benton County decision-makers responded or failed to respond to those community expectations. It remains an essential consideration for this expansion application.

BENTON COUNTY GUIDING DOCUMENTS

The testimony in the record for LU-24-027 has pointed to how the application and public testimony align or conflict with the following requirements of code criteria, but also with respect to community values and expectations in the following documents. Each of these have been referred to in this application record:

- **Benton County Code**
- **Benton County Comprehensive Plan Policies**
- **Benton County 2040 Thriving Communities Initiative**
- **Benton County Mission and Vision Statements**
- **Benton County Vision for Wildfire Management**
- **Benton County Community Wildfire Protection Plan (CWPP)**
- **Benton County Talks Trash (BCTT) Work Group Final Report, 1,099 pages.**

COFFIN BUTTE LANDFILL

LU-24-027 application expansion for Coffin Butte is about a regional landfill accepting waste from cities and counties across Oregon...and its relationship with the county of which it resides...Benton County.

Referred throughout the record as the accidental landfill due to its site development from a waste dump at Camp Adair during WWII, to a regional landfill designation in 1974. No through numerous land use applications for expansion over the decades Benton County and its residents are brought to today's application for landfill expansion South of Coffin Butte Road along Tampico Ridge.

Coffin Butte Landfill is the second largest landfill in Oregon...and one of Republic Services most profitable revenue generating landfill that simultaneously comes with adverse impact to Benton County services, infrastructure, public safety, and the regional health and quality of life and livelihood of county residents and nearby regional neighbors, along with the landfill realities and specter of long-term financial and environmental obligations.

STATE AND FEDERAL ELECTED OFFICIALS TAKE NOTICE

The risks, burdens and unsuitability of the geographic location for Coffin Butte Landfill, its impacts to public safety and consequences of any expansion, are being noticed by state and federal elected officials. The proximity to high density populations and the risks therein are being recognized far outside of Benton County communities. The Oregon Legislature has taken action and recently passed two bills in the 2025 session. Those involved include **Senator Sara Gelser Blouin, Senator Deb Patterson, Representative Sarah Finger McDonald, U.S Senator Ron Wyden, U.S. Senator Jeff Merkley, U.S Representative Val Hoyle,** and others, each recognizing the risk and unsuitability of this landfill and any future expansion at its current location....**why is Benton County not taking more meaningful action?**

OBSERVED IN THE LU-24-027 RECORD; CITED FOR OPENING STATEMENT

...are numerous salient points and impactful statements that stood out and will be pointed out in these opening comments. These are from both the applicant testimony and application, and public testimony submittals believed to have value to these opening comments

"More waste means more methane and other hazardous emissions, more leachate, more trucks and traffic, more days when residents of Airlie, Adair Village, Corvallis, Albany, Lewisburg, Independence and greater rural Benton County will endure rank odors that compel them to stay indoors." (Suzanne Ortiz, April 21, 2025 testimony)

OVERVIEW

In their 2023 Annual report, Republic Services states that Coffin Butte Landfill provides **best-in-class service** and environmental stewardship to the County.

The application for landfill expansion

The LU-24-027 hearing record has instead shown through public observation, adjacent property resident's experiences, extensive graphics and reference to regulatory and scientific data, that Republic Services appears to engage in a pattern of continual disregard for proper management of Coffin Butte Landfill, disregard for federal and state protections regulated by the U.S. Environmental Protection Agency (EPA) and Oregon's Department of Environment Quality

(DEQ), and disregard for the health and well-being, quality of life and livelihood, fire safety, and increasing risks to Benton County.

The landfill and its current expansion application has elicited public concerns over Landfill Gas (LFG) emissions, ground and surface water pollution, contaminated soils, impacts to property values, quality of life for area property owners, visitors, recreational enthusiasts, downstream Willamette River water users, impacts to infrastructure and services, adverse impacts to local business, traffic, odor and noise pollution. Documents and testimony in this record show these impacts **EXIST**...the landfill does not operate in a void. In the best of cases, even best-in-class service and environmental stewardship cannot address the elephant in the room...this landfill is simply not suited for its geographic location due to excessive rainfall, the absence of ideal geologic features and its proximity to high density residential and rural economic properties, productive farm and forest lands, and recreational and preserve areas nearby...To argue that because a mistake was made in expanding this landfill in an improper and ill-suited area in 1974 gives justification to continue expansion now and likely in the foreseeable future, is negligent.

Observed operational behaviors at Coffin Butte Landfill are inconsistent with good stewardship, respect of community and concern for the well-being of an exceedingly large and increasing number of "landfill neighbors."

The "adjacent properties" in the past, often identified as sharing property lines with the landfill buffer zones and drawn by a line on a map, have now become Adair Village, Independence, Airlie, Lewisburg, South Corvallis and more, reporting landfill odors and other impacts of landfill operations. **Adjacent properties" has now become a regional definition and no longer a linear definition.**

What was once a regional landfill operation has become an industrial operation, with industrial size impacts and consequences for Benton County who is responsible for only 6-7% of the waste sited within its county borders. The burdens of an expansion to this county are disproportionate to its use.

Revenues paid to Benton County have not been used to meaningfully manage past Conditions of Approval, public noise and odor complaints, risk factors to water and air quality, and burden to municipal services...the political appetite and will is simply not there. Republic Services offering to fund a county position at \$80k/year as an additional condition of approval, intended to offset costs incurred by the county due to the landfill, does not change this lack of priority or will at the county, which is set and reflected firmly in the record since 1974.

This unchecked, unmanaged, unregulated by the county "asset" appears to have overtaken common sense, sound science, reasonable risk management, and long-term fiscal responsibility.

REPUBLIC SERVICES TIMING OF THIS EXPANSION

In LU-24-027, Republic Services seeks expansion of Coffin Butte Landfill extending to South of Coffin Butte Road. Their application and applicant testimony advocates for their position including this statement found in the Coffin Butte Landfill 2023 Annual Report:

"An approved CUP would ensure continuity of disposal services while the county works to develop a Sustainable Materials Management Plan....We are requesting this CUP now because industry best practice is to start working on an expansion project when there is 10-12 years of life remaining at the site. This is a prudent timeframe given that it takes an average of 3 years or longer to complete the local land use process. After the land use process is complete, it could take an additional 3 years or longer to obtain permits required from various state agencies (DEQ, EPA, Dept. of State Lands [DSL], State Historical Preservation Office [SHPO] and others) and "to initiate and complete construction of the disposal cells." (pg. 6, Coffin Butte Landfill 2023 Annual Report).

It's worth noting that any Benton County Sustainable Materials Management Plan is highly aspirational, and will take years, possibly decades to meaningfully address waste flows, consumer habits, manufacturing waste streams and reductions to the waste volume demands at Coffin Butte Landfill. Until such shifts in consumer habits and business production, **the immediate adverse impacts to Benton County due to the landfill operations will remain unchanged.**

Republic Services push for expansion at this time is despite current landfill at only 60-65% of its current landfill capacity, with years of life remaining for Benton County's and the regions use dependent on Coffin Butte's management of waste tonnage intake limits.

During this time, analysis of alternative options that could be explored such as rail transfer of wastes (more cost and climate effective) and use of preferentially sited landfill locations, such as Columbia Ridge landfill, which offers 10,000 acres of buffer zone, preserved for wildlife habitat, wheat farming, cattle ranching, and wind farms. **Alternate plans to expansion of Coffin Butte Landfill have not been considered.**

REVISITING THE TALE OF TWO LANDFILLS

Revisiting "A Tale of Two Landfills", by taking a close look at the public record for LU-24-027, we see the applicants have persistently told Benton County one story, but the public testimony, science, and our own eyes and observation tells another that is very different.

Using implied "threats" of imminent closure of the landfill and high cost of waste removal to leverage an approval of expansion, Republic Services cites the need for expansion is due to capacity limits of the current landfill. But this expansion is not about public safety, not about improving or providing environmentally sound services to Benton County, and is not likely to be sustainable for the community and its neighboring regions that are host to the landfill and its impacts. In short, the interests of this application lie with Republic Services, and do not align

with the interests of greater Benton County, nor does this application adequately consider the risks or absent protections which must be centered on Benton County, the forever host of this landfill site.

The Coffin Butte Landfill 2023 Annual Report, (published before volume intakes for 2024/2025), estimated approximately 13.4 years of usable life remaining at the current Coffin Butte Landfill site. This 2024 expansion proposal (LU-24-027) adds **just 6 years life, and fails to meet the burden of proof, the criteria for approval and the assurances** of providing safe and reliable waste disposal for Benton Co residents without increasing adverse impacts.

In other words, Coffin Butte Landfill has not begun to approach the realistic waste intake burdens, health and safety risks and its increased adverse impacts at its current operations, while Benton County is being asked to consider an expansion that will increase risks and daily impacts to Benton County and its residents. The remaining capacity of approximately 15 million cubic yards of waste that will be added to current operations, and the associated impacts of leachate, odor, traffic, and the questions of undue burden **have not been realized or evaluated** in the analysis of adverse impacts of the landfill, while Benton County is being asked to approve an application for additional expansion sited South of Coffin Butte should LU-24-027 be approved. The Planning Commission and the public have not been provided an honest and full analysis of increased impacts, occurring even before this proposed expansion that will include 3-4 years of construction and development.

(estimated capacity and volumes from pg. 5 of 2023 annual report)

UNPRECEDENTED PROPOSED CONDITIONS OF APPROVAL FOR LU-24-027

Effectively, 90 approximate Conditions of Approval have been proposed for this application. **At best these conditions would improve only the areas of the expansion and only if enforced,** doing nothing to address operational management shortfalls of the current operations at Coffin Butte Landfill. This unprecedented number of conditions proposed for this expansion, reflect the incomplete nature of the landfill expansion analysis, the compliance challenges being experienced at Coffin Butte's current operations, and the increasing lack of confidence in Republic Services landfill management...**MANY OF THESE PROPOSED CONDITIONS WILL BE UNENFORCEABLE DUE TO LACK OF ABILITY TO DISTINGUISH BETWEEN CURRENT AND EXPANSION LOCATIONS AT THE LANDFILL, and the need for subject-matter-experts to oversee an unrealistic set of conditions through a system that does not exist.**

Recent legal maneuvers regarding the status of Coffin Butte's compliance with conditions of approval and regulatory authority cannot erase what can be experienced regionally as a result of Benton County hosting Coffin Butte Landfill...what can easily be seen by the naked eye, smelled by the average nose, and heard by the average person with ears. It does not erase the EPA and DEQ observations, investigations, and enforcement actions related to Coffin Butte's

non-compliance and compliance actions which only reinforce what is well known by the neighbors and neighborhoods surrounding Coffin Butte Landfill.

BENEFIT TO BENTON COUNTY?

Just what does this application offer Benton County residents?

The Franchise Agreement guarantees Benton County residents disposal services at a preferred rate for many years, a number not disclosed during this process in the application and which RS declined to provide the answer...despite requests by the Planning Commission.

...and financial incentives paid to incentivize waste volumes and approval of landfill expansion CUP applications.

That is what is being offered Benton County.

COFFIN BUTTE LANDFILL HISTORY OF NON-COMPLIANCE

The history of Coffin Butte's 50 years of non-compliance and the counties inability to manage conditions of approval to ensure public health and safety is documented in the findings of Benton County Talks Trash (BCTT) Final Report. These non-compliance issues are in the record and not subject to or necessary to opine or adjudicate. The sheer number of proposed conditions of approval for this landfill expansion, now numbered at 90...and the months of continuous revisions of the applicant's proposal after the failed 2021 expansion application, lends credibility to this observation.

In 2022-23, the BCTT Conditional Use Permit Subcommittee reviewed the land use application records from pre-1974 to 2021. The subcommittee documented Benton County's inability to manage the approved conditions of approval of land use decisions and reviewed each of the conditions of approval for each land use hearing. These applications are as follows:

- CP-74-01 (1974),
- PC-83-07/L-83-07 (1983)
- PC-94-03 (1994)
- S-97-58 (1997)
- PC-02-07 (2002)
- PC-03-11 (2003)
- PC-11-016 (2011)
- LU-13-061 (2013)
- LU-15-001 (2015)
- LU-24-047 (2021 records reviewed, application denied)

Many past land use application decisions extended earlier conditions of approval while others were added, revised, or superseded through new land use proceedings,

With some portions of the past land use records “missing” from county records, there were certain conditions of approval compliance that were inconclusive. However, those ‘missing records’ of past land use conditions of approval, and the records that also documented community concerns and expectations, does not absolve Coffin Butte or the County’s obligation to manage or enforce (respectively) the land use decisions, their applicable conditions of approval, or the intentions of these decisions.

Reference: Past Land Use Conditions Subcommittee Findings and Recommendations, BCTT Final Report, pg. 97, [bctt final report 4-11-2023.pdf](#)

The BCTT Past Land Use Conditions Subcommittee review of records from 1947 to 2022 thoroughly documents these community expectations...what the community was looking for, what community concerns were, what conditions were, and the communities dissatisfaction from the beginning of this site for a landfill (in the LU-24-027 record) The changing of land use process and procedure over time, resulting in changing interpretations, **does not change that the landfill was expected to be of a certain size, was not expected to expand into buffer areas, was expected to cease operations by the year 2000 with full closure assurances and reclamation of the land, and most importantly was at no time expected to be what it have become today.**

Additional Reference, BCTT Size, Capacity and Longevity Subcommittee Findings and Recommendations, pg. 56. [bctt final report 4-11-2023.pdf](#)

Key findings from the BCTT final report and its subcommittees should not be ignored in this review and consideration of the LU-24-027 application for landfill expansion process. The BCTT record is the basis for both the county and the applicant and referred to in public testimony. The BCTT final report, it’s finding and recommendations and the process reflected in the record cannot be selectively used for arguments that benefit the applicant over the public testimony and vice versa.

FACTS IN THE LU-24-027 RECORD THAT MUST BE CONSIDERED

- Benton County’s Coffin Butte Landfill is not a suitable location for a permanent landfill, and was never intended to be one. (BCTT 2022-23)
- Odor plumes have been and are continuing to be reported in an expanding pattern around the landfill and are impacting areas in Adair Village, Airlie, North Albany, Independence, South Corvallis, Philomath, and our rural neighbors in non-incorporated areas.
- According to a USGS publication noted that the EPA has concluded that **all landfills eventually will leak into the environment** (Mark Henkels, May 6, 2025)

- Conditions of Approval set in past land use applications for Coffin Butte Landfill have failed Benton County residents leaving health and safety risks to increase to unreasonable levels – an expansion would increase these risks
- Waste intake volumes exceeding the limits set in the 2000 Franchise Agreement waste occurred in 2017, 2018, 2019 and are documented (*Kenaga, May 8, 2025*)
- Expansion applications have permitted the expansion of Coffin Butte Landfill and its impacts in 1974, 1983, 1994, 1997, 2002, 2003, 2011, 2013, 2015 and 2021, each proposing expanded operations, resulting in increasing adverse impacts...a recurring cycle and an undue burden to Benton County services, facilities, infrastructure and the public. (BCTT Final Report, 2023 [bctt_final_report_4-11-2023.pdf](#))
- County counsel has not appeared to take any enforcement action regarding past Conditions of approval, instead asserting conditions were all compliance at the signing of the 2002 MOU...documented in BCTT Final Report [bctt_final_report_4-11-2023.pdf](#)
- Benton County Health Department has made no statement, taken no position on the LU-24-027 landfill expansion
- Systems for complaints reporting, implementation of compliance officers and/or systems to manage reporting and conditions of approval, are ALL downstream of the real issue which are the continuous quality of life impacts, undue burdens and serious interference to the public and Benton County services, facilities and utilities (both physical and staffing)
- Ever expanding buffer zone creep: The encroaching on business and homes, increasing risk of ground and surface water impacts
- The risk of basalt ridge blasting and unpredictable fractures are foreseeable with an approval to expand landfill operations South of Coffin Butte Rd. The applicant has failed to adequately analyze or propose mitigation to this risk in this application.
- 5 fires were reported during Republic Services testimony while nearby Adair Rural Fire & Rescue documented response to 111 calls to fires near or on the landfill site, and 195 motor vehicle accidents near the landfill. (*Victoria Scott written testimony*)

ISSUES IMPACTING BENTON COUNTY AND NEARBY COMMUNITIES (FROM THE RECORD)

- Coffin Butte's history of non-compliance with past conditions of approval- **can be seen**
- Patterns of negligence – lack of methane emissions control, leachate management
- Lack of responsible landfill management – including daily cover requirements, closure of filled cells, screening, litter control, odor control; all evidenced in the record and in reported experiences of the public.
- DEQ lacks staffing or interest in responding adequately to address complaints regarding landfill odors, hazardous waste, hazardous materials runoff, permitting and regulatory compliance, ground and surface water contamination, and dangerous gas emission and air pollutants.

- Lack of safeguards through state and federal permitting, Land Use Compatibility, site plans, clarity of process for expansion leave this Planning Commission with an inadequate amount of information to make a fully informed decision.
- Acceptance of Uncontrolled, contaminated, illegal and hazardous waste from schools, businesses, residences are documented in this record (*Doug Pollack, April 21, 2025*) but Republic Services asserts in its own testimony that they are checking all loads for these materials. Multiple public testimony suggests this is untrue and that all loads cannot and are not being checked adequately for hazardous materials to address risk.
- Community perceptions are that Benton County revenues paid by Republic Services...are a perceived conflict of interest or a de facto payoff
- Questions in testimony of a quiet "deal" pending with Adair Village to fund a larger water treatment plant for their city may be intended to "treat" large volumes of landfill leachate. There is an absence of testimony from Adair Village in this record. Analysis and evaluation of leachate "treatment" at this location was not part of this application.
- Unable to be forecast are unknown but potentially dangerous risks and increasing financial burden to Benton County for decades to come. No analysis or evaluation has been submitted for this record or known to exist.
- Legitimate questions are within the record as to whether LU-24-027 should have been and application for a new landfill proposal rather than a landfill expansion application. Public testimony from David Patte makes a compelling argument in his April 21 2025 written testimony, along with others
- Groundwater contamination and well resiliency risks resulting from any approval of this expansion are treated by Republic Services with a "lets blast, then see what happens" approach. These risks have not been researched, documented or analyzed in this application.
- Leachate management is not adequately addressed for this expansion. With the Corvallis wastewater treatment plant no longer an option, and lack of confirmation of the status/agreement with Salem, leachate production from current landfill operations over the next 10-12 years regardless of this proposed expansion, **WILL increase**. This refers to the 30-35% landfill capacity remaining. **If this application for expansion is approved...the risks will also increase**. Application failed to provide adequate leachate projections for this projected waste volume increases.
- Republic Services appears unwilling to comply with or disregards past conditions of approval BECAUSE THERE ARE NO CONSEQUENCES. There are and remain conditions of approval that are unmet and community expectations unaddressed...hiring a monitor or manager is not going to assure compliance – **absence of record does not eclipse past COA requirements or community expectations in these records**.
- This application fails to provide sufficient fire risk management, fire response management for any landfill expansions.

- The expansion application fails to sufficiently outline required plans for long term management of the expansion site during closure and post closure ...and in any instance of any financial “default” by Republic Services in the first 30 years...remembering that leachate from first cells that should be closed are still producing millions of gallons of toxic leachate annually (cells 1 and 1A).
- **Increasing appearance and possibility of cancer clusters** cannot be ignored in this record (review Tom Hewes April 21, 2025), and several others reporting...Example: on Blue Heron homes 6 of 8 homes have members that have contracted some form of cancer (75%), a total of 13 now reported in an expanded area as of testimony – recognizing there is an increase in cancer in this area and a lack of analysis and consideration for these cancer clusters, with no mitigation proposed by the applicant. It is commonly accepted that the gene mutations that are linked to cancer are linked to environmental factors...and **regardless of the fact that PFAs are not produced by CBLF, they are paid generously to manage and mitigate waste streams...all of them**
- A disparity between Republic Services claims, compared to DEQ and EPA site visits, reports and enforcement actions are also of concern and cited in this record. The application proposes insufficient plans to address these issues in the application.
- There is lack of clarity in the application and in public hearing responses by applicant related to “organic” and “in-organic” wastes, “hazardous” wastes and “special” wastes in the application for expansion, leaving the Planning Commission unable to determine risks related to this landfill expansion.

LANDFILL LINERS FAIL

The EPA recognizes and has stated that **Landfill liners fail**. With types of hazardous wastes known in this landfill...with leachate produced from those wastes...we get risk. Science changes and what was once considered safe is now an imminent health threat, such as PFAs, or the chemical components in many consumable goods including nonstick cookware, stain resistant carpet and water repellant clothing. Up until the emergent science on PFAs around 2023,– PFAs was generally reported as safe and otherwise and now? Risks of cancer, hormone disruptions, type 2 diabetes, ADHD, development of fetuses and children, bioaccumulation risks and more.

CREDIBILITY OF PUBLIC TESTIMONY

We have heard testimony in opposition from highly educated and credentialed experts from within the community, accounting for lifetimes of work in their fields have shed light on this application for landfill expansion...scientists, educators, contractors, consultants, farmers, and environmentalists, some listed below, but many others found in the record.

- Mechanical Engineers (Bill Gellatly)

- Hydrogeologists specializing in groundwater flow and contaminant transport (Joel Geier)
- Environmental engineers
- Civil Engineers
- GIS Analysts; Spatial Data Experts (Mason Leavitt)
- Toxicologist (Shelley Su)
- Former EPA Employee (Shelley Su, May 8, 2025)
- Cancer Researcher (Shelley Su, May 8, 2025)
- Fire Chief, Adair Rural Fire & Rescue, (Aaron C. Harris)
- Farmers – Generational, emerging, organic and traditional
- Vineyards and Wineries
- Recreational Birders
- Teachers and Educators
- Professors of Fish and Wildlife Sciences, OSU (Daniel Ruby, April 22, 2025)
- Professor of Public Policy and Administration at Western Oregon University (Mark Henkels, May 6, 2025)
- Peer reviewed journal articles/reports cited throughout testimony
- Credible news articles cited throughout testimony
- EPA and DEQ findings cited throughout testimony
- BCTT findings and recommendations cited throughout testimony
- Solid Waste Advisory Council members – materials and testimony
- Disposal Site Advisory Committee members - materials and testimony
- Environmental and Natural Resource Advisory Committee
- ...and more.

Additionally, in-person testimony of those most directly impacted by the landfill, with testimony overwhelmingly opposed to this landfill expansion carries more weight than those **not** directly impacted by the landfill's adverse impacts. The weight therefore that this public testimony is given is significant.

NON-COMPLIANCE CONCERNS / REGULATORY VIOLATIONS OBSERVED IN THE RECORD

Apparent of non-compliance of past landfill conditions of approval, violations of regulatory requirements of the EPA and DEQ are documented in the record, some of which are presented below:

- 600 ft contour elevation limit has been exceeded; now reported at 625 (PC 02---07)
- Screening - fencing or berms so not seen
- Odor control/mitigation – heard in test that Republic Services could not confirm most of the 84 and in this hearing was much dismissed as not from the landfill

- Reclamation – a Conditions of Approval – Benton County and public didn't anticipate the landfill being covered indefinitely under tarps, due to delayed cell closures preventing reclaiming of land for recreation areas. Torn tarps and cover not being maintained, not being used as farm areas, or for recreational or green space.
- Coffin Butte emissions so high, EPA now considers **Coffin Butte landfill a Super Emitter**, a term used to describe the **nation's worst industrial polluters**.
- Unclear if landfill fires were reported to DEQ per Operation Plan (V. Scott, May 8, 2025)
- Alternate Daily Cover use of tarps noncompliant leaving working face of landfill regularly exposed. Confirmed by satellite images and additional testimony (Kenaga, May 8, 2025)
- Failure to cover working face of landfill with soil/tarps or adequate alternate daily cover
- Cell closure REQUIREMENTS – none, some? We are now taking waste on Cell 6, what is the status of the previous cells? – Mountain of tarps billowing in the wind – no obvious or observable closures
- Runoff occurring from contaminated waste truck tires and wheels into uncontrolled runoff areas – wastewater, leachate issues
- Litter on nearby properties and natural areas, and on roadways
- Noise pollution
- LUCS – Land Use Compatibility Statement compliance?
- Delays in installation of enclosed methane gas flares, requiring DEQ enforcement action. (*Mason Leavitt, Beyond Toxics, May 6, 2025*)
- Republic Services recent acknowledgement of 10% fugitive emissions last year, now in application revised to 25% (*Mason Leavitt, Beyond Toxics, May 6, 2025*) – a large difference from 10% to 25% - Methane, hydrogen sulfide, particulate matter within gas emissions
- Inconsistencies with “regular surface emissions and monitoring to repair holes in covers and tarps vs. visual observation of torn, unrepaired cover
- EPA violations found in 2022 and again in 2024 – federal enforcement actions taken subsequently
- RS opting not to monitor 56% of landfill surface area through legal loophole (Leavitt, May 6, 2025) – relates to EPA and DEQ site visits. – do we feel RS is best of service/environmental steward or inconsistency seen within record
- Plumes of landfill gas emissions visible by satellite; leaks 100% of the time monitored by flyover – no information found in the application to refute or confirm
- “Normal” operations during announced visits by EPA and DEQ result in violations of methane emissions, uncapped gas flares/wells, methane emissions far beyond the limits, landfill odor beyond nuisance levels.
- Explosive levels of methane leaks found repeatedly – state/and or federal regulatory enforcement have documented
- Section 114, EPA Clean Air Act enforcement action served in 2025

- Delays in fence line monitoring for odor pollutants (*Mason Leavitt, Beyond Toxics, May 6, 2025*) Republic Services chose not to take a step towards mitigation at current operations; no offering as a matter of this application.
- Incomplete data sets re: odor monitoring (*Mason Leavitt, Beyond Toxics, May 6, 2025*)
- Failure to management of hazardous waste streams – pesticides, contaminated soils, batteries, fluorescent lights, pharmaceuticals, paint, solvents, electronics and refrigerants – hazardous materials entering into the waste stream at CBLF
- Plastic “cover” is in disrepair and state of degradation, failing to adequately reduce excessive rainwater from the Will Valley from entering the landfill and producing more leachate
- Discharge of leachate into wastewater treatment plants is not regulated by DEQ (*Mark Yeager, May 29, 2025*) – Salem and Corvallis wastewater treatment plants are unable to adequately treat leachate...which is then passed through to the Willamette River as effluent.
- Wastewater treatment plants process through aeration releasing air-borne PFAs and other particulates into the environment. (*Pam Castle*)
- Cell 6 permitting/approval to expand is inconclusively – not been litigated – no evidence of BC confirming and quarry expansion area is in development and receiving waste already – increasing landfill footprint and environmental impacts an additional 40 approx. acres.

Reference to two testimonies in the record:

McKenna Bradley, her cow Potato and calf Paisley

Ms. Bradley spoke in person before the Planning Commission as a 4Her and future leader, not yet out of high school, pursuing a career in agriculture, to the numerous impacts of the landfill to her parents’ property. She reported having to walk her show cows, horses and goats by halter in her family pastures adjacent to the landfill, rather than letting them free range, due to the risks the increasing landfill litter has brought to their property...Bringing bags of trash with her to show the realities, she spoke in sobbing tears before this planning commission, because these animals aren’t just livestock to her, they are her pets, her friends and her future.

Mark Henkels, May 22, 2025 written testimony

The difference between Coffin Butte and Columbia Ridge landfills, how managed and relationship with the community. (Henkels, May 22, 2025)

- Buffer Lands comparison between Coffin Butte Landfill to Columbia Ridge Landfill – (*Mark Henkels, Ph.D. May 2025*) referring to “Columbia Ridge 10,000 acres of buffer lands surrounds this site 10 miles south of Arlington...preserved for wildlife habitat,

wheat farming, cattle ranching and wind turbines.” Vs. Coffin Butte, where people live, recreate, even holding 4H events and animal training clinics right next to the landfill...and the odors and blowing wastes affect them directly.”

- Columbia Ridge has the capacity to continue running for another 120 years based on volume projections from customers, including Metro, ...Eastern Oregon is a good place for a landfill, in part because of drier weather to protect against contaminants seeping into groundwater.
- It is a comparison this Planning Commission should consider

Undue Burdens and Serious Interference presented by the public in this process, include:

- Data linking hydrogen sulfide to lung cancer (*Shelley Su, May 6/8, 2025*)
- PFAs – notorious endocrine disruptors and carcinogens
- 10-20 years odor not an issue, increasing over time with expanding size of CBLF
- Estimated 6-7% of landfill waste from Benton County; hosting 27 counties, but 36 over time from 4 states, OR, WA, ID, CA
- 2021 application for expansion unanimously denied finding it would cause significant harm to BC (*Debbie Palmer, May 6, 2025*)
- Less than 60% of methane emissions from CBLF captured (per DEQ, (*Debbie Palmer, May 6, 2025*))
- Benton County lack of updated waste management plan unlike other Oregon counties.
- The cumulative effect of odor, noise pollution, air quality, uncontrolled litter, traffic congestion, visual blight, ground and surface water contamination is indeed substantial emanating from the growing mountain of waste that starkly contradicts the professed values of our community. (*Keith Lembke, May 6, 2025*)
- Depressed property values resulting in reduced funding for ARFR cite Chief Harris, Adair Rural Fire & Rescue, April 21, 2025 testimony) – reduced capacity, reduced resources...those reduced property values aren’t only impacting homeowners, but impacting the small region of prop that support the FD – impacting their ability to respond to landfill properties
- Expansion impacts of the construction period, reported by RS to be up to 8 months for up to 4 years, resulting in 32 months of blasting, trucks hauling rock, increased traffic and noise (*Joel Geier, May 6, 2025*) – this is not part of the conversation when we consider noise, odor, traffic, livability for nearby neighbors – not been considered in the application and not presented here other than intermittently by public testimony
- Traffic Impact Analysis submitted by applicant does not include 3-4 years of construction traffic, increase of traffic from nearby housing developments traffic– witness accounts

used in part to determine traffic impacts...leaving questions regarding modeling used and validity of report.

- Traffic impact analysis that does not address remaining 35% increase of waste intake at current site, simultaneously as the blasting and development of proposed site, the filling of Cell 6 simultaneously or any impact from removal of tonnage cap – based on assumption traffic volumes will not change
- Expansion risks to wells and springs in/near Tampico Ridge area and surroundings (*Joel Geier, May 6, 2025*) Applicant failed to provide adequate analysis with no proposal for mitigations of risks
- Potential future closure of Coffin Butte Road – a reality whether presented here or not – and must be considered if we are to consider our role in “planning” for greater Benton County and its residents.
- An up to 35% more increase in the dump’s total surface area at current landfill (*Kenaga, May 6, 2025*, and 2023 Annual Report) and an up to 68% increase in intake volumes overall if this expansion is approved (*Ken Kenaga, May 6, 2025*)
- With expansion approval, there will be a proportional increase in risk, impact, emissions, etc. – including traffic increases over the current count of vehicles entering every 80 seconds (*Yeager, May 27, 2025*)
- No submittal of risk analysis of financial burden to county, present impacts, closure of landfill financial risk, and post-closure financial responsibility
- Risk of reduction in disaster assistance as a rural area (*Ken Kenaga, May 6, 2025*)
- PFAs in both leachate and in air borne gases; **in particular the bio-accumulations in surrounding environment, found in groundwater, surface water, soil aggregates, air that is breathed, equally important is the bioaccumulations in plant materials, in livestock, in wildlife and has not been considered in the application for expansion.** (*Mary’s River Grange written testimony*)
- Risk of expanded/new landfill as an additional source of arsenic (*Joel Geier, May 6, 2025*) – insufficient data
- Ongoing disturbance to Great Blue Heron nesting colony – disparate reporting between public Subject Matter Experts and applicant’s consultant testimony
- DEQ unresponsive or lacking regulatory follow through, including no comment submitted for this application (*Kenaga, May 8, 2025*) – how to rely on a state partner that is non-responsive?
- Benton County staffing – how much time, resourcing, financial costs to accept, categorize, archive, review and summarize for this expansion application? Would county, Planning Commission and residents be better served by using these limited county resources on other efforts? What is BC giving up to serve the demands of this application process and management of compliance= arguably be considered an Undue Burden related to public services eclipsed by the service to the landfill at the cost of other efforts such as the Comprehensive review? Benton County Citizen Advisory

Committees and compliance with Statewide Land Use Planning Goals, and other priorities that have been set aside. The Planning Commissions interest in fire risk and management has been set aside since 2021

- Serious Interference of Benton County residents, in particular those on properties nearest the landfill are being “forced to sacrifice their comfort and livability for the sake of others, not just in Benton County, but regionally and in counties across Oregon that have utilized the landfill and all benefit but do not pay or bear an equal burden such as the inability to recreate or work outdoors, children unable to play outdoors, direct health impacts (burning eyes, lungs, tightening of chest, reports of cancer clusters) countless testimony of residents resorting to closing windows due to extreme odor, impacts to farming and vineyards.
- Maps documenting methane /odor plumes far exceeding what Republic Service is documenting or is willing to admit
- Fire risk and consequences, toxic smoke, damaged water lines and wells, aquatic ecosystems, before and after fire impacts realized, risk to the Luckiamute Watershed (*Virginia Scott, May 8, 2025*)
- Coffin Butte – the single place in Benton County where more fires have started in last 50 years than any other location (*Virginia Scott, May 8, 2025*)
- 2018, May and July 2024 fires at landfill responded to by Adair Rural Fire & Rescue/ RS mitigation did not prevent second fire near flare as expected, two flare proximity fire events in one-year, possible landfill fire in 2025 unreported as being mitigated that would prevent second fire
- After hours fires: Citizen reported fires to Adair Rural Fire & Rescue during after hours
- August 2024? – Republic Services reported to Board of Commissioners that they do not have a way to monitor for fires after hours...(Virginia Scott, May 8, 2025) – noting that fire risk occurs 24 hours at the landfill which exists 24 hours a day.
- Landfill fire risks increasingly from lithium-ion batteries, car batteries, dangerous fumes from landfills, wide range of combustible materials, lightning strikes,
- \$107B total wildfire risk exposure in Benton County (Wildfire Risk Explorer Report for Benton County (*Virginia Scott, May 8, 2025*))
- Gaps in fire risk assessment, response capacity, materials risk assessment
- Motor Vehicle Accidents responded to by Adair Rural Fire, 195 from 2013-2025 – how many are landfill related?
- Negative impacts on wildlife
- Negative impacts on property values – confirmed in past acquisitions and pending
- Increase in buffer zone properties – pushing out families and residential housing
- Climate and environmental consequences – fugitive gasses
- Hidden costs vs benefits of lower cost waste services – (emissions, leachate, groundwater contamination, transportation, regulations, testing, real estate values, livability, TBD. (*Jan Napack, April 21, 2025*))

- 20% of 126 Adair Village surveyed reported modifying outdoor activities to avoid going outside due to odor, concerns of exposure to toxins (*Mason Leavitt, Beyond Toxics, May 6, 2025*) – a 30-35% increase in waste intake at current LF then expansion So of Coffin Butte – what does this mean for Adair Village
- Persistent odor impacts requiring residents to shelter indoors, unable to work, recreate outdoors
- Odor impacts well into downtown Corvallis, and other areas far outside what is commonly considered “adjacent” properties
- Landfill gas (LFG) methane emissions, fugitive gas emissions, hydrogen sulfide and the dispersion of PFAs beyond through airborne particulate – an emerging threat recognized
- Noise impacts – outside normal operation hours
- Traffic impacts – road damage, congestion, noise
- Leachate risks – managed through municipal water treatment plants, unable to treat sufficiently all contaminants including PFAs from effluent pumped into Willamette River
- Bioaccumulation of PFAs in plants and animals – impact to farms, agriculture and produce (*P. Castle, May 6, 2025*)
- Contaminant risk to downstream communities using Willamette River for municipal drinking water source.
- Contaminant risk to recreational users of Willamette River.
- Well and groundwater contamination with PFAs and other toxins
- Republic Services ignoring or violating environmental regulations
- Livestock risks from litter
- Lack of clarity; undefined; inorganic v organic waste – a loophole in the making (*Mason Leavitt, Beyond Toxics, July 9, 2025*)
- Wildlife – vulnerable ecosystems easily disrupted by these operations; elk herds, herons, bald eagles, how soon before E.E. Wilson Wildlife Area and McDonald-Dunn Forest and water species impacts?
- Risk to well water usability/stability a result of expansion and unknown blast impacts to accommodate the landfill expansion
- Expansion area is closer to residential areas/impacted properties than current operations.
- Adverse impacts to livestock on nearby properties – horses, cattle, goats,
- Cancer clusters
- Future liability of leachate estimated at 40-60m gallons/year - - insufficient bonding to cover this unknown cost (*Keith Lembke GOP chair*)
- Application offers no truck and traffic impacts assessment and comparison between expansion versus development of rail and transfer station
- Municipal solid waste (organic waste) contaminated with PFAs and other unknown high-risk contaminants – returning to landfill as “organic” waste – not way to meaningfully

predict long-term impacts of concentrated biosolids and no mitigation to these risks is offered by the landfill other than leachate liners that are confirmed will eventually fail.

- The undue burden and serious interference placed on immediate adjacent areas of the Coffin Butte Landfill - Toxics working with Soap Creek for 3 years (*Mason Leavitt, Beyond Toxics testimony July 8, 2025*)
- Ken Kenaga's estimate of \$1.2 million of volunteer hours to resist Republic's attempts to expand the landfill and in defense of health, safety, and quality of life, livability and livelihood.
- Noise pollution and heavy truck and waste hauling traffic has been a persistent complaint topic regarding current operations of the Coffin Butte Landfill. The expansion application did not address noise concussions, increased heavy truck traffic to remove 2.1 million cubic yards of blast material from the expansion site, and other heavy equipment noises and impacts for the construction of the expansion area, including removal and mitigation of the current leachate ponds. The combined adverse impacts, undue burden and serious interference of the region due to the noise and traffic increases of the combined current operations and the expansion area were not addressed, including any reasonable mitigation to the region or surrounding properties proposals by Republic Services.

Environmental Regulation Concerns Noted in the Record

At this point in the hearing process, the Planning Commission deliberations, we have witnessed and confirmed in many instances that Republic Services has knowingly misrepresented data and operational reporting; and has made efforts to obscure critical facts needed for transparency and accountability in the record. Only through due diligence and testimony by members of the community who have carefully scrutinized thousands of pages of documents and reporting and hundreds of hours of public hearing and work group process, have members of the planning commission uncovered these pervasive inconsistencies in an application that is altered with the public winds, revising and responding to gaps in the application when rising public tide demands a response...the burden of proof by the applicant has simply not been met regarding these and more environmental concerns:

- Leachate and PFAs – The Willamette River is a public facility and provides public services and a source of drinking water for thousands of Oregonians. The current and proposed leachate disposal method is an undue burden and creates a serious interference to surrounding communities and those downstream and regionally adjacent properties of Adair Village, Independence, Sherwood, Wilsonville, Tualatin Valley as regional.
- Cells 1 and 1A were “closed” in the 1990s and 30 years later continue to generate approximately 2 million gallons of leachate per year. Landfill expansion will increase leachate production creating an undue burden to public services while raising the risk of serious interference.

- Republic Services has misrepresented environmental compliance to EPA resulting in enforcement action.
- Methane and leachate release (*Mark Lee, April 21, 2025*)
- Republic Services reporting on methane vs. methane plume mapping disparity
- Superfund site risk

Health Issues Risk Due to Increased Landfill Capacity by Expansion

“It is well-documented that PFAS have a number of effects on human and biotic health. Among those are altered immune and thyroid function, liver disease, lipid and insulin dysregulation, kidney disease, adverse reproductive and developmental outcomes and cancer (*Reference E, Pam Castle, May 6, 2025*)

How is Benton County assessing the widespread nature of Landfill Gas (LFG) carrying PFAs (aka atmospheric transport of PFAS) being spread in the region...the Planning Commissioners and the public have seen the plume maps which are in conflict with Republic Services assertions and application and testimony...impacts to Adair Village, Corvallis, Independence, Philomath, Airlie, and more...as PFAs are carried by landfill gases...it's not simply a nuisance issue, it is a public health issue. (*Nancy Whitcombe in person testimony with maps and other written submittals*)

What is going into this landfill?

Keeping in mind that according to the U.S. Environmental Protection Agency, “All landfill liners fail”

The 2023 report...waste intake includes, commercial and industrial waste, asbestos, agricultural waste, sludge, C&O, MSW, and more...daily cover can include more contaminated soil ...let's examine...

- **Municipal biosolids** – generously (or not) capped at 900,000 tons
- **Livestock carcasses** – Tillamook cattle, unknown disease and contaminants
- **Unknown contaminants; including industrial solvents, epoxies, fluorescent lights, containers of paint, televisions, refrigerant systems, e-waste,** (*citing Doug Pollock investigation and testimony, up to 200 tons of cartridges with ink PER YEAR, April 21, 2025*)
- **Organic fish and slaughterhouse waste** delivered weekly
- **Hazardous materials:** Unregulated, unknown or required – batteries, fluorescent lights, household and agricultural chemicals, televisions/computers,
- **Major fire and disaster debris** – 2020-2021 confirmed, 2024?
- **Radioactive waste** from Teledyne/Wah Chang (*Conover, April 21, 2025*)
- Contaminated waste from Consumers Power Inc. – **Wood preservatives for telephone poles, PCBs from leaking transformers** (*Conover, April 21, 2025*)
- **Covanta incinerator ash** including medical waste previously used as Alternate Daily Cover found to contain heavy metals contaminants (*Conover, April 21, 2025*)

- **Superfund wastes** from Negative impacts on recreation in immediate area, region and Willamette River (*Conover, April 21, 2025*)
- **Forever chemicals – PFAs** – Since 1938 more than 4000 compounds created that contain PFAs...non-stick pans, stain resistance in carpets, , etc....very difficult to remove from wastewater AND they do not break down to any inert form in landfills. PFAs are 3-4 orders of magnitude smaller than most microplastics, and as a result now being identified in the circulatory systems of humans and animals. (*Gellatly, May 6, 2025*)- potential to affect growth, learning, and behavior in infants and older children...could lower a woman's chance of getting pregnant and could increase risks of cancer." (*Gellatly, May 6, 2025, but cited by numerous others*)

Why This Matters...

- Ongoing compliance regulatory authority involving EPA and DEQ oversight and compliance action to mitigate poor management of Republic Services repeatedly cites these compliance issues as not Benton Counties role...Planning Commissioners argue that BCC 53.215 gives authority to deny this application based on certain criteria.
- Increased fire hazard / fire suppression costs and risks – Application and risk of future additional expansions found in record show that this expansion will increase use, impacts and risks. Adair Rural Fire Protection District's retired firefighter \ testimony by Mason Leavitt, July 9, and others, along with missing record of fire events in applicants' testimony at the landfill site, means that Planning Commissioner's must conclude that the application fails the burden of proof in showing how expansion operations would not increase fire risk.
- Models used in applicant's proposal are recognized by **both** the applicant and public testimony to have limitations; resulting in "hypothetical, not definitive analysis re: landfill expansion" (*Leavitt, July 9, 2025*)
- Application and hearing process illuminated questions and loopholes regarding current and future closure and post-closure liability and compliance including monitoring, mitigating, and the reclamation process – the application for expansion only increases the risks.
- Republic Services self-monitoring and self-reporting has not proven to be adequate or sufficient; showing the intention of profit over safety of county residents. The application fails to show how this will improve without conditions; which have failed to enforce compliance in the past and as proposed, many are unenforceable.
- Long-term costs of landfill site will fall to BC residents/taxpayers, as leachate and other environmental, safety and health risk will remain long after the bond securing management and funding from Republic Services has sunset. The expansion application shows not mitigation, evaluation or even an acknowledgement of the genuine risks to Benton County related to an expansion.

What is Coming Out of the Landfill?

The landfill is a source of landfill emissions that enter the air & combine with more rainwater to form leachates. Leachates can include similar heavy metals, carcinogenic industrial solvents, PFAs, and dangerous organic matter. Close to 30 million gallons of leachate were generated by CBLF in 2023 (*Coffin Butte 2023 Annual Report*).

Landfill Gasses: Fugitive gas plumes from the landfill include methane, hydrogen sulfide, PFAs, heavy metals, dioxins, and particulate matter.

Particulate matter, including PFAs particulate, that becomes airborne due to these fugitive gasses is documented in the record as having bioaccumulation of PFAs and other toxin effect on surrounding plant and animal matter that absorb these particulates and pass along the contaminants. Mary's River Grange testimony points to the risks and data associated with this consequence to our local organic and traditional farms, plant materials and livestock. Other testimony presents questions on the impacts of this particulate matter along with toxic gas plumes to the local vineyards and the usability of their grapes.

As noted accurately in Suzanne Ortiz' testimony..."Breathing the materials that are emitted in the gas plumes is not conducive to good health & the levels only increase when the LF area expands." (*Suzanne Ortiz, April 21, 2025*)

With a landfill expansion, what comes out of the landfill through leachate and fugitive gasses, will only increase, resulting in increased adverse impacts. The applicant has provided no achievable means to mitigate this environmental damage and health risks associated with what is coming out of the landfill.

Methane is a greenhouse gas that is reportedly 80 times more potent than CO₂.

Landfills are the third largest source of human-generated methane after livestock and gas/oil production

The human and livestock direct impacts reported in the record:

- Odors
- Headaches
- Nausea
- Cancer
- Burning eyes and throat
- Endocrine disruption in youth and unborn children
- Particulate matter inhalation
- Plant and animal bioaccumulation of airborne particulates
- Increase fire risk
- Long-term impacts to landfill fire first responders
- And more

CONCERNS REGARDING APPLICANT TESTIMONY

Despite testimony and applicant presentations, DEQ and EPA oversight is insufficient to limit environmental impacts...or in managing the LUCS, 2024, fugitive methane emissions and the landfills management and mitigation practices, air quality and noise issues, and leachate oversight of PFAs.

Landfill closure is a certainty...no alternatives to improve management of waste flows or balance waste intake to slow the imminent closure of the landfill...what options have been offered by the applicant to address deficiencies and seek more economically feasible and cost reductive waste management at this site?

Applicant and testimony have not shown the cost burden or realistic increase of collection rates of hauling to a more landfill appropriate site. If waste can be hauled to Benton County by contract haulers from all over Oregon, and from ID/WA in ways that are economically advantageous for haulers and landfill users, then surely the flow can be reversed, with economic advantage.

The frequency of the applicants mapping errors, data errors, inaccurate assumptions (i.e. odor) incomplete data (traffic impact) exclusion of construction zone of expansion area, omission of key information relevant to the landfill is troubling/

Construction phases of expansion are not included in the LU-24-027 application analysis. There is insufficient information on combined traffic and noise, impacts resulting from applicant reported 2.1 million cubic yards of rock blasted and removed – **An estimated 147,000 - 220,000 truckloads for just the expansion phase of this application** and easily calculated by the most common size of hauling trucks and the volume of material removed. This phase is expected to take place over an estimated 32 months of the next 48...continuously for 6-8 months at a time.

For testimony submitted by livestock and horse owners, as well as those living or working near, this amount of continuous blasting and truck hauling is expected to have adverse impacts...and is not factored in the applicant's proposals for mitigation nor consider in the application for its direct impacts to the surrounding communities and properties.

Mark Yeager's July 9 ,2025 testimony asserts. *"Conditions of Approval are required when a proposed development is incompatible with surrounding land uses and may have an adverse effect on nearby properties. Those conditions of approval have been determined to be necessary to mitigate adverse impacts, but if the conditions are not implemented and not enforced, then they are worthless."*

There no conditions or acknowledgement of the expansion process with regard to the combined adverse impacts of the expansion phase simultaneous with current landfill operations.

The risk is amplified in Yeager's continued comments, "The landfill operator's consistent disregard for land use conditions, paired with Benton County's non-existent oversight, has

undermined the integrity of the land use process. The County's unwillingness to challenge non-compliance through penalties or corrective actions has allowed Republic Services to operate without meaningful accountability, contrary to the public interest and the intent of the conditional use permits."

Further, Republic Services has appeared to willingly, in the absence of County oversight and compliance management, taken the opportunity to operate the landfill in ways that increase health and safety risk...with impunity, defiance and arrogance. Both DEQ and EPA, each in their state and federal capacities, have taken enforcement action against Republic Services...if RS is such a good partner and operating with such high integrity, this would not be necessary...again pointing to the risk of expansion with discrepancies between observable and the reality of Coffin Butte Landfill management practices and reporting.

Impacts to Livestock and Agricultural Production Lands...farms, vineyards, pastures, seed and other commercial crops

Tremaine and Gail Arkley, Independence, OR

"At times the stench is very strong on our farm...so strong we are afraid to go out and plant vegetables in our raised beds, or do our harvesting, or go out and mow for fear of what's in that stench mixed with the air we are breathing. How many toxins are we absorbing into our skin? The smell even gets into our clothing and hair. What is coating our fruits and vegetables? The more we learn about what is in the landfill gas that leaks out of CB the greater our fear. We are concerned on behalf of the people who work for us too."

BY THE NUMBERS...

Opposition by Member Organizations and Committees to Landfill Expansion

Below is a list of member organizations submitting testimony in opposition of the LU-24-027 landfill expansion application:

Mary's River Grange

League of Women Voters

Oregon Chapter Sierra Club

350 Salem

Great Old Broads of the Wilderness

Valley Neighbors for Environmental Quality and Safety (V-NEQS)

Mid-Willamette Bird Alliance (4/14/2025 testimony opposed)

Audubon Society of Corvallis

Volunteers of Willamette Riverkeepers

ENRAC: Benton Co. Environmental & Natural Resources Adv. Comm.

Beyond Toxics

Adair Rural Fire & Rescue
Benton County Republicans
Benton County Democrats
Linn-Benton Pacific Green Party
Elected officials submitting as private residents

INCREASED FIRE RISKS

Fire Risks to Benton County increase with approval of LU-24-027, application for expansion at Coffin Butte

- Coffin Butte Landfill is not assessed or inventoried in Benton County's Community Wildfire Protection Plan (CWPP) and in testimony is reported as being intentionally left from this document and planning process. *(McClelland Fields, May 6, 2025 as read by Ken Eklund)*
- Benton County has neglected to evaluate and understand the full scope of the fire risks associated with the landfill.
- Any operations plan is insufficient to address the multi-pronged increase in fire risk resulting from the landfill and any proposed expansion in a high population area.
- The landfill application for expansion does not adequately address fire risks and fire mitigations associated with those risks.

"Fire presents a real and irrevocable risk to the character of the area., an undue burden on fire and emergency services and on local and regional residents force to flee the flames of the plumes of toxic smoke from a landfill fire." (McClelland-Fields read by Ken Eklund, May 6, 2025)

Refer additionally to Testimony in opposition of expansion due to exponential increase of fire risk, hazards and health impacts

- *Virginia Scott, all submittals; testimony in opposition of the landfill expansion*
- *Chief Aaron C. Harris, Adair Rural Fire & Rescue, in opposition to the landfill expansion, letter dated April 21, 2025*

By comparison, Republic Services application and testimony regarding fire management and risk, failed to be consistent, responses to Planning Commissioner questions for clarity were evasive or incomplete at times, and the expansion proposal does not adequately address large fire risk, hazardous materials health risks and adverse impacts experienced by first responders, was unable to address response to a methane driven, deep well or gas explosion fire, unable to address mitigations for wind driven sparks from large fires and response capacity to respond to fires fire larger than the basic grass fire, an inability to monitor fires that are currently dependent on reports by drive-bys and neighbors, and lack of adequate training for Coffin Butte Landfill employees.

...AND THAT NO FURTHER LANDFILL EXPANSION SHALL EVER BE CONSIDERED IN BENTON COUNTY

Heard **loudly and consistently** in the public testimony was the call for no further expansion and a closure of the landfill to reduce risk and adverse impacts to the communities surrounding the landfill...no assertion in the landfill application or applicant testimony to limit future expansions to just this application can be found from Republic Services. Public records requests have resulted in testimony citing the implied intention TO EXPAND on further landfill owned properties. It is therefore necessary to concluded that the expansion applications are likely to continue after LU-24-27 and with disregard to public testimony of adverse impacts due to the landfill operations at current status before any expansion.

In review of the application and staff report, along with extensive testimony that illustrates risk the public is experiencing, the disparity is obvious. Facing an increase in waste volumes and impacts if the expansion is approved, it is not hard to imagine this dystopian future for Benton County.

*Welcome to the **Coffin Butte Landfill Museum of Benton County** – inviting you to remember a time where the herons used to nest, elk herds used to migrate, visitors used to fish, hunt and recreate and drive through the countryside visiting farms and wineries, bicyclists used to travel, cattle, horses, and goats used to graze, children used to play outdoors, well water was clean, the air used to be fresh, farmland produced clean and safe produce and crops, homeowners sat, played, and worked outdoors in their yards, the Willamette River was less polluted, drinking water was safe, and people and livestock were healthy, with decreasing rates of cancers and other health maladies...*

There is no assurance found or achievable in this application that shows after a 50-year history at the Coffin Butte Landfill site, with documented gaps in compliance of Conditions of Approval, violations of EPA and DEQ environmental regulations and disregard for the health, safety and wellbeing of Benton County residents or the future financial solvency of Benton County, that there is any Condition of Approval that would serve Benton County.

A vote to approve this application that fails to meet its burden of proof, is simply an extension of the status quo, leaving Benton County and its residents little means to regulate, enforce, limit, mitigate or recall any short-sighted insufficiently informed decision at a tremendous long-term and immediate expense for Benton County residents.

LU-24-2027 does not meet the criteria set forth in BCC 53.215 by showing how it will NOT create a "serious interference" or undue burden," and therefore should be denied.

The application as submitted illustrates how Benton County residents will bear the undue burden of this expansion, while landfill operations continue to seriously interfere with their quality of life, their financial futures, and with adverse consequence to public facilities and services.

CLOSING

Beyond this application's failure to meet the burden of proof as set in Benton County Code criteria, this additional perspective...a reality for some of our neighbors and communities is worth keeping.

If Coffin Butte through its adverse impacts, non-compliance and mismanagement of current operations has contributed to the loss of just one pet, one farm animal, one well, one wildlife area...one property, one business...one child, one parent, one partner or spouse – then the cost of expansion is too much – **not one loss is an acceptable consequence of hosting or expanding the Coffin Butte Landfill.** Which “one” would you be willing to trade places with?

To quote the testimony of Mark Lee, April 2025, *“These are real people, families with children, not to mention wildlife and farm animals that are being affected by the mismanagement of the landfill. All these concerns about the current problems with the landfill obviously need to be addressed and resolved before entrusting more waste into the hands of Republic Services. I see no reason to believe that Republic (Services) would somehow do a better job of managing an enlarged footprint of their facility.”*

I recommend denial of LU-24-027 based on the criteria established in Benton County Code and the findings in the record as submitted in the staff report, application and applicant testimony, and the public written and in-person testimony.

Catherine Biscoe
Benton County Planning Commissioner

APPENDIX B

Document: BCTT Subcommittee and Work Group Resource for 2023 Benton County Planning Commission

Submitted via email to 2023 Benton County Planning Commission per invitation of Planning Commission Chair Nick Fowler and Benton County Community Development Director Darren Nichols.

July 19, 2023

To: The Benton County Planning Commission
Chair, Nick Fowler; Vice Chair, Greg Hamann; Commissioner, Liz Irish; Commissioner, Andrew Struthers; Commissioner, Evelyn Lee; Commissioner, Ed Fulford; Commissioner, Catherine Biscoe

RE: Revised Benton County Talks Trash (BCTT) Past Land Use Application Conditions Subcommittee Report

Submitted by BCTT Work Group and Past Land Use Application Conditions Subcommittee member, and Planning Commissioner Catherine Biscoe

After the completion and acceptance of the Benton County Talks Trash Work Group Final Report, (April 2023), Planning Commissioner Chair Nick Fowler invited the Planning Commissioners who served as appointees to the BCTT Work Group, Commissioner Andrew Struthers and Commissioner Liz Irish, and Commissioner Catherine Biscoe who served as a Public Member of the BCTT Work Group to present the commission a report on their BCTT subcommittee work and as members the work group. The below report on the BCTT Past Land Use Application Conditions subcommittee was presented on July 18, 2023.

BCTT Past Land Use Application Conditions Subcommittee Report

At the third Benton County Talks Trash (BCTT) Workgroup meeting (October 6, 2022), the Workgroup identified five Subcommittees that would take on various parts of the Charter elements, consistently reporting back to the Workgroup as they progressed. This was done so specific Charter elements could be addressed at the level of depth deemed necessary by the Workgroup and by those with the most expertise and interest.

The information surrounding these Subcommittees (such as charge, members, and key work products) can be found in their respective sections of Part IV. of this report, (**Page 46; [bctt_final_report_4-11-2023.pdf \(benton.or.us\)](#)**)

Past Land Use Application Conditions Subcommittee Charge:

Subcommittee work dates: October 2022-April 2023

A chronological history of key Coffin Butte Landfill topics

A) Conditions of past land use approvals;

B) Compliance with prior land use approvals and SWMP

Subcommittee Members

Ed Pitera – Benton County Public Member

Mark Yeager – Benton County Public Member

Catherine Biscoe – Benton County Public Member

Inga Williams – Benton County Staff

Jeff Condit - Republic Services

The Past Land Use Application Conditions Subcommittee was charged with providing the Benton County Talks Trash Work Group with a report of the near 50-year available record of Coffin Butte related historical documents, starting in 1974, with an emphasis on compliance of Conditional Use Permit (CUP) conditions of approval. The historical record included documents provided to the subcommittee by Benton County and an extensive review of DEQ records provided by the agency office in Eugene, Oregon.

The subcommittee report in the BCTT Final Report provides the context needed to better understand how Benton County got to where it is now regarding the Coffin Butte Landfill and offers a summary of subcommittee's conclusions of the compliance/non-compliance as evidenced by available record.

The history of Coffin Butte Landfill, as presented in the BCTT Final Report is helpful to review to better understand the findings and recommendation of the Past Land Use Application Conditions Subcommittee and this report. This history can be found from pages 21-39 of the BCTT Final Report. [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

Today's report to the Benton County Planning Commission is intended to highlight areas of compliance that may be important to be familiar with regarding code updates and conditional use permit criteria and conditions of approval. For planning official's purposes, the embedded links in this report to member statements, the subcommittee findings and recommendations summary, and the subcommittee webpage containing supporting documentation are essential to consider for deeper understanding of the compliance evaluation and interpretation of this subcommittee.

The importance of the report and opinions of the subcommittee members, who reviewed thousands of pages of documents, pre-1974 to 2023, cannot be overstated in helping understand the nuances of the complex land use decisions, past and current landfill operations and reporting requirements, and conditions of approval and how they may impact future land use language and actions. Member statements offer additional perspective and were provided by three of the subcommittee members. These statements can be found in the Final Report.

Ed Pitera **Member Statement, Page 130-134**, [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

Mark Yeager **Member Statement, Page 120-129**, [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

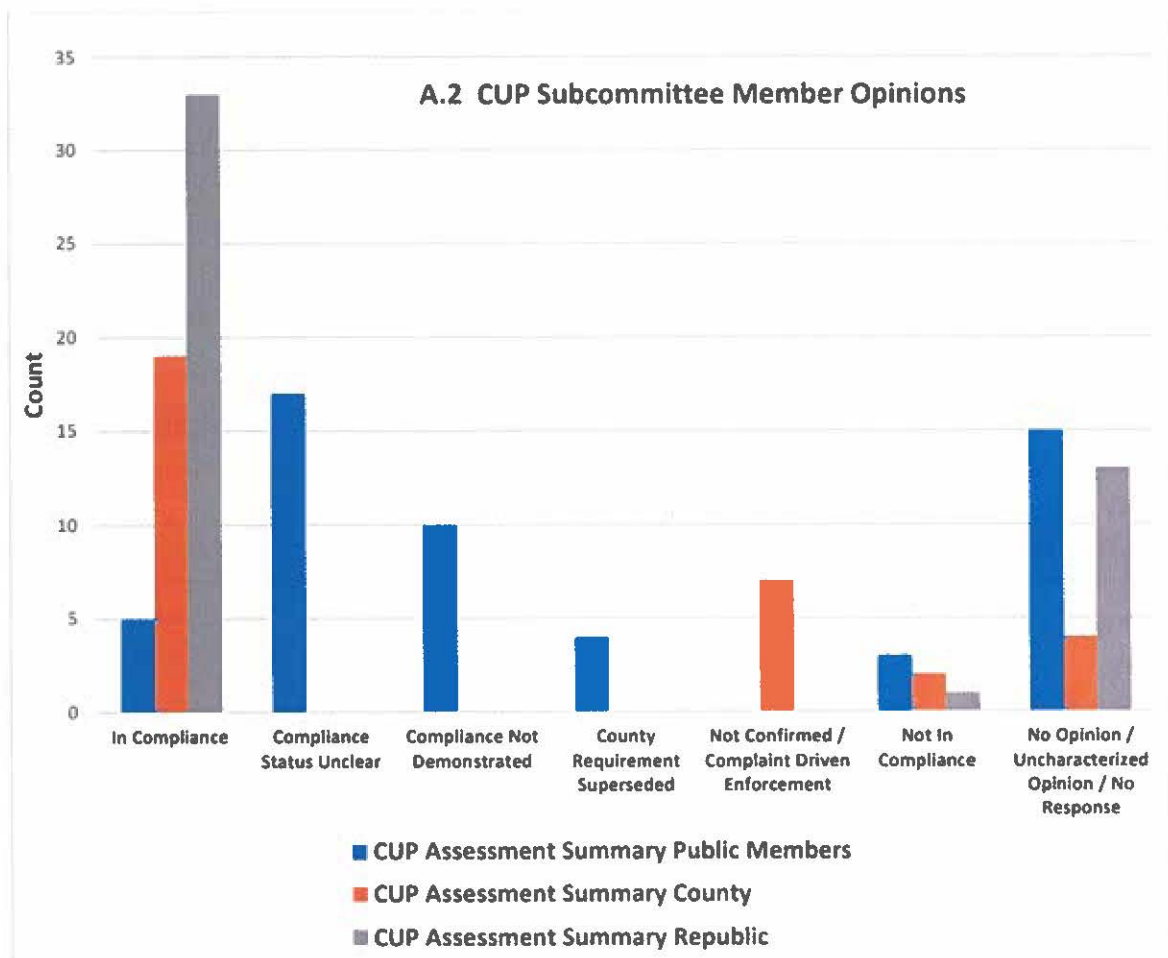
Catherine Biscoe **Member Statement, Page 155-156**, [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

Key Subcommittee Findings & Recommendations

What the subcommittee concluded after review of the near 50-year history of the landfill, was an inconsistency in compliance with land use application conditions of approval, and an inconsistency in landfill management of both documented or intended conditions, leading to today's differing interpretations of what "compliance" means, how it has been managed by the landfill, and how it has impacted public expectations regarding the landfill. The disparity is evident, and supports at a minimum a review and as-needed updates to Benton County code language, compliance management, and records management where appropriate to ensure public expectations, public safety and environmental safety are at the forefront of the counties land use policies and actions.

The following graph illustrates the subcommittee's conclusions, when possible, on compliance and also reflects the gaps in the record preventing final opinion on compliance regarding a number of landfill conditions of approval. These differing conclusions between the public members of the subcommittee, Republic Services, and Benton County reflect the complexity of the land use compliance record and reinforces areas that can be improved through code changes and compliance management.

(Graph found in BCTT final report, page 97, [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))



The Past Land Use Application Conditions Subcommittee concluded with a total of **33 unique Findings and 25 unique Recommendations**, which can be found beginning on Page 98 of the Final Report [bctt_final_report_4-11-2023.pdf \(benton.or.us\)](#). These findings and recommendations are used as the basis for this report to the Benton County Planning Commission and are cited for easy reference in the content following. A review of the complete list of findings and recommendations is encouraged for planning officials to better understand past and present landfill conditions of approval.

**Note: Each of five subcommittees generated their own report with content (found within the Final Report) which may differ from the Final Report version that was reviewed and sometimes revised in the final BCTT work group process. Both reports for the Past Land Use Application Conditions Subcommittee are referenced below and offer valuable content, along with extensive supporting documentation found on the subcommittee web page.*

Past Land Use Application Conditions Subcommittee findings, meetings, minutes, recommendations, and supporting documentation can be found here:

BCTT Final Report subcommittee summary, page 96: [bctt_final_report_4-11-2023.pdf \(benton.or.us\)](#)

Subcommittee Report, page 747: [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)
Subcommittee Webpage with supporting documents: [BCTT Subcommittee - A.2. Past Land Use Application Conditions | Benton County Oregon](#)

Helpful notes regarding acronyms and identifiers found within the reports

BCTT – Benton County Talks Trash (Workgroup)

LSCL – Landfill Size/Capacity/Longevity (Subcommittee)

SMMP – Sustainable Materials Management Plan (Subcommittee)

LLU – Legal and Land Use (Subcommittee)

CUP – Past Land Use Application Conditions (Subcommittee)

F-XX – Identifiers assigned to subcommittee findings. “F” standing for findings and numbers assigned in sequence and listed in each subcommittee report. Findings and recommendation numbers should correlate with each other.

R-XX – Identifiers assigned to subcommittee recommendations, “R” standing for findings and numbers assigned in sequence and listed in each subcommittee report. Findings and recommendation numbers should correlate with each other.

General Recommendations from the Subcommittee

1) County Record Keeping

Comprehensive updates to the overall record-keeping of land use, specifically Coffin Butte Landfill related files appropriate to be held by the county. This includes, but is not limited to land use files, reporting requirements to outside authorities such as DEQ, complaint records with resolutions, and improvements to the accessibility of these documents and records for public benefit preventing things such as passcodes to large files (such as the working BCTT files) that may act as unintended barriers to public participation and review. (CUP F-9, CUP F-11, CUP F-32, CUP R-5, CUP R-6; beginning on page 99 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

2) Administrative, land use, and regulatory process improvement

This includes clarification of staff authority to draft documents such as MOU’s that may alter requirements (up to 53 conditions potentially by 2002 MOU; [landfill mou 2002.pdf \(benton.or.us\)](#)) of conditions of approval, or compliance expectations, as MOU’s cannot add, modify, supersede, nor interpret a Planning Commission Condition of Approval without formal and public Board of Commissioners and Planning Commission review and approval, (CUP F-19, CUP R-10; ; beginning on page 98 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)), or to accept agreements such as Land Use Compatibility Statements (LUCS) as granting land use authority that is not accepted, as the LUCS is not evidence of proof of compliance with county codes (CUP F-20, CUP F-27, CUP R-19; beginning on page 98 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)). Further recommendation is that Conditions of Approval are clearly written and legally sound for both conditions for final approval of a land use application as well as ongoing use of the land conditions of approval (CUP F-13, CUP F-26, CUP R-18; beginning on page 98 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

3) Compliance Management

It was generally accepted that at the conclusion of the BCTT Work Group process that little oversight of land use conditions of approval has occurred by Benton County and/or is able to be found in past records, impacting the records but also the nature of compliance in some cases. This is in part due to limits of county resources and improvements in oversight is recommended (CUP F-2, CUP F-9, CUP F-11, CUP F-12; beginning on page 98 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

4) Address Public Concerns

- The subcommittees review of the land use conditions of approval revealed that residential concerns are not able to be efficiently addressed due to an incomplete or hard to access complaint process. Reporting indicates that the mechanisms for complaints on noise and odor, as an example, are ineffective as residents report more complaints filed than official reporting reflects and non-responsiveness in regards to their complaints. Beyond reporting inefficiencies, odor control and noise abatement plans and mechanisms for corrective action remain absent, impacting the quality of life and outdoor enjoyment of local property owners and guests. (CUP F-3, CUP F-5, CUP F-10, CUP F-29, CUP R-4, CUP R-17 beginning on page 98 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- Access to or improved transparency of land use actions (CUP F-15: Page 100 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- Public Expectations regarding the landfill (CUP F-16; Page 101 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

5) Emergency Response / Community Preparedness

The subcommittee recommends improvements in emergency response planning and firefighting resources, including developing a plan that builds on Republic Services/Coffin Butte Landfill own plans with other public entities like fire departments and neighborhood response teams. This should include those in the region who could be impacted by a fire incident at the facility. (CUP R-16 on page 107; and page 133 of Pitera statement; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

6) Land Reclamation

A greater evaluation of Conditions of Approval in the historical record and in particular the Land Use file PC 83-07 is needed to resolve differing opinions regarding compliance with landfill screening, and public expectations of condition of land when a cell is closed vs when the whole landfill is closed that are a part of this land use file. This along with public expectations of the limits of size, impact, and height of the landfill remain in dispute, contributing to issues that are interpreted by some as undue burden, character of the area, and seriously interfere, which are likely to arise with any proposed expansion through new application for conditional use permit. (CUP F-7, CUP F-17, CUP F-18, CUP F-20, CUP F-28, CUP R-6, CUP R-8; beginning on page 99 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

Legal Enforceability of Conditions of Approval

The Past Land Use Application Conditions Subcommittee's charge of concluding compliance of landfill conditions of approval over the history of the landfill operations was complicated by the legal enforceability of past land use decisions of which differing opinions exist between subcommittee members, other subcommittees or the greater BCTT workgroup members. These differing interpretation regarding compliance are documented in part in the Subcommittee Report.

As a result of legal enforceability, some key compliance issues identified by the subcommittee identified may no longer be enforceable. Whether this is the case or not, these compliance issues remain relevant. These include:

- Limitations on the geographical area sending solid wastes to Coffin Butte (1974 CP-74-01) due to legal precedents. The Supreme court ruling of 1998 may supersede county agreements and land use decision.
- Screening the landfill from view from County roads, plus how the site is to appear and be used after solid waste disposal operations stop (Land Use file PC-83-07 / L-83-07) due to how the County decision was structured; As of 2023, prior conditions of approval regarding screening do not appear to have been met historically or presently.
- A 2002 County/Republic Memorandum of Understanding ([landfill_mou_2002.pdf \(benton.or.us\)](#)) which has been purported to show "evidence" that Conditions of Approval prior to 2002 have been met. This conclusion remains in dispute. (CUP F-19; page 102 of report; [bctt_final_report_4-11-2023.pdf \(benton.or.us\)](#))

Intersecting BCTT Subcommittees Findings and Recommendations

The subcommittee evaluation of past conditions of approval made it clear that it was important and appropriate to recognize that the collective work of the five subcommittees often intersected with one another, identifying similar or crossover findings and recommendations within the Final Report, reinforcing important topics for future consideration by planning officials.

It is then reasonable to view the Past Land Use Application Conditions subcommittee's report as an introduction rather than a comprehensive conclusion of findings related to Coffin Butte Landfill compliance with conditions of approval and to recognize other similar subcommittee recommendations.

*Note: Certain subcommittee findings and recommendations may be addressed through code revisions or updates. It is not yet clear which of these gaps fall within the purview of this PC to consider.

Reflected in other subcommittees is not only that compliance with conditions of approval of land use decisions (since the designation as a landfill in 1974; a "regional" landfill designation in 1993) has been inconsistent, but other factors appear to have influenced compliance over time. These additional factors can be seen in other subcommittee findings and include, but are not limited to;

- The 2020 Franchise Agreement [valley_landfills_landfill_franchise_agrmt_2020.pdf \(benton.or.us\)](#)
(see also LSCL F-29, LSCL F-30, page 29; and LSCL R-4, page 66 of report; [bctt_final_report_4-](#)

[11-2023.pdf \(benton.or.us\)](#)

- The 2016 MOU regarding waste diverted from the Riverbend Landfill to the Coffin Butte Landfill (see also LSCL F-36, page 64 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#), and
- The 2002 MOU ([landfill mou 2002.pdf \(benton.or.us\)](#)), a Benton County staff generated document that has been proposed as a statement of compliance of all relevant pre-2002 conditions of approval that were established through the public process in part through land use applications before the authority of the Benton County Planning Commission. (CUP F-19, page 102; also see LSCL F-26, LSCL F-39, LSCL F-40, pages 63 and 65 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)). In part, it is the specific language written in this document defining its purpose and the nature of the authority of the document that contributes to the differing opinions of its meaning.

Other compliance-related issues identified by the subcommittee

**includes references to other subcommittee findings and recommendations included*

Waste Volumes

A number of potential non-compliance factors within the historical land use conditions of approval, appear to have been impacted by changing waste volumes resulting in alteration in the End-of-Life projections of the landfill. The evolution of these projections, cited in 2003 as approximately 2074, now in 2023 being cited as soon as 2037-2039 per the Landfill Size/Capacity/Longevity Subcommittee, (LSCL F-4, Page 58) The inconsistency of compliance with conditions of approval or other influence of other agreements has resulted in changing intake volumes, in some occasions from unexpected waste generating events such as the diversion of waste from Riverbend Landfill to the Coffin Butte Landfill authorized by a 2016 MOU and the wildfires of 2020. (CUP F-14, CUP F-30, pages 100, 103 of report; see also LSCL F-18 through LSCL F-22; pages 61-62 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

Landfill Tonnage Cap

"Under the 2020 Franchise Agreement [valley landfills landfill franchise agrmt 2020.pdf \(benton.or.us\)](#), the 1.1M tonnage cap (annual) is eliminated upon Benton County's approval of a CUP (expansion)." thus significantly (and as shown historically) altering the projected capacity of the landfill. (LSCL F-5; page 58 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

Approval of Cell 6 / Quarry

The subcommittee was unable to confirm the land use application where the approval was clearly authorized for expansion of landfill operations into Cell 6. The records regarding this cell are varied and documents were unable to be located that provided specific text of this approval. At this time, approval statues are in dispute.

- “The County should clarify when formal approval of Cell 6 as a disposal area was granted. LLU F-23 provides information on this issue.” (LSCL R-6, page 57 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- “Land Use File PC-83-7 has been interpreted by Benton County, including in the 2002 MOU, as authorizing landfilling of the area known as Cell 6, the current quarry. The record in PC-83-07 does not clearly specify that the portion of the property containing the current quarry is authorized for landfilling. However, the Board of Commissioners’ findings in PC-83-7 state that 194 acres are approved for 681 landfilling on the property north of Coffin Butte Road; that the total area of the property in the LS zone is approximately 266 acres; and that 59.23 acres of the LS zone are located south of Coffin Butte Road. That leaves approximately 207 acres north of Coffin Butte Road. Given that several areas are clearly shown on the 1983 site plan as being designated open space/buffer, there is no possible configuration of 194 acres out of the 207 acres total that does not include the current quarry area. Based on this analysis, this subcommittee concludes that quarry area was included in the area approved for landfills by PC-83-7.” (see LLU-23; page 83 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- See also, page 131, #6 portion of Member Statement of subcommittee member, Ed Pitera; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

PC 83-07 Interpretation of Expectations and Compliance

- The Land Use File, PC 83-07, is significant in a number of ways, including the implied expectations through the proposed site plan, (thought to be legally unenforceable), the public expectations established in the record, and the nature of conditions that still are still enforceable to the Coffin Butte Landfill today as a result of this land use application. The discrepancies with the legal language of the record, and the enforceability as such of certain conditions as well as meeting public expectations from this land use application record should form a basis for the County, landfill owner/operator, DEQ and the public to come to a set of reasonable expectations moving forward for landfill appearance, compliance, management of operations, and long-term use and closure of the landfill facility. (LLU F-22A, page 82 of report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- An extensive analysis of Land Use File PC83-07 was shared with the subcommittee and forward to Sam Imperati of ICM Solutions, the consultant for BCTT. Much of the original PC83-07 are included in this analysis. [yeager 010523 pc-83-07 analysis land-use subcommittee.pdf \(benton.or.us\)](#)

Ambiguity of Terms

The wide latitude and deference given to the county to interpret the following terms should not prevent the county from considering that a land use conditional use permit allowing for industrial/commercial operations of a approx. 200-acre waste facility is hardly the same as the citing of a church in a residential area when it comes to “seriously interfere,” “character of the area,” “undue burden,” and “purpose of the zone. The county may benefit from evaluating current criteria to determine if it is adequate to address such disparity of proposed land uses through a conditional use permit?

- “seriously interfere,” (see LLU F-9a, page 677; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- “character of the area,” (see LLU F-9b, page 677; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- “purpose of the zone,”
- “undue burden,” (see LLU F-9c, page 677; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- “any additional criteria which may be required for the specific use of this code.” (see LLU report page 674, LLU F-9d, and subsequent LLU findings and recommendations beginning page 82 of final report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

Additional Topics Needing Review

The subcommittee identified numerous topics which were not fully vetted by the committee due to time constraints or available data to review but worth noting by planning officials:

- Landfill gasses / greenhouse gas reporting and impacts (see also LSCL F-12, LSCL F-13; page 60 of final report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- Groundwater contamination risks and historical/current testing practices and record-keeping
- Surface water and soil contamination risks
- Odor emissions from landfill (CUP F-25, CUP F-29; page 103 of final report [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

Comment on previous three topics from subcommittee report, public members states:

“Landfill not in compliance with June surface emission methane monitoring required by DEQ; Benton County should obtain an independent assessment of overall methane emissions, arsenic levels in monitoring wells are high, odor: per public records requests, odor complaints to DEQ are not documented/investigated/logged to the extent that testimony has been given that residents have given up on making complaints to DEQ, annual report to DEQ: for many years, the reports required by Benton County DSAC to DEQ “documenting local citizens’ concerns and the manner in which the owner or operator [of the landfill] is addressing those concerns” (ORS 459.325) have not been completed and submitted as required by Oregon statute. even now, there is no DSAC meeting dedicated to this required activity. as a result, DEQ has not been informed of many of the problems that citizens experience at coffin butte landfill. contamination: domestic wells have been contaminated.” (Page 857 of final report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)). While these may be DEQ reporting requirements and not County, they are legitimate concerns related to conditions of approval.

- Leachate impacts to Environmental and infrastructure issues: Historical and current management practices liquid leachate hauling offsite, impacts to the Corvallis water treatment plant, current standards of treatment, PFAS content/effluent impact to the Willamette River and downstream municipalities. Last year, 29.1 million gallons of contaminated leachate was hauled approximately 7000 gallons at a time, offsite to water treatment plants (reportedly to Corvallis and Salem) for treatment before discharge into the Willamette River. (CUP F-22, page 102 of final report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

- Buffer lands acquisition for the landfill and impacts to Rural Residential, Exclusive Farm Use and Forest Conservation adjacent lands. Review of consistency with core values of Benton Counties 2040 Thriving Communities Initiative. (CUP F-23, page 102 of final report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#), and [2040 Thriving Communities Initiative | Benton County Oregon](#))
- Environmental risks to Benton County of “forever chemicals” or PFAS (Per- and Poly-Fluoroalkyl Substances) which increase with size/expansion of landfill. [Drinking Water Health Advisories for PFAS Fact Sheet for Public Water Systems \(PFOA, PFOS, GenX Chemicals and PFBS\) \(epa.gov\)](#), and [Proposed PFAS National Primary Drinking Water Regulation \(epa.gov\)](#)
- Hazardous materials management known to enter the landfill, either incrementally through improperly disposed of waste (ex: fluorescent lightbulbs, household batteries) or through hazardous materials events such as the Feb 2023 Toledo Oregon diesel spill resulting in contaminated soil being disposed of at Coffin Butte Landfill (CUP F-31, page 104; see also LSCL F-28, page 63 of final report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- Review of LSCL F-26 regarding “adverse effects to the County’s infrastructure and environmental conditions” (LSCL F-26, page 63 of final report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- Review of LSCL R-3 regarding impacts of current intake levels at Coffin Butte Landfill *“Benton County should contract for an updated Baseline Study to evaluate the impact of the current intake level at Coffin Butte. As with the 2001 Baseline Study stipulated in the 2000 Landfill Franchise Agreement, this new study should determine and measure adverse effects, including but not limited to: traffic, soil conditions and contamination levels, air quality, surface and ground water conditions and contamination levels, noise, odor, visual screenings, litter, hours of operation, solid waste control systems and compliance with all solid waste Permits. This baseline study could help inform Benton County in decision making and financial choices regarding how to use the income from the landfill.”* (LSCL R-3, page 66 of final report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))
- What, if any, responsibility of the planning commission is there regarding Benton County environmental risks, how does this responsibility intersect with DEQ oversight, the Franchise Agreement [valley landfills landfill franchise agrmt 2020.pdf \(benton.or.us\)](#), post-closure requirements, environmental protections, and the environment trust fund. There are generally known risks of which appear to be unmeasured, but the subcommittee understands to exist and are anticipated to rise with increased capacity or intake of waste at Coffin Butte Landfill and ultimate degradation of cell liners within the landfill. (See also LLU F-3c, page 73 of final report; [bctt final report 4-11-2023.pdf \(benton.or.us\)](#))

Report Conclusion

The BCTT Past Land Use Application Conditions Subcommittee Report provides a detailed interpretation of Coffin Butte Landfill past and in-effect land use conditions of approval and status of compliance (Pages

747-892 of final report [valley landfills landfill franchise agrmt 2020.pdf \(benton.or.us\)](#) The subcommittee, through this review, acknowledges that compliance of past conditional use permit requirements, *cannot be enforced through a new conditional use permit application*. However, compliance or non-compliance is permitted to be considered when developing new conditions of approval for a conditional use permit application.

It is certain that Coffin Butte Landfill will remain a permanent fixture within Benton County, no matter the status of operations, whether as seen today or post-closure with site management needs in the future. Finding a balance that can accommodate the relationships between the two will best serve Benton County residents.

In considering this responsibility, the subcommittee emphasizes the environmental reality that landfills pose safety and environmental risks to the community and that landfill liners eventually fail. These statements are not intended to be adversarial but to recognize facts found in the review of the historical review of Coffin Butte Landfill records, and the many concerns expressed through public testimony. The most important outcome of the Past Land Use Application Conditions Subcommittee historical review of landfill operations is identifying the need for sufficient code, comprehensive conditions of approval for conditional use permits related to landfill operations, and assurances of compliance oversight by all regulatory authorities to protect the health, safety and well-being of Benton County residents, both those present today, but also those of the future. There are many known environmental impacts of landfills, including the leaching of harmful chemicals into the ground and the water supply, soil contamination, and emission of greenhouse gasses (one of the largest contributors globally), but many risk factors remain unknown such as the emerging recognition by the Environmental Protection Agency and globally of the dangers of PFAS to humans, making the long-term environmental risk to Benton County a present concern, but also a future concern. These realities present the urgency of finding a deliberate and thoughtfully considered balance to a good faith and lifetime partnership between Benton County and Coffin Butte Landfill and Republic Services.

(CUP F-33, page 104; [valley landfills landfill franchise agrmt 2020.pdf \(benton.or.us\)](#))

Additional References

Benton County Talks Trash Solid Waste Process Workgroup Final Report, April, 2023

[bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

Sustainable Materials Management Plan (SMMP) Subcommittee

Final Report summary: page 47 of report: [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

Subcommittee's Report: page 575 of Appendix C1: [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

Subcommittee Webpage Link: meetings, minutes and supporting documents: [BCTT Subcommittee - C.1. Sustainable Materials Management Plan \(SMMP\) | Benton County Oregon](#)

Landfill Size/Capacity/Longevity (LSCL) Subcommittee

Final Report summary, page 56 of report: [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

Subcommittee's Report: page 604 of report: [bctt final report 4-11-2023.pdf \(benton.or.us\)](#)

Webpage Link including supporting documents: [BCTT Subcommittee - A.1. Landfill Size/Capacity/Longevity | Benton County Oregon](#)

Legal Issues and Land Use Review (LLU)

Final Report summary, page 70 of report: [bctt_final_report_4-11-2023.pdf \(benton.or.us\)](#)

Subcommittee Report: page 673 of report: [bctt_final_report_4-11-2023.pdf \(benton.or.us\)](#)

Webpage link including supporting documents: [BCTT Subcommittee - A.3. Legal Issues and B.1. Land Use Review | Benton County Oregon](#)

APPENDIX C

Catherine Biscoe

To: nicholas.f.fowler, Cc: SCHUETZ, and 1 other · Mon, Jul 28 at 4:38 PM

Message Body

Chair Fowler,

I am greatly concerned about the process during the July 29 deliberation to finalize the final summary of the reasons for denial, as directed by counsel and the planning department. This direction implied the members of the Planning Commission only needed a few reasons for denial listed in the summary document prepared for July 29 final adoption. That direction regarding the content of the summary document does not seem accurate, and could eliminate any unlisted reasons for denial from any appeal process.

On July 22, Planning Commissioners were unexpectedly asked to draft the final summary wording of the Planning Commission's reasons for denial. This was without warning or means to wordsmith these important findings at the late hour of the deliberation meeting. I am unaware of additional communication since that meeting that implies any further participation or role of the Planning Commission in developing these important reasons for denial, and it appears staff will present their version with an expectation of a short (15 min. meeting?) to reach approval. I object to the staff playing this role.

In the July 22, 2025, meeting, Commissioner Lee openly stated she had additional reasons for denial to include in the **summary** than what was being listed before calling for the vote. She was prevented from doing so at the meeting. Commissioner Fulford and others also expressed concern about this process in the interest of time and of preserving for the record, the PC's full findings and reasonings for denial of LU-24-025. Commissioner Fulford was denied the opportunity to simply submit his written opening statement that he shared that evening. The opening statement irregularity was resolved via email later in the week, with Commissioners being permitted to submit their written opening statement as "supplemental findings"...which is consequentially different than the reasons for denial summary document to be adopted on July 29.

With respect to this process, the final summary record is the most important document of findings for this last step of the record. When the Past Land Use Conditions Subcommittee reviewed 50-years of land use decisions, the lack of clarity and procedural norms in some of the records led to interpretations of the land use decision records that resulted in the exclusion of important "findings" and "conditions of approval." This legal interpretation (not through adjudication) deemed these records were to be disregarded. I am concerned of this scenario when placing our "opening statements" in the record as supplemental findings, risking exclusion from the final adoption of reasons for denial.

This application record for LU-24-027 is too important for Benton County to allow any risk of it being interpreted as incomplete. The encouragement of counsel and staff on July 22, to accept just a few summary reasons for denial of this application in order to call the vote (I believe the comment was "we have enough"), then allowing staff to craft the language of the summary reasons for denial jeopardizes this final record and the final acceptance of summary findings.

It is therefore critical to provide a complete written summary of the points raised by each commissioner during the opening statements, and any others they wish to include, as the opening statements did not limit any commissioners' additional reasons for denial that they might wish to have included in the critical "Summary Reasons for Denial" document for this record.

Any shortened, abbreviated version developed by staff and adopted as the final summary of the reasons for denial of the LU-24-027 would compromise this record. This would effectively undermine any right to appeal (of either side) the fullest extent of this record before the Benton County Board of Commissioners, any future right to appeal the fullest extent of the record before LUBA, as well as dismiss the review, content, and complexity of this record in the interest of what appears to be a fast-tracked version of the final summary document. Any topic not captured in this record could be excluded from these appeals processes, requiring only that the appellant address the reasons for denial listed on the final summary document provided on July 29, 2025.

Admittedly, the record for LU-24-027 **is exhaustive**... The findings and reasons for denial in the final summary document **should be equally as exhaustive as necessary** to capture each commissioner's review of the application and their reasons for denial. After many thousands of pages in this record that have been reviewed, a complete and thorough summary of reasons for denial to finalize this process is not offensive... it is prudent.

I have confidence that each commissioner has concluded their own reasons for denial in good faith. It was apparent in the July 22 thoughtful and thorough deliberation. There are clearly numerous shared reasons for denial, but many that are unique and equally important to each commissioner that should also be included in the final documentation of the summary reasons for denial.

For these reasons, I am submitting (attached) a list of my reasons for denial to be included in the July 29 summary document for final review at the July 29 meeting. This "reasons for denial" document was able to be drafted only upon completion of the previously submitted "opening statements" document taking the better part of today to draft. This list is a separate document completely from the opening statement document that has been provided to the county and lists my reasons for denial to be included in the final record and summary of reasons for denial to be adopted at the July 29, meeting. The reasons for denial are not intended to be designated simply as "supplemental findings."

Respectfully,
Catherine Biscoe
Benton County Planning Commissioner

1 attachmentDownload

- 0 - BCPC 2025-7-28 C Biscoe Reasons for Denial.docxDOCX · 28.7 KB

APPENDIX D

Document: Commissioner Biscoe Reasons for Denial of LU-24-027

Planning Commissioner Catherine Biscoe

Benton County Planning Commission

Submitted via email to Benton County prior to findings document final.

LU-24-027

Catherine Biscoe

Benton County Planning Commissioner

July 22-July 29, 2025 Reasons for Denial of landfill expansion application

Findings and Reasons for Denial

- 1) The application to expand Coffin Butte Landfill is inconsistent with Benton County Code criteria, specifically BCC 53.215. The Planning Commission's **interpretation** of "seriously interfere," interpretation of "undue burden" and interpretation of the "character of the area" of the area is in part supported by Benton County's Comprehensive Plan, 2040 Thriving Communities Initiative, Vision for Wildfire Management, and Community Wildfire Protection Plan, and the final report findings and recommendations of the Benton County Talks Trash Work Group (BCTT). These guiding principles, and adopted policies of Benton County are crucial to understanding the expectations, values and priorities and assurances of the health, safety and well-being of Benton County as they relate to Benton County Code. The conflict between the application, the code, and these documents illustrates the incompatibility of the application resulting in a serious interference with the uses of adjacent properties, and an undue burden on the facilities and services available to Benton County. For this reason, the application must be denied.
- 2) Benton County contributes 6-7% of the waste stream to Coffin Butte Landfill, but bears a disproportionate amount of the environmental, financial, and infrastructure burden of hosting a regional landfill. The applicant has failed to meet the burden of proof as to how it would mitigate this disproportionate and undue burden placed on county facilities and services. For this reason, this application must be denied.
- 3) The landfill is cited near wetlands, wildlife preserves, state forests, field and forest zones, and natural areas, including but not limited to the MacDonald-Dunn Forest and E.E Wilson Wildlife Area. These areas host birds, wildlife, fish and other inhabitants of numerous delicate ecosystems. There are more than hundreds of written testimonies alone in opposition to this application related to the adverse impacts of a landfill expansion to these natural areas. The applicant has failed to meet the burden of proof as to how they would mitigate the undue burden on these natural areas, and how the expansion of the landfill would not seriously interfere with the uses of these adjacent properties. For this reason, I must deny this application.

- 4) A USGS publication noted that the EPA has concluded that **all landfills eventually will leak into the environment** (*Mark Henkels, May 6, 2025*) *The expansion application did not provide information on how this confirmed risk to the environment and Benton County will be mitigated to prevent any undue burden or instance of serious interference with "adjacent" or nearby properties or natural areas.*
- 5) Conditions of Approval set in past land use applications for Coffin Butte Landfill have failed to be enforced leaving Benton County residents with the adverse health and safety risks which are increasingly being reported at unreasonable levels. An expansion would increase these risks and the applicant has not provided sufficient information on how these health and safety risks would be mitigated.
- 6) Systems for complaints reporting, implementation of compliance officers and/or systems to manage reporting and conditions of approval, are ALL downstream of the real issue which are the continuous quality of life impacts, undue burdens and serious interference to the public and Benton County services, facilities and utilities (both physical and staffing). The application has failed to sufficiently provide details on how the expansion will mitigate these risks.
- 7) The risk of basalt ridge blasting and unpredictable fractures are foreseeable with an approval to expand landfill operations South of Coffin Butte Rd. The applicant has failed to adequately analyze or propose mitigation to this risk in this application.
- 8) The landfill expansion application does not address the lack of safeguards, lack of permits and non-compliance regulated by state and federal regulations, permitting, Land Use Compatibility statements, site plans, or clarity of the full requirements of the process for expansion leaving this Planning Commission with an inadequate amount of information to make a fully informed decision of the risks of undue burden and serious interference to surrounding properties.
- 9) The landfills current management and acceptance of uncontrolled, contaminated, illegal and hazardous waste from schools, businesses, residences are documented in this record (*Doug Pollack, April 21, 2025*) but Republic Services asserts in its own testimony that they are checking all loads for these materials. Multiple public testimony suggests this is untrue and that all loads cannot and are not being checked adequately for hazardous materials to address risk. The application insufficiently addressed the need for improvements to load checks and assurances that no illicit materials are dumped at the landfill expansion site.
- 10) Through the record questions were presented in testimony about a quiet "deal" pending with Adair Village to fund a larger water treatment plant for their city, which may be intended to "treat" large volumes of landfill leachate. There is an absence of testimony from Adair Village in this record. Analysis and evaluation of leachate "treatment" at this location was not part of this application for the Planning Commission to evaluate undue burden and/or seriously interfere as it relates to this landfill expansion.
- 11) The application fails to provide sufficient information regarding the risks and increasing financial burden to Benton County for decades to come due to environmental hazards,

closure and post closure responsibilities and increasing risks from PFAs and airborne particulate matter than may exceed current mitigations. No analysis or evaluation has been submitted for this record or known to exist.

- 12) Groundwater contamination and well resiliency risks to the construction of the expanded landfill site, resulting from any approval of this expansion, are treated by Republic Services with a “lets blast, then see what happens” approach. These risks, adverse impacts and serious interference have not been presented as researched, documented or analyzed in this application.
- 13) The application for expansion does not sufficiently address the removal, handling and mitigation of the current leachate ponds; an analysis of any possible increase in risk and required handling or management protocols, leaving the Planning Commission with insufficient information to understand these risks associated with the expansion application.
- 14) Leachate management is not adequately addressed for this expansion. With the Corvallis wastewater treatment plant no longer an option, and lack of confirmation of the status/agreement with Salem, leachate production from current landfill operations over the next 10-12 years regardless of this proposed expansion, **WILL increase**. This refers to the 30-35% landfill capacity remaining. **If this application for expansion is approved...the risks will also increase**. Application failed to provide adequate leachate projections for the increased waste leachate volumes.
- 15) This application fails to provide sufficient fire risk management, fire response capacity or planning, or sufficient protections for the landfill expansion site and the areas that are within distance of burning embers sparks that could risk the surrounding region.
- 16) The expansion application fails to sufficiently outline required plans for long term management of the expansion site during closure and post closure ...and in any instance of any financial “default” by Republic Services in the first 30 years...remembering that leachate from the first cells that should be closed are still producing millions of gallons of toxic leachate annually (cells 1 and 1A).
- 17) A disparity between Republic Services claims, compared to DEQ and EPA site visits, reports and enforcement actions are also of concern and cited in this record. The application proposes insufficient plans to address these enforcement actions in the application, and how they could impact Benton County and its residents.
- 18) There is insufficient information in the application and in public hearing testimony related to the comprehensive definitions of “organic” and “in-organic” wastes, “hazardous” wastes and “special” wastes and their inherent risks, in the application for expansion, leaving the Planning Commission unable to determine risks related to this landfill expansion.
- 19) Reclamation – a Conditions of Approval – Benton County and the public didn’t anticipate the landfill being covered indefinitely under tarps, due to delayed cell closures preventing reclaiming of land for recreation areas. Torn tarps and cover not being maintained, inaccessible for farm and forest use, or for recreational or green space. It is

unclear from the application, the process and timing of closing the landfill cells on the current operating landfill site that is North side of Coffin Butte Rd. before moving the operational face of the landfill to the expansion location the South side of Coffin Butte Rd. It is presumed that the majority if not all cells should be near or ready to be closed and the landfill should be in the process of reclamation set out in conditions of approval before expanding to a new operational face of the landfill. The application is also absent information on reclamation for the proposed expansion.

- 20) Republic Services recent acknowledgement of 10% fugitive emissions last year, now in application revised to 25% (*Mason Leavitt, Beyond Toxics, May 6, 2025*) – a large difference from 10% to 25% - Methane, hydrogen sulfide, particulate matter within gas emissions. The application does not adequately address these fugitive emissions and means to manage them for the expansion site.
- 21) Plumes of landfill gas emissions visible by satellite; appear to show methane and other landfill gas emission 100% of the time as monitored by satellite or drone– no information found in the application was presented to refute or confirm these claims and the application insufficiently addresses managing and reducing these plumes for the expansion site to mitigate undue burden and the serious interference on adjacent and nearby properties.
- 22) Failure to adequately manage hazardous waste streams including pesticides, contaminated soils, batteries, fluorescent lights, pharmaceuticals, paint, solvents, electronics and refrigerants – hazardous materials entering into the waste stream at Coffin Butte Landfill – increase hazardous materials leachate and its adverse impacts. Although actions to mitigate these materials were mentioned by applicant during the hearing, there is no conclusive evidence provided of improvements to process that hazardous materials will be prevented from entering the waste stream, increasingly if the landfill expansion were to be approved.
- 23) Discharge of leachate into wastewater treatment plants is not regulated by DEQ (*Mark Yeager, May 29, 2025*) – Salem and Corvallis wastewater treatment plants are unable to adequately treat leachate...which is then passed through to the Willamette River as effluent. There is no evidence in the record that shows how this leachate treatment and discharge will be adequately be managed in the future to address toxic effluent being dumped directly into the river, with the expectation the expansion area of landfill will produce more leachate.
- 24) The applicant's traffic impact analysis does not adequately address traffic impacts related to the remaining 35% increase of waste intake at current site, simultaneous with the blasting and development of the proposed site, the additional waste intake at Cell 6 simultaneously or any impact from removal of tonnage cap. The application appears to be based on assumptions that traffic volumes will not change and inadequately provides information on aggregate traffic impacts, leaving the Planning Commission without comprehensive traffic impacts for this landfill expansion.

- 25) No adequate submittal of risk analysis of financial burden to county, present impacts, closure of landfill financial risk, and post-closure financial responsibility was provided in this application for expansion.
- 26) PFAs, heavy metals, toxins and more found in landfill leachate seeping into groundwater, surface water, and stormwater has not adequately been evaluated or considered in the application for expansion. There is not proposal in the application to sufficiently mitigate this increased contamination from any landfill expansion.
- 27) Particulate matter, including PFAs particulate, that becomes airborne due to landfill fugitive gasses is documented in the record as having bioaccumulation of PFAs and other toxin effect on surrounding plant and animal matter that absorb these particulates and pass along the contaminants. Mary's River Grange testimony points to the risks and data associated with this consequence to our local organic and traditional farms, plant materials and livestock. Other testimony presents questions on the impacts of this particulate matter along with toxic gas plumes to the local vineyards and the usability of their grapes. The application does not adequately address this adverse impact of the landfill expansion or any mitigation options.
- 28) Risk of expanded/new landfill as an additional source of arsenic. There is conflicting and insufficient data in the application and the record to consider or conclude any risks due to a landfill expansion.
- 29) The application insufficiently addressed gaps in fire risk assessment, fire response capacity by the landfill and its staff, fire management and capacity of nearby resources (water, equipment, etc.) in the event of a fire. There is insufficient data to address these risks, leaving the planning commission without needed information regarding fire risk and management related to any expansion at Coffin Butte Landfill.
- 30) Negative impacts to wildlife, the region's natural areas and many fragile ecosystems in the nearby properties, were not sufficiently addressed in this application to determine mitigation measures, adverse impacts, undue burden or seriously interfere.
- 31) An analysis of the buffer zone creep and loss of residential housing zoned properties around the landfill (being purchased by the landfill) has not been sufficiently provided to the Planning Commission to evaluate a landfill expansion's adverse impact to surrounding housing and farm/forest areas, housing availability, and downward pressure on nearby and adjacent property values.
- 32) The application provided insufficient information for the Planning Commission to analyze, assess, review data or evaluate the impacts of leachate effluent discharge into the Willamette River with regard to river pollution and its impacts to recreational users locally and downstream, and the overall river ecosystem
- 33) Leachate and PFAs – The Willamette River is a public facility and provides public services and a source of drinking water for tens or hundreds of thousands of Oregonians. The current and proposed leachate disposal method is an undue burden and creates a serious interference to surrounding communities and those downstream and regionally

adjacent properties of Adair Village, Independence, Sherwood, Wilsonville, Tualatin Valley as regional.

- 34) Coffin Butte Landfill Cells 1 and 1A were “closed” in the 1990s and 30 years later continue to generate approximately 2 million gallons of leachate per year. Any landfill expansion will increase leachate production creating an undue burden to public services while raising the risk of serious interference to nearby and adjacent properties, including those downstream of the effluent discharge. The application insufficiently addresses the persistence of landfill leachate from cells decades old and does not offer mitigation for long term management of this leachate 20, 30, 40 and 50 years later from this proposed expansion.
- 35) Republic Services self-monitoring and self-reporting has not proven to be adequate or sufficient; showing the intention of profit over safety of county residents. The application fails to show how this will improve without conditions and enforcement. With the inability for Benton County to realistically manage such conditions the application has failed to show how it will meet the requirements of improved self-monitoring and self-reporting to ensure there is no undue burden or serious interference to the county and the affected properties.
- 36) No assessment was provided in this application to determine the adverse impacts to nearby farm animals, horses, and show quality livestock that would occur due to this expansion. This seriously interference to adjacent and nearby properties and their livelihoods was not considered and therefore this application must be denied.
- 37) Noise pollution and heavy truck and waste hauling traffic has been a persistent complaint topic regarding current operations of the Coffin Butte Landfill. The expansion application did not address noise concussions, heavy truck traffic planned to remove 2.1 million cubic yards of blast material from the expansion site, other heavy equipment noises and impacts for the construction of the expansion area, and removal and mitigation of the current leachate ponds. The combined adverse impacts, undue burden, and serious interference of the region due were not addressed in the application including any reasonable mitigation to the region or surrounding properties.
- 38) Litter from landfill operations is found extensively on the roadways and on nearby properties and are presenting increasing safety risks and quality of life and livelihood to these nearby properties and undue burden to public services, and facilities resulting from roadway litter. Although the application proposed some conditions of approval related to landfill litter, they were not sufficient and the application did not address the serious interference of litter to animals, pastures and residences on nearby and adjacent properties.
- 39) Odor impacts to nearby and adjacent properties were not sufficiently analyzed, given due attention to complaints, and the application did not sufficiently offer mitigation efforts to address odor that is a direct product of landfill was decomposition. The landfill expansion will increase odor impacts and will combine with the odor increase from the filling of the remaining open cells on the current landfill operations. The analysis on

odors provided by the applicant did not appear to include adverse impacts from the open areas of the landfill where an additional 30-35% of the landfill capacity is yet to be filled.

- 40) Testimony provided by members of the public referenced cancer clusters impacting the neighborhood adjacent to and near the current landfill operations. The application did not address this point directly but did not provide any offer to research, analyze, evaluate, or mitigations to these concerns as an expansion of the landfill and increase in waste intakes could increase the risks and rates of cancer and other life-threatening diseases.

As a result of these findings and those presented by my colleagues on the Planning Commission, I recommend and have voted for denial of LU-24-027 on the criteria established in Benton County Code and the findings in the record as submitted in the staff report, application and applicant testimony, and the public written and in-person testimony.

APPENDIX E

Statesman Journal article

Coffin Butte given citations after worker complaints by OSHA

[Coffin Butte Landfill given citations after worker complaints](#)

Oregon cites Republic Services' Coffin Butte Landfill following worker complaints

Workers have been raising health and environment concerns for more than six months. The company denies the allegations.



Tracy Loew

Salem Statesman Journal

Oregon OSHA has cited and fined Coffin Butte Landfill, owned by Republic Services, following investigations into worker complaints that they are exposed to dangerous conditions on the job.

The current and former employees of the landfill north of Corvallis have been taking their concerns around air and water quality and exposure to dangerous waste to OR-OSHA and the Oregon Department of Environmental Quality, as well as to company officials, for more than six months.

OR-OSHA recently completed two investigations into the complaints, and cited the company for three "serious" violations and one "other than serious" violation.

The violations include not evaluating employee respiratory hazards, not providing proper safety training, not ensuring floors are dry and not preventing fall hazards.

OR-OSHA fined Coffin Butte \$180 for each violation, for a total of \$720. It has set deadlines for landfill managers to correct the first two violations.

The state agency recommended Coffin Butte address additional hazards workers complained about, warning that the company could be cited and fined for the items in future inspections.

OR-OSHA opened a third inspection concerning the site on March 28, OR-OSHA spokesman Aaron Corvin said.

Workers say some of the concerns they've raised also could impact the landfill's neighbors. Some of those neighbors have asked the state to investigate, as has [Beyond Toxics](#), a Eugene-based environmental group that works on solid waste issues.

"Safety costs money. That's simply something the company is not going to do and hasn't done for us," former Coffin Butte employee and union steward Robert Orton said. "I am, all of us are, continually in an unsafe environment."

Orton first talked with the Statesman Journal in early February. He said he was fired March 11, a week after he took his complaints to commissioners in Benton County, where the landfill is located.

In a written response to the Statesman Journal's questions, Phoenix-based [Republic Services](#) said it "places the highest priority on worker safety."

Despite being provided with the OR-OSHA citations, a company spokesperson repeatedly said there were only three violations.

"...two of the three were quickly corrected while OSHA was on site. The third, related to training, has also been addressed," the company wrote.

Complaints come as Oregon considers updating Coffin Butte Landfill's air quality permit

The complaints and investigations come as Republic Services — the second-largest waste disposal company in the U.S. — is expected to soon apply for a significant expansion of the landfill, currently permitted for 178 acres.

They also come as DEQ considers whether to update the landfill's [air quality permit](#), which expired a decade ago. The landfill has been allowed to continue operating under its previous permit because the company filed a timely renewal application with DEQ in 2014.

The landfill's future is important to Marion County residents.

Marion County garbage ratepayers paid to build the privately operated [Covanta](#) municipal waste incinerator in Brooks, where at least 125,000 tons of the county's garbage is burned each year.

Coffin Butte takes even more waste from Marion County. In 2022, the last year for which figures are available, the landfill took 197,191 tons of municipal solid waste from Marion County, more than from any other county the landfill serves. And it took an additional 25,290 tons of ash from the Covanta incinerator.

That compares with 46,488 tons from Benton County, 42,585 tons from Polk County, to the north, and 4,855 tons from Lane County, to the south.

Coffin Butte workers share documentation they say is evidence of safety and environmental violations

Landfill workers provided the Statesman Journal with email exchanges they have had with Republic Services and with officials at DEQ and OR-OSHA discussing their concerns.

Those concerns include exposure to fugitive emissions and methane leaks, leachate mismanagement, and exposure to medical waste and other dangerous waste.

The workers also provided the state agencies and the Statesman Journal with photos and videos they say document those issues.

Landfill employees say fugitive emissions are not controlled

The photos and videos provided to DEQ and OR-OSHA show plumes of dust engulfing the site as materials are dumped into the landfill.

One of the substances shown in the photos is labeled [Sorbacal](#), a lime and mineral product meant to capture micro-pollutants from factory emissions systems.

The workers say the used, contaminated Sorbacal came from [Hollingsworth & Vose](#), a Corvallis glass fiber manufacturer.

In March, emails provided to the Statesman Journal show, DEQ Air Quality Division Administrator Ali Mirzakhali told Beyond Toxics that Hollingsworth & Vose is now paying to have that waste disposed of in the asbestos section of the landfill.

DEQ spokesman Dylan Darling said said DEQ did not direct the landfill to make that change.



Workers say the other substance in the photos was ash from the Covanta municipal waste incinerator.

"You have workers up there who aren't even in a cab," Orton said. "You have Labor Ready (temporary) individuals. You have a multitude of people getting exposed to this."

Beyond Toxics said it's possible the materials also could drift into nearby neighborhoods.

"We are particularly concerned about the treatment of fly ash from Covanta. We don't know the contents of the trucks, but if this were ash, that is a whole lot of toxic particles becoming airborne," Mason Leavitt, of Beyond Toxics, told the Statesman Journal.

"How often does it happen? Well, if it's not raining you can catch it on any given day," Orton said.

Emails between the workers and DEQ show that DEQ contacted Coffin Butte about the complaint.

"That looks like caused by an improper unloading process," DEQ environmental engineer Hugh Gao wrote to Republic Services environmental manager Ian McNab.

"I understand that some truck drivers are commercial haulers, not your landfill's employees," Gao wrote. "However, we believe that your landfill is responsible to provide

a guidance and/or procedure for people (included your customers) to conduct activities at your property that fulfills requirement of the (solid waste) permit.”

McNab later told Gao that what appeared to be dust in the photos actually was smoke from a fire to the north of the landfill. DEQ closed its inquiry, Darling said.

“DEQ has received complaints about Coffin Butte Landfill, including a complaint in October 2023 about potential dust emissions. DEQ has not confirmed violations at Coffin Butte Landfill based on recent complaints,” Darling said.

Republic Services officials did not respond to the Statesman Journal’s question about fugitive emissions complaints.

Workers document what they say is leaking methane at Coffin Butte

Coffin Butte workers also say they worry they are breathing hazardous levels of methane.

Last October, the [Statesman Journal reported](#) that a U.S. Environmental Protection Agency inspection found the landfill was leaking methane at levels that exceed state and federal limits and what the landfill had publicly reported.

Landfills are among the [nation’s largest sources of methane](#), a greenhouse gas that’s more potent than carbon dioxide and a major contributor to climate change, according to the EPA.

The [inspection report](#) noted there were so many exceedances that the inspector ran out of marking flags. In some cases, levels were so high instruments could not measure them. And multiple exceedances were measured several feet in the air, “indicating substantial landfill gas plumes,” according to the report.

Commissioners did not respond to the Statesman Journal's inquiry about whether they would respond to the employee complaints.

Workers also allege Coffin Butte is mismanaging leachate

The workers say they've also reached out to DEQ about several concerns they have with the landfill's management of leachate, or water that runs through or comes from waste, picking up contaminants.

First, they say, they are required to pressure wash equipment, which picks up garbage, on bare ground rather than a liner. And their shop, which also is not on a liner, often floods. That water picks up grease, oil and other contaminants as it continues running downhill.

"There's a big stain on the wall where the leachate has stained the rock," said Troy Paull, who worked at the landfill for seven years before leaving last fall. "We know it went down there because you can see it on the wall."

Orton sent the Statesman Journal a video he says shows the mechanic shop and grounds covered in garbage and dirty water, and another that he says shows new gravel covering the area after the company cleaned it up prior to an inspection.

The workers said the water ends up in containment ponds in a quarry controlled by Knife River, which supplies construction materials across 14 states.

Knife River is blasting and removing rock from the hillside where Coffin Butte plans to expand.

"Knife River is committed to careful stewardship of our environment," company spokesperson Jay Frank said. "We are unaware of any introduction of leachate into our Coffin Butte Quarry."

The landfill workers say Republic Services pumps water from the quarry into trucks, which is then sprayed on muddy or dusty roads to clean the roads.

“As the trucks come out of the quarry, they’re completely covering the road in dust that ends up as muck. You can almost slide off the road sometimes,” said Joel Geier, who has lived near the landfill for three decades.

“So, they send this water truck out every now and then to wash off the road. That means the contaminated water is actually being spread around the public roads in our neighborhood,” Geier said.

Republic Services officials denied those allegations.

Equipment is only “cleaned at the cell where we are actively depositing waste,” they said. “Any residual water that comes off the equipment goes into the cell, where it becomes leachate, which is then hauled away in accordance with all applicable rules and regulations.”

Company officials also said the truck that sprays roadways to control dust only carries potable water from the city of Adair.

Landfill workers' allegations of exposure to dangerous waste

Coffin Butte workers say they are exposed to medical waste such as needles, feces, animal carcasses, toxic chemicals and more.

The mechanics do repairs and maintenance on heavy equipment, such as bulldozers, compactors and wheel-loaders, that are used to move and compact waste in the landfill.

The workers say in order to do those repairs, they often have to lie down under the equipment, exposing their entire body to whatever is in the landfill.



They would like the company to provide protective equipment and a decontamination site, or at least a convenient handwashing station.

“The nearest running water is better than a quarter of a mile away,” Orton said.

Republic Services officials told the Statesman Journal it is not standard practice to lie down in the pit to fix equipment.

“If equipment needs to be repaired, it is towed to an area where it can be done so safely,” they wrote.

They also said that, in addition to permanent facilities on site, there is a handwashing station on the landfill’s working face, or the working surface where garbage is deposited.

“Employees are never more than five minutes away from a handwashing station,” they said.

Oregon OSHA investigation confirms some complaints about landfill operations

OR-OSHA launched its inspection into the landfill on Oct. 24, 2023. It issued citations on [Feb. 22](#) and on [March 28](#).

OR-OSHA cited Coffin Butte for not evaluating respiratory hazards for employees working in and around the landfill. The state ordered Coffin Butte to correct the violation by April 29.

"Employees were exposed to materials, such as methane and Sorbacal, while working in and around the landfill and at the top of the pit, and the employer did not conduct air monitoring to determine their exposure," the citation reads.

Atmospheric river to bring major rain, wind and mountain snow to Oregon
Toys 'R' Us opening two new stores in California, including Ventura County
Nevada's fall pattern turns active: Rain up north, breezy cooldown in the south
New bakery, beer awards, and 50 years of Prince Puckler's | Eugene restaurant round up
Salem mayor, business group join as petitioners to repeal Oregon homeless camping law

As part of its investigation, OR-OSHA conducted monitoring for methane, but said the results had too many errors to be used.

OR-OSHA cited Coffin Butte for not providing proper safety training.

"For employees working in and around the pit, and had exposure to potentially infectious materials, their bloodborne pathogen training was provided by a member of management, not a knowledgeable bloodborne pathogens trainer," the citation reads.

The company had until April 15 to correct the violation.

OR-OSHA also cited Coffin Butte for not ensuring the floor of the shop was clean and dry. The citation did not address worker concerns about contaminated water running out of the shop. The company fixed the issue during the inspection.

And it cited the company for not properly securing acetylene and oxygen cylinders to ensure they could not fall. The company fixed the issue during the inspection.

OR-OSHA also issued the company "hazard letters" warning the company to take corrective measures to ensure compliance with the law.

Among those recommendations:

- Obtain objective exposure monitoring to ensure employees are not exposed to hazardous air contaminants or excessive air particulates. "The particulate in the air from the disposal of Sorbacal in the main pit could be hazardous to your employees," the letter reads. "You need to evaluate their exposure under various working conditions and use that data to develop solutions to mitigate the hazard."
- Determine whether employees should wear respiratory protection, and, if so, follow all state respiratory protection standards.
- Use proper material handling for Sorbacal and other materials that generate dust or powder. "The procedures described for this process and the video material reviewed of employees disposing of the Sorbacal waste show that excessive amounts of dust are released while totes are being dropped into the main pit. When machinery drives over these totes, additional material is disturbed," the letter reads. "This process needs to be assessed for the potential to contain asbestos as well as the inhalable and total respirable dusts that employees are exposed to."
- Improve handwashing facilities. The letter noted that using hand sanitizer, which was provided to employees, is not adequate where there are concerns of chemical exposure. "While handwashing facilities were offered at the upper shop area, employees working at/around/in the pit did not have access to handwashing facilities in a manner that would prevent cross-contamination in vehicles while accessing the facilities," the letter reads.

DEQ has received 45 complaints about Coffin Butte Landfill over the past year, Darling said. Most were about air-quality issues.

DEQ has not taken any formal enforcement actions against Coffin Butte in the past year. But that doesn't mean it hasn't taken more informal actions, Darling said.

"We take every complaint seriously. We have looked into each," he said.

DEQ makes announced and unannounced inspections at Coffin Butte, Darling said. DEQ last inspected the landfill under its air quality permit on July 7, 2022, and under its solid waste permit on Nov. 8, 2023.

Coffin Butte mechanics' contract negotiations include safety concerns

Coffin Butte's seven mechanics went on strike on Sept. 11, 2023, picketing in front of the landfill every day for two months.

Contract negotiations centered on pay and insurance contributions, as well as safety concerns.

The mechanics returned to work on Nov. 13, but still are negotiating with the company.

On Jan. 5, Republic Services sent employees an email saying it was implementing a new workplace recording policy that prohibits taking photos or videos of confidential business information, or of company contractors.

"It's not right for these employees to risk their health just by doing their job. We all owe the workers at Coffin Butte our respect and appreciation for their eye witness accounts of the dangerous operational practices at this landfill," said Lisa Arkin, executive director of Beyond Toxics.

“While they are on the frontlines of exposure to toxic dust and methane gases, these hazardous exposures are also taking a toll on human health and the environment for the surrounding communities,” Arkin said.

Tracy Loew covers the environment at the Statesman Journal. Send comments, questions and tips: tloew@statesmanjournal.com or 503-399-6779. Follow her on Twitter at [@Tracy_Loew](https://twitter.com/Tracy_Loew)

APPENDIX F

Oregon Live article

PacifiCorp reaches \$125m settlement with Oregon wineries, vineyards over wildfire smoke damage to crops.

[PacifiCorp reaches \\$125M settlement with Oregon wineries, vineyards over wildfire smoke damage to crops - oregonlive.com](https://www.oregonlive.com/news/pacifi-corp-reaches-125m-settlement-with-oregon-wineries-vineyards-over-wildfire-smoke-damage-to-crops/)

PacifiCorp reaches \$125M settlement with Oregon wineries, vineyards over wildfire smoke damage to crops

- Updated: Oct. 23, 2025, 8:18 a.m.
- |Published: Oct. 20, 2025, 3:48 p.m.

Domaine Serene Winery in Dayton, Oregon was encased in smoke from the 2020 Labor Day fires. The winery was one of dozens that sued PacifiCorp over crop damages resulting from the soot and smoke landing on its crops. The utility has reached \$125M settlement with the wineries and vineyards. Michael Alberty

- **Gosia Wozniacka | The Oregonian/OregonLive**

Electricity provider PacifiCorp has agreed to pay \$125 million to dozens of Oregon wineries and vineyards who sued the utility over the deadly Labor Day 2020 wildfires, alleging the smoke and soot had damaged their grapes and reduced their harvest and sales.

The settlement on behalf of 93 wineries and vineyards was announced Monday. Most of the plaintiffs in the suit are located in the Willamette Valley, home to two-thirds of Oregon's wineries and vineyards and the oldest wine region in the state.

The wineries and vineyards had accused the Portland-based utility of negligence, alleging its decision to not preemptively shut off power during the Labor Day windstorm contributed to blazes. The smoke particles from those fires, in turn, had blanketed the grapes, leading the fruit and its juice to become infused with smoke. That undesirable smoke aroma and flavor then made it through the entire production system into wine bottles.

Efforts to cleanse the soot and smoke from the grapes were not successful, the vineyards said. As a result, the vineyards could not sell their grapes to winemakers and wineries were unable to sell the wines they had already produced with the defective grapes, resulting in lost revenue and damaged reputations, according to the lawsuit, which was filed in Multnomah County Circuit Court.

PacificCorp said in a statement that it has settled approximately 2,700 wildfire-related claims since 2020 with individuals, businesses and government entities.

"PacifiCorp is glad to have this matter resolved," the utility's spokesperson, Simon Gutierrez, said in a statement.

The wineries settlement brings the total figure paid via settlements by PacifiCorp to nearly \$750 million, according to San Francisco-based BakerHostetler, Eugene-based Arnold Gallagher and Texas-based Watts Law Firm, the law firms that represented the wineries.

In other cases that have gone to trial, Oregon juries in multiple verdicts have ordered PacifiCorp to pay hundreds of millions of dollars to victims.

The utility has now been ordered to pay nearly \$500 million to individual plaintiffs following a 2023 class-action ruling that found it liable for negligently causing four major wildfires by failing to shut off power during extreme fire conditions.

PacifiCorp has appealed those verdicts. Ongoing litigation and several thousand additional victims who are waiting for their cases to be heard could leave the utility on the hook for billions.

The 2020 Labor Day weekend fires were among the most destructive in Oregon's history, killing nine people, destroying 5,000 homes and other structures and burning over a million acres.

Gutierrez, the PacifiCorp spokesperson, said the company "remains willing to settle all outstanding reasonable claims" related to three fires – Echo Mountain, 242 and South Obenchain. But the company would dispute claims regarding the Beachie Creek/Santiam Canyon fire, he said, since a [Department of Forestry report](#) concluded in March that its power lines did not cause the spread of large fires in Santiam Canyon.

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