

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

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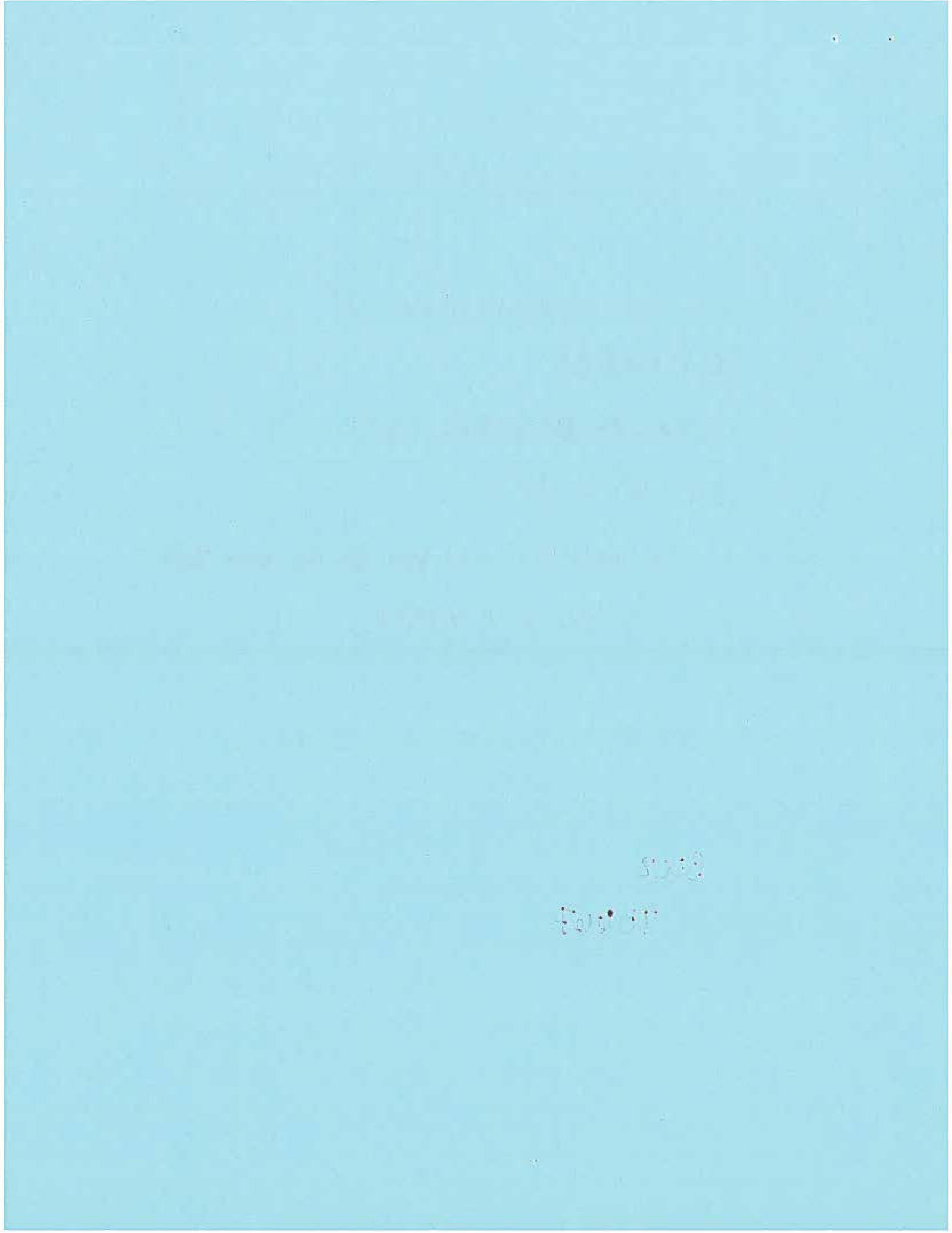
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Thank you commissioners for allowing me to speak here today.

My name is Mason Leavitt and I am testifying today on behalf of Beyond Toxics, an environmental organization, based at 120 Shelton McMurphy Blvd suite 280 in Eugene Oregon.

Beyond Toxics is a membership based organization, meaning we speak on behalf of our 13,000 members, which includes residents in the Soap Creek valley and Adair Village adjacent to the landfill. I am trained in GIS and spatial data science. This is similar to data science, but with the added element of place based content. I have worked on a variety of research projects on land use planning with the U of O Law School, U of O School of Planning Public Policy and Management, and Department of Geography in addition to the Portland based land use firm EcoNW and Waymo, Google's autonomous vehicle division. *I am currently in the process of getting a masters degree in this field.*

I have been working as a representative of Beyond Toxics with neighbors of the landfill since August 2022. Our goal as an organization is always to investigate and solve the multitude of environmental and public health challenges faced by adjacent residents of industrial operations. As an organization we are conscious of the need for waste management and how important it is for the economy, however not all locations are fit for the siting or expansion of a landfill.

After years of research, Beyond Toxics is confident that Coffin Butte is a disastrous location for a landfill and we have shared many cost effective solutions achievable in the 14 years of capacity currently remaining at Coffin

Butte. The wet climate and local geology pose an enormous undue risk on Oregon's natural resources, the people nearby, and all who rely on the Willamette River. Most importantly, no landfill should ever be located close to suburban or urban population centers like Coffin Butte is.

The nature of this site and the local geography inevitably make it difficult if not impossible to meet the land use criteria laid out in Benton County Code and the comprehensive plan. The environmental conflicts that harm local public health are well documented in the record, and an expansion exacerbates them in two ways.

One, the scale of the problems increases with the size of the expansion and two, the duration of these problems also increases. This forms the key reasons why looking at Coffin Buttes current record of impacts on residents and overall compliance with environmental regulations is so important. In an eerily similar case on the expansion of Riverbend landfill in McMinville, the Oregon Land Use Board of Appeals explicitly stated that the only viable way to evaluate impacts of a landfill expansion is to look at the impacts of its current operation.

The applicant's current operation is actively under independent investigations by the DEQ and EPA for potentially violating Oregon landfill gas rules and federal landfill gas rules respectively. EPA conducted a series of announced site inspections in 2022 across the nation. Coffin Butte was among one of those selected landfills. EPA's inspection came less than 20 days after Republic Services' own monitoring, and after monitoring only a small portion of the landfill, EPA found 71 leaks, several of which were at explosive concentrations. ~~These are leaks that Republic missed in their own inspection two weeks previously, and~~ 40 of those leaks were at locations with holes, tears, or gaps in their tarping, which are required to be monitored even if the applicant claims those tarps are not meant for retaining landfill gas. EPA conducted a follow up an unannounced inspection in 2024 where similar

Exhibit
12 pg
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by Oregon law

issues were identified. EPA continued their investigation through a section 114 information request to perform an audit of Coffin Butte Landfill. No other landfill in EPA region 10 has been served a section 114 request, ^{since 2022} which sets Coffin Butte as unparalleled in their mismanagement of landfill gas compared to their peers. *Sen Permy, Sen Weber & Rep Val Hoyle.*

In addition to multiple enforcement notices for a 2 year delay in installing a closed flare at Coffin Butte landfill in 2024, DEQ is now launching another investigation into the applicant's process of exempting an average of 76% of the landfills surface area from gas monitoring over the year of 2024. In one of those four tests conducted over the year, Republic exempted 92% of their landfill from any monitoring for leaks of landfill gas. This is the single highest rate of exemption I have ever seen in any Oregon landfill. This is what I call the practice of "no data, no problem". If there is no testing done, there are no leaks found, and if those leaks don't exist, they never get fixed. ~~When Adjacent can also be defined as near~~

It's not just the EPA who is finding these leaks, many of them are visible from space. Carbon Mapper is a research based organization that conducts flyovers of methane producing industrial operations including oil and gas extraction, power generation, cage animal feeding operations, and of course landfills. Carbon Mapper installs instruments tuned to the spectral properties of methane aboard aircraft and satellites, which fly over the surface of the earth. Over 12 days of random observation since 2022, Carbon Mapper has detected 28 distinct super emission events or plumes, each of which they have quantified as leaking 1 to 7.6 metric tons of methane. This would equate to 2-15.2 metric tons of total landfill gas leaking off the facility every hour. Many of these plumes extended well into the Soap Creek Valley and Adair Village well beyond the applicant's definition of adjacent tax lots. It turns out that landfill gas is not respectful of the artificial property boundaries defined by Oregon planners decades ago and this highlights the over-reliance of the use of the term abutting by both county staff and the applicant. *When Adjacent can also be defined as near.*

When Carbon Mapper detects a landfill gas plume, they also trace where that plume originated from. All of the areas where plumes originate from are areas that Coffin Butte has exempted from monitoring during all of 2024 and 3/4 monitoring periods in 2023. This data suggests a serious gap in monitoring the compliance and effectiveness of the gas collection system.

Why is this data from Carbon Mapper and the reports submitted to the Oregon Department of Environmental Quality so important? There are two reasons. One, the consultant for the county has concluded that more gas collection wells will mitigate odors. The evidence regulatory agencies and the public has access to suggests that more wells are not currently solving the problem. So why should we believe it will work in the future? Two, the applicant's odor model assumes a collection rate of 75% of the landfill gas and that 25% of the total gas is escaping in the form of fugitive emissions.

This assumption is only true if the gas collection system is working. The evidence presented here strongly contradicts that assumption. Thus the inputs of the model are no longer valid. We will turn to more of those inputs later.

The applicant has installed a total of 44 new wells from July 2024 to June 2025. You will often hear the applicant cite their recent installation of gas wells as a performance measure of tackling gas and odor problems. In this case however, the rate of well installation is an indication of the applicant's failing gas collection system. Oregon law requires operators to conduct follow up corrective action to leaks uncovered during monitoring. After a leak is found, an operator has 10 days to perform a corrective action and conduct follow up monitoring to ensure the problem is solved. If this doesn't work, they have an additional 30 days for another corrective action and follow up. If that still doesn't work, the operator is required to install a gas collection well within 120 days. The applicant often boasts their landfill

and it forms the basis of staff's assumption that odor wells will be installed

has 3x the industry standard in gas collection wells. Why would they spend millions of dollars doing this? Why have they installed so many wells in recent years? It's because their limited monitoring and inspections by EPA have uncovered leaks showing their gas collection system isn't working as intended, and Republic has been unable to resolve those leaks. As a result, they have been legally required to install far more gas collection wells than their peers.

The evidence I have just gone over, and submitted to the record strongly suggests that the applicant does not meet the requirements for their odor model. The EPA, DEQ, and Carbon Mapper have uncovered significant evidence the gas collection system is not working properly, and the applicant's response to that has been to exempt 76% of their surface area from any required monitoring. Instead of following the rules the applicant has decided to throw the chess board across the room. This has spurred DEQ to have to launch a follow up investigation into this practice.

I want to turn to the selected metric of the model which is D/T. First, it's important to note the threshold at which the applicant and staff have selected which is the threshold at which an average person finds an odor to constitute a nuisance. I want to pause here on the word average. This means that half the population is dealing with a level of odor that constitutes a nuisance at lower thresholds of D/T. The measurement suggested by the applicants poses a serious burden on 50% of the population.

The D/T system has another critical assumption made in the model, which is that smell is the only reason an odor might constitute a serious interference on adjacent property. NOT ALL SMELLS ARE created equally. When I smell body odor, it might be unpleasant, but I am not wholly concerned. When I smell wildfire smoke, I know I could be inhaling excess

pm 2.5 When many people smell coffin butte / they know they are inhaling toxic fumes including the yet-to be regulated PFAS.

The applicant and staff have made an assumption that the gasses from the landfill are just a nuisance- nothing else. However, there are a stream of air toxics that residents are afraid they are breathing in.

So far, my testimony has bought into the applicant's assumption that modeling is the most effective tool to gauge the impacts of odor. This can be contrasted with other tools like real time air quality monitoring or surveying nearby homeowners. As the famous saying goes: "All models are wrong, but some are useful." Models have fundamental limitations and they cannot and do not reflect all the complexities of the real world. Modeling is a great tool but it is not the entire picture and there are many other tools in the toolbox the applicant has chosen not to deploy including air monitoring.

Even the applicant's consultants have acknowledged these limitations during the planning commission hearings: "Models are not great at modeling surfaces that have complex topography". This is a questionable limitation given the complex topography in the area of Coffin Butte. They also stated "Models like this - in reference to AERMOD- are not such that they track perfectly what we measure". These quotes nail a fundamental limitation of models- they do not reflect reality. Hence why the saying all models are wrong is important to remember tonight. I have already demonstrated several reasons why the applicant's operation does not meet the basic assumptions of AERMOD and LANDGEM, the two tools used to calculate emissions and their dispersal. The applicant's landfill gas collection system has glaring malfunctions and the monitoring system is designed to miss those leaks.

Last night commissioners found out that the applicant is using 20 year old data as part of their model. This is the tip of the iceberg. I would like to address the input rate of 930,000 tons of MSW. Why isn't the applicant using their assumed intake of 1 million tons of MSW outlined in the conditions of approval? What about the other 300,000 tons of waste? Just because it's not

What about the
waste in the
NORMIE unregulated
LV this

MSW, doesn't mean there isn't organic waste capable of generating odors in that waste mass. *What about the waste deposited on the north side? Recall the Applicant may Argue we must consider the current facility*

Ken + Nancy
Why is the
Why can't
In the hearing for a title five air contamination discharge permit with Oregon department of environmental quality the applicant stated they estimate they will have an intake of 1.5 million tons per year, which contradicts both these numbers, and their own site plans in this application also project 1.5-1.8 millions tons of waste per year. Why isn't the applicant's materials internally consistent? ~~Why is the~~ the applicant's model inputs based on current and projected data? This leaves the public with the question: What is the actual plan here? The lack of clarity obfuscates the parameters of the odor model and how they plan to comply with conditions of approval.

However, there is also a question if the model is enough evidence on its own to show the applicant has met the burden of proof. You have seen and heard numerous testimonies that clearly demonstrate folks smell levels of landfill gas that constitutes a nuisance much farther away than just the fence line at the facility. If a model does not reflect this reality and the inputs are not valid, this means that the applicant's model is still not an adequate reflection of reality and does not meet the burden of proof to demonstrate that a significant burden is not occurring on adjacent properties. As commissioners you don't need to prefer one set of evidence over the other. If the applicant does not convince you that residential experiences of odor are wrong, then they have not met the burden of proof.

Finally, I want to observe again that the applicant has chosen not to deploy air monitoring as a technique for corroborating the findings of their odor study. *or as a condition of approval* The applicant has even submitted other odor studies done at landfills experiencing similar problems, but they have declined to do so for this landfill. *that use AQ equipment* SCS engineers, one of the consultants hired by the applicant, even strongly suggests using air monitors ~~and drones~~ as an assured method to prevent odor nuisances on their website. Why are we discussing a model here

tonight instead of actual numbers? Remember this is the same applicant that responded to the EPA finding dozens of leaks by choosing not to monitor 56-92% of their landfill.

The Board of commissioners has two different sets of data in front of them that lead to different conclusions on the issue of odor. On one hand, the applicant has proposed an odor model, whose underlying parameters are in serious question. On the other hand, there are hundreds of public testimonies pointing to odor as an existing serious interference that will be exacerbated both through an increase in waste and an extended duration of landfill operations. This is not anecdotal. This is a repository of qualitative evidence. The county has asked for testimony, and the quality of testimony submitted is at an incredible caliber ~~of quality~~ citing dozens of scientific studies, relying on third party evidence, and sharing heartbreaking experiences of serious interference with adjacent land uses. Based on the quality of the model submitted, and the lack of serious engagement with regulatory filings and air quality equipment showing the landfill does not meet basic modeling assumptions, one might conclude that the invalid model is the anecdotal evidence here.

Pritha
franchet
- Emerson
vineyard
- 20%
of residue

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brought by the Applicant
here tonight