

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

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October 28, 2025

To: Chair Wyse, Commissioners Malone and Shepherd

Reasons to Deny LU-24-027 and Conditions of Approval - Fire

We submit this letter in response to issues on the record of the Benton County Board of Commissioners hearing on October 22 and 23, 2025.

Thank you again, Commissioners, for patiently considering the overwhelming public testimony in opposition to the Coffin Butte expansion. I heard your request for a bulleted compilation of relevant testimony that aligns with County ordinance and criteria. I offer this summary, which should make your decision easier.

The Applicant has attempted to dismiss all the community's testimony as anecdotal or not credible compared to their paid consultants hired by Republic. Working with County staff, they have crafted many conditions of approval that are simply words on paper that have no actual chance of preventing or mitigating serious interference with uses on adjacent property or with the character of the area.

Additionally, the \$80,000 per year they want to give the County to MONITOR compliance with conditions of approval will not allow the County to ENFORCE any conditions. That would require judicial proceedings and need to be totally funded by the County. Republic will not pay you to sue them to force compliance.

Proposed Finding (Fire and Fire Services): The applicant has not met the required burden of proof with respect to serious interference with uses on adjacent property, or serious interference with the character of the area with respect to the impacts of fire. It has not been demonstrated that impacts of fire and the risks of fire can or will be mitigated through conditions of approval to not "seriously interfere" with adjacent properties, or with the character of the area. In addition, the proposed use imposes an undue burden on fire services available to the area. BCC 53.215(1) and (2)

For properties in the FC zone, we will also emphasize how the proposed expansion will force a significant change in, or significantly increase the cost of, accepted forest practices on forest lands, and / or will significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

Proposed Finding (Conditions of Approval - Fire):

The applicant has not met the required burden of proving that conditions of approval proposed for adoption under BCC 53.220 can or will achieve compliance with the relevant approval standards discussed above. They have not been demonstrated 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 (identified below) of this Code. The proposed conditions have not been shown to render compliance with the related approval standards feasible—possible, likely and reasonably certain to succeed.

Reasons to Deny LU-24-027 and Conditions of Approval - Fire

53.215 (1) FIRE SERIOUSLY INTERFERE WITH USES ON ADJACENT PROPERTY There has been testimony (Erin Bradley & Joel Geier) regarding the threat that a fire on the landfill poses to their properties, with the recent fire last summer causing them to evacuate persons and animals from their nearby property when a gas flare caught the grass on fire.

53.215 (1) FIRE SERIOUSLY INTERFERE WITH USES ON ADJACENT PROPERTY The threat that a fire on the landfill poses threats that seriously interfere with uses on adjacent properties including: timber, farming, businesses, wildlife restoration.

53.215 (1) FIRE SERIOUSLY INTERFERE WITH CHARACTER OF THE AREA A fire that destroyed structures and forests would result in a significant impact in the character of the area, as can be seen from before/after photographs taken in the aftermath of various Oregon fires, including the towns of Phoenix, Talent (structures) in the aftermath of the Almeda fire in 2020

53.215 (2) FIRE UNDUE BURDEN ON PUBLIC IMPROVEMENTS A fire that started at the landfill could damage public improvements, including power and water infrastructure.

53.215 (2) FIRE UNDUE BURDEN ON PUBLIC IMPROVEMENTS If there is an artificial canyon made out of methane-generating garbage on either side of Coffin Butte Road, a fire that started elsewhere and spread to the landfill (via burning embers) could prevent Coffin Butte Road from being a safe egress route for Valley residents and keep EMS personnel from sending firefighting equipment up the valley.

53.215 (2) FIRE UNDUE BURDEN ON PUBLIC FACILITIES A fire that started at the landfill could damage public buildings like schools and government offices, and areas with cultural significance (for example EE Wilson structures, and the historic Soap Creek Schoolhouse) could be damaged or destroyed.

53.215 (2) FIRE UNDUE BURDEN ADAIR RURAL FIRE & RESCUE: DANGEROUSLY STEEP SLOPES The Applicant has told the EPA that the surface of the existing landfill is too steep and dangerous for EPA personnel to walk over with hand-held air quality monitoring devices. But to access a fire on the surface of the landfill, fire personnel will have to access these same surfaces (and possibly spray water on slippery tarps to fight a surface fire). This is a threat to the life and safety of firefighting personnel and an undue burden.

53.215 (2) FIRE UNDUE BURDEN ADAIR RURAL FIRE & RESCUE: ADDITIONAL 59 ACRES OF SURFACE ON WHICH FIRES MIGHT IGNITE The increase in the landfill surface area is 135% of existing flat surface area, without taking slopes into account (like the roof of a building, the surface area of the roof is greater than the two-dimensional building footprint). An increased surface on which fires will have to be fought is a threat to the life and safety of firefighting personnel and an undue burden.

53.215 (2) FIRE UNDUE BURDEN ADAIR RURAL FIRE & RESCUE: ADDITIONAL 9,000,000 CUYD OF METHANE-GENERATING WASTE IN PLACE The proposal will increase waste in place by 120% over existing waste-in-place. More waste-in-place means more methane. Methane is currently being released as fugitive emissions from the landfill in explosive concentrations. An increased amount of explosive methane is a threat to the life and safety of firefighting personnel and an undue burden.

53.215 (2) FIRE UNDUE BURDEN OREGON DEPARTMENT OF FORESTRY: ADDITIONAL 9,000,000 CUYD OF METHANE-GENERATING WASTE IN PLACE The proposal will increase waste in place by 120% over existing waste-in-place. More waste-in-place means more methane. Methane is currently being released as fugitive emissions from the landfill in explosive concentrations. An increased amount of explosive methane is a threat to the life and safety of firefighting personnel and an undue burden, especially when ODF does not have the proper equipment for firefighting in such a toxic situation.

53.215 (2) FIRE UNDUE BURDEN ADAIR RURAL FIRE & RESCUE: GEOMETRY OF THE PROPOSAL The proposal will create an artificial canyon made of garbage on either side of Coffin Butte Road, each side of which will producing methane at explosive levels. The new topography will intensify fires moving uphill and increase

wind speed if a fire ignites on either side of the artificial canyon. Fighting fires in an artificial canyon made of methane-producing garbage is a threat to the life and safety of firefighting personnel and an undue burden. 53.215 (2) FIRE UNDUE BURDEN LOCAL FIRE DEPARTMENT Hot loads could be dumped by the side of any road in Corvallis where there is garbage truck traffic to the landfill. Therefore a fire like the deadly Sandalwood fire could ignite anywhere and if conditions were conducive to fire spread, could pose an undue burden to City of Corvallis, City of Philomath, City of Alsea, City of Monroe, Polk County Fire, and Adair Rural Fire & Rescue firefighting personnel.

Adair Rural Fire & Rescue (ARF&R)

Conditional Use Criteria for the Forest Conservation Zone - Chapter 60

60.220 Conditional Use Criteria. (1) A use allowed under BCC 60.205 or 60.215 may be approved only upon findings that the use: (a) Will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; (b) Will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and (c) Complies with criteria set forth in BCC 53.215 and 53.220.

Excerpt from the City of Adair Comprehensive Plan:

SECTION 9.612 FIRE PROTECTION & EMERGENCY SERVICES

There are few serious fire hazards within the City or the District. The area has a very light commercial fire hazard with the most significant life hazard being the schools. **The District's greatest hazard is the wild land interface properties and the landfill.** The District has enjoyed Mutual Aid agreements with the neighboring fire departments since the early 1980's and has established a first alarm mutual response policy with the Corvallis Fire Department, Albany Fire Department, and SouthEast Polk Fire District.

Robert Kipper – Adjacent Property Owner

Dry Lightning, fire risk, DSAC declaration of no monitoring on Red Flag Days, uphill slop into timber, risk to MacDonald Dunn Forest, Flare fires, landfill fires, and ineffective mitigation measures.

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0173_10062025_Email_KIPPER_Robert.pdf

David Hackleman – Adjacent Property Owner – Emergency Radio Operator

Risk of fire, lack of willingness to monitor on Red Flag Days, confirmation of the actual discussion during the March meeting with RS, ARF&R and Hackleman (not about safety or approval of expansion plan)

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0501_10192025_Email_HACKLEMAN_David.pdf

Adam Holdorf – Adjacent Property Owner

Potential catastrophic fire danger from ignition sources inside and outside the landfill (after-hours/unmonitored hot loads, equipment fires) (windblown wildfire embers, lightning strikes) catching uncontrolled methane leaks on fire.

Undue burden on local fire department health and safety (to fight landfill fires) and community (to monitor and report fires after hours – even on red flag days).

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0503_10192025_Email_HOLDORF_Adam.pdf

Bradley – Adjacent Property Owners – Business Owners

Bit by Bit – Fire risk and flare fires necessitating evacuation of 17 head of livestock and vulnerable clients

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Undue burden, seriously interferes, and character of the area. Fear of threat of evacuation of 17 livestock animals and clients.

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Mark Henkels - Changing climate, longer more intense wildfires seasons, and risks of increase toxicity of smoke from landfill fire. Character of the area, seriously interferes, undue burden.

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Kate Harris – Master in Public Administration, Degree in Civil Engineering

Coffin Butte fire risk missing from the CWPP, Coffin Butte Rd closure is not absolutely protected.

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Inaccuracies in fire reports by RS, lower property values affecting revenue that supports ARF&R, actual meeting agenda, Emergency Ops, not a review of landfill expansion plan, risk and burden of increased or unavailable property insurance

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Virginia Scott – Soap Creek Valley Firewise Co-Chair

Rebuts all COAs in Staff Report

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Shows only two fires reported to DEQ as required by 2020 ODEQ Solid Waste Disposal Site Permit, Rebuts Walsh's claims regarding type and nature of fires.

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Types of fires and fire risks in and around the landfill vs. types and number of fires reported by Republic Services.

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Hot Load fires away from the landfill, Flare fire from new Enclosed flare, Statement that no afterhours monitoring will be done by RS, failure to submit require DEQ fire reports, RS vehicle MVA incidents, no one on site to operate H2O truck after hours.

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Kevin Higgins – Retired ARF&R Captain

Risk to safety of firefighters fighting a landfill fire

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC2_T0651_10232025_Hearing_HIGGINS_Kevin.pdf

Carol McClelland-Fields – PhD, Co-Chair Soap Creek Valley Firewise

Heart health risk of fire smoke

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0489_10192025_Email_MCCLELLANDFIELDS_Carol.pdf

Breaking the Spell of Invisibility – Coffin Butte missing from CWPP

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0491_10192025_Email_MCCLELLANDFIELDS_Carol.pdf

CWPP – Missing any mention of Coffin Butte

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0492_10192025_Email_MCCLELLANDFIELDS_Carol.pdf

Aaron Harris – ARF&R Fire Chief

Adair Rural Fire Protection District Letter and FEMA report

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0500_10192025_Email_HARRIS_Aaron_Adair-Rural-Fire-Protection-District.pdf

Paul Nietfeld - Fire, fire risk, burden on ARF&R

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0530_10202025_Email_NIETFELD_Paul.pdf

Ken Eklund - Elevated Temperatures at Coffin Butte

https://www.bentoncountyor.gov/wp-content/uploads/LU-24-027/BoardOfCommissioners/Written%20Testimony/BOC1_T0585_10202025_Email_EKLUND_Ken.pdf

Conditions of Approval (Fire):

P2-7	Structures within the FC zone. Applicant shall maintain a primary and secondary fuel-free fire-break surrounding each structure on land within the FC zone that is owned or controlled by the owner, in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991 and published by the Oregon Department of Forestry (ODF).	60.405(1) FC Zone Fire Break
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P2-7 – My testimony shows that firebreaks around structures are not fire breaks around the new landfill and will not serve to interrupt a fire run up Tampico ridge and onto adjacent property. This COA does not reduce or eliminate the undue burden on adjacent properties, nor is this condition reasonably likely to succeed. The

Reasons to Deny LU-24-027 and Conditions of Approval - Fire

current north landfill allows Coffin Butte Road to serve as a fire break to Tampico Ridge. Once fire is on the south side of the road, those contiguous tree canopies connect ALL THE WAY TO THE OCEAN. The only way to ensure a wildfire doesn't spread FAR and FAST is to keep operations NORTH of the natural fire break, which is Coffin Butte Road. Not likely or reasonably certain to succeed.

OP-2	Site Operations. (A) The working face (area of active disposal operations) shall not exceed two acres in size unless it is necessary to increase the size to accommodate disposal due to a natural disaster such as a fire or other event requiring a larger working face to meet public health needs. (B) Applicant shall install daily cover over the working face at the conclusion of every day that the area is open to the public. (C) Applicant shall provide interim daily cover of twelve inches of compacted soil on all areas of the expansion area not actively receiving waste in compliance with applicable rules and regulations. (D) Applicant shall keep all landfill infrastructure in good repair, and shall repair within 48 hours any disabled, damaged, or nonworking infrastructure. (E) Applicant shall not develop a use, construct any structures, or make any site improvements that are not contained in Attachment F, the approved site plan (Record ID. BC016 Engineering Plans (Exhibit E2), p. 147 – 146, 150 – 153), unless such uses or facilities are outright permitted uses in the zone. Any other structures, uses, or site improvement not shown in the approved site plan will require a conditional use permit to modify the site plan. (F) Applicant shall not accept regulated hazardous waste as defined in 40 CFR 258.20(b) at the site.	53.215(1) Adjacent Properties and Character of the Area – Odor, Litter, Fire Risk, Water Quality, Visual Impacts
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OP-2 (B) My testimony shows multiple occasions when daily cover was not applied to the working face. Exposed landfill surface is highly susceptible to fire from embers, lightning strikes, subsurface fire surfacing, thermal runaway from lithium ion batteries, etc. This condition is not likely or reasonably certain to succeed.

OP-2 (C) The landfill is currently a mountain of tarps. There is no sign of 12" of compacted interim daily cover. This condition is not likely or reasonably certain to succeed.

OP-2 (D) EPA inspection in 2024 along with >40 infractions (32 more than RS reported) found an entirely uncapped well. This condition is not likely or reasonably certain to succeed.

OP-2 (F) If Republic Services did not detect the bodies of dead women dumped in the landfill. This condition is not likely or reasonably certain to succeed.

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](#)

OP-10	Fire Protection. (A) Applicant shall maintain at least two 4000-gallon+ water trucks in good repair, with at least one truck present at the landfill site at all times to help extinguish fires. At such time as Applicant may replace or update the water trucks or other firefighting infrastructure in the expansion area, such new truck or equipment will provide protection equal to or better than the truck or equipment being replaced. (B) Applicant shall maintain a log of all fire incidents on Applicant's property used for landfill activities and accessory uses. Applicant will provide a verbal report of any fire events that have occurred since the last meeting at each Benton County Disposal Site Advisory Committee (DSAC) meeting. Applicant shall report all fire incidents to DEQ. (C) Applicant shall conduct semi-annual fire-protection and emergency preparedness training of its on-site personnel. (D) Applicant shall provide 24-hour per day on-site surveillance and monitoring of the landfill expansion area during red flag days	53.215(1) Adjacent Properties and Character of the Area – Fire Risk
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OP-10 (A) The water trucks cannot operate on the steep landfill slopes, water is ineffective at extinguishing lithium battery fires (which also do not require oxygen to burn), water trucks cannot mitigate a fire if no one is on site to use them (See Paul Koster's statement in DSAC September 10, 2025, that they would not staff after hours or on Red Flag Days.) Retired ARF&R Captain, Kevin Higgins, testified that these trucks were insufficient for firefighting on the landfill. This condition is not likely or reasonably certain to succeed.

OP-10 (B) Applicant is already required to report all fires (regardless of ARF&R response to the fire) to ODEQ. Testimony shows that they are not doing this now, even though it is a current 2020 ODEQ Solid Waste Disposal Site Permit requirement. Reporting fires does not prevent them. A fire could be devastating to the character of the area, uses on adjacent properties, and an undue burden of our services. Reporting fires addresses none of these risks. This condition is not likely or reasonably certain to succeed.

Kate Harris, Testimony - After Action Reports:

It's astonishing to me that we have not seen any evidence of Post-Event Reports or After Action Reports from Republic, detailing each and every fire they have, what the cause was, how it was handled, and how future fires might be prevented. After Action Reports, or the like, are standard practices in high-risk industries that do indeed operate with safety in mind.

OP-10 (C) How is this being monitored, verified, and measured? Dr. Tony Sperling lists organization that he has trained in fire prevention and firefighting, neither Republic Services nor Coffin Butte Landfill are on that list. Dr. Sperling's training classes are multi day sessions. How many days are Republic's proposed semi-annual fire-protection and emergency preparedness training sessions? This condition is not likely or reasonably certain to succeed.

OP-10 (D) Paul Koster at September 10, 2025 DSAC meeting, on behalf of Republic Services, stated advance of this COA that RS will not staff after hours or on Red Flag Days. This condition is not likely or reasonably certain to succeed.

OP-15	Structures within the FC zone. Applicant shall maintain a primary and secondary fuel-free fire-break surrounding each structure on land within the FC zone that is owned or controlled by the owner, in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991 and published by the Oregon Department of Forestry (ODF).	60.405(1) FC Zone Fire Break
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OP-15 – My testimony shows that firebreaks around structures are not fire breaks around the new landfill and will not server to interrupt a fire run up Tampico ridge and onto adjacent property. This COA does not reduce or eliminate the undue burden on adjacent properties. This condition is not likely or reasonably certain to succeed.

Excerpt from Staff Report:

Maul Foster Alongi (MFA) and our subconsultant, **Dr. Tony Sperling** of Landfill Fire Control Inc. (LFCI), have the following comments on this exhibit:

The Coffin Butte Landfill should continue to employ best industry practices for fire risk management, including but not limited to:

- Temperature and landfill gas (LFG) monitoring
 - Routine temperature monitoring via a thermal camera to confirm that temperature in affected areas remains below 50°C (122°F), after removal of hot materials.
 - Monitoring carbon monoxide (CO) in addition to the primary LFGs (methane, and carbon dioxide), as CO levels are good indicators of the presence of incomplete combustion.
- Maintain firefighting supplies on site, such as full water trucks and soil stockpiles
 - Sufficient soil should be kept near the working face to fully cover the active area with a minimum thickness of one foot.
- Proper acceptance and disposal of battery and electronic waste
- Periodic maintenance of the landfill gas (LFG) management system

LFCI agrees with the Applicant's statement that excessive extraction of LFG can lead to increased temperatures and the potential for subsurface fires. However, LFCI notes that a review of data from several major landfill fire incidents indicates that there are documented cases where subsurface fire has breached the surface. Given the associated risks of surface fires, it is strongly recommended that landfill operations prioritize the proper maintenance of LFG management systems and closely monitor for subsurface fire activity, particularly in cases of system failure or interruption. Reviewers: Landfill Fire Control Inc.

Dr. Tony Sperling has an 8 page CV

Dr. Tony Sperling is an "expert in landfill design and landfill firefighting"

Dr. Tony Sperling lists organization that he has trained in fire prevention and firefighting, neither Republic Services nor Coffin Butte Landfill are on that list.

Dr. Tony Sperling has not advised Republic Service or Coffin Butte on Safe Landfill practices according to his CV.

Dr. Tony Sperling list several landfill fires that he consulted on that had burned for months and cost multiple millions of dollars to fights.

It seems to me that it would be an undue burden on the County service and on the local and volunteer fire departments to fight a fire for months, and that a multi-million dollar price tag for this this effort is also an undue burden.

Ironically, Dr. Tony Sperling was an expert witness to support the Missouri Attorney General in its lawsuit against Republic Services' Bridgeton landfill fire which is still burning 14+ years later.

<https://missouriindependent.com/2025/01/22/high-likelihood-of-radioactive-waste-in-smoldering-landfill-missouri-officials-say/>