

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

Received From: Steve Michaels

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To: Benton County Board of Commissioners

From: Steve Michaels



Re: LU-24-027

You have heard from many people that expansion of Coffin Butte landfill is a bad idea and the application must be denied. Republic Services and Valley Landfill have gone to great lengths and expense to persuade you that the expansion is compliant with land use criteria. It is your judgment that now matters. This is a legacy decision. It is your job to protect your constituents and Benton County's environmental quality. A denial of this application will achieve both.

Why deny this application when your staff recommends approval with conditions? Let's start with your appointed ENRAC and Planning Commission. Both opposed the expansion of the landfill. Your planning staff would have you believe they both got it wrong. That they twisted the evidence into a denial when in fact the applicant got it right. Planning staff have gone to great lengths to paint a picture of compliance. The staff report is well written and addresses the many issues with thought out rebuttal. It is almost as if Republic Services had prepared the staff report for you.

However, it is the Board's job to sift through all of this and exercise independent judgement. If you do, you will conclude that the applicant has not met the conditional use permit criteria burden of proof. For every rebuttal offered by the staff and applicant there is a counter rebuttal. What does that counter rebuttal say? That the application does not satisfy BCC 53.215 nor can it be met with conditions of approval. Opponents testimony addressing BCC 53.215 regarding prospective landfill operational characteristics and environmental impacts are scientifically sound and persuasive. Conditions of approval will establish data sets but will not in themselves mitigate odor and methane emission issues. Potential groundwater contamination can never be remedied. Further, what is to prevent Republic Services from selling Valley Landfill. The conditions of approval may be tied to the property, but will a future operator be a "team" player?

The staff report offloads regulatory obligations to state and federal jurisdictions. Makes sense; if you don't know the rules, don't have the expertise, don't have staff capacity, hand it off. That model works if the responsible governing agencies are equipped to deal with landfill issues. That is, they have the resources and the will to address the problems. Is that something the Board wants to rely on? You should not rely on that assumption. Why? The regulatory environment is not static. Enforcement is dependent upon resources that may disappear. Further as we have seen at the Federal level governing agencies are being defunded or dissolved. I urge the Board to think about what that might mean to successive Boards and to the public.

What do we have to gain by adding millions of tons of trash to Benton County? Twin peaks of trash instead of one peak of trash. The applicant is offering up to \$80,000/year to keep an eye on their landfill. The County is receiving unencumbered budget dollars through the franchise agreement. I guess that has value. However, the only real winner here is the applicant, they will make plenty of money. Do the right thing for the people of Benton County-deny the appeal.