

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

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Commissioners Wyse, Shepherd, and Malone,

This letter is submitted in response to matters raised on the record of the Benton County Board of Commissioner's hearing of October 22 and 23, 2025.

While this is not a popularity contest, Republic's PR firm's Benton Clean and Strong sure tried to make it one. We know that the Opposition's numbers are stronger in this realm and in all others. Over the last 12 hours, I looked at every piece of testimony and categorized them based on certain characteristics – Opponent vs. Proponent, Benton County Resident vs. Not, Related Testimony to BC 53.215 or Not, Canned Email or Not, Auto-email via Civiclick or Not, etc.

Here is what I found:

	Proponent	Opponent
Total	120	330
Spoke to/alluded to /implied 53.215	0	123
Submitted via Civiclick	56	0
Canned email	15	0
Not Benton County Resident	~50%	Handful

Given issues with the process of testimony submission (no confirmations sent so submissions were sometimes made multiple times), people submitting multiple testimonies, etc., these are rough estimates. But even so, they show stark contrasts.

1. **Note the number of testimonies submitted via “canned” routes (Civiclick or emails that appear to have been sent from some other online platform) in the Proponent column.** There are some testimonies in the Opponent total that were modified versions of a downloadable testimony available on CoffinButteFacts.org. I will note that many of those were personalized – I did not see that in the Proponent's “canned emails” – that is why I suspect they are from an online platform.

2. Note that no Proponents related their testimony to the code you must use to make your decision. **The simple reason is that they cannot – because the applicant has not met its burden of proof.**

3. Only a handful of Opponents are from outside Benton County – some of those grew up here or currently have family here. It was clear to me many of those folks were speaking on behalf of family still in the area. This contrasts to the fact that **around 50% of the Proponent testimony originated outside Benton County and/or have financial interest in the expansion.**

4. A note on the **Civicklick submissions – only those that were pro expansion were included**. Some people modified the testimony to be opponent testimony and those were not submitted despite the promise that all would be sent to the three commissioners and submitted as testimony.

5. **I did not include testimonies that were part of a bulk sign on** – a few hundred proponents with Benton Clean and Strong (T0681) collected online versus the 1250 with VNEQS (T0687) collected IN PERSON.

6. All of these were testimonies submitted in writing – no verbal testimonies were included unless they were submitted as written testimony. With that said, **a note about the verbal testimony – 12 Proponents spoke (11 Proponents ceded time to them) while 45 Opponents spoke (a whopping 130 ceded time to them)**.

7. I did my best to make sure that each entity that submitted testimony was only counted once.

The proponents are unable to tell you that the applicant meets the burdens set forth in BCC 53.215 (1) and (2).

To me, the most important aspect about the above information is that because the applicant has not met its burden of proof, no proponent can write that they have. One thing some did do was to assert that Conditions of Approval (CoA) are an appropriate remedy to the deficiencies in the application. As I was sitting through the hearing on Oct. 22, I wrote a note to myself to the effect of "what does odor mitigation look like? What are the ACTUAL STEPS they will take?"

Here's why that hasn't worked and will not work in the future:

1. In order to write a CoA, one must have a handle on the data for whatever variable you are working to control or mitigate.
2. You then need to know what constitutes a violation of that CoA – does the county have the expertise for this?
3. From there you need to decide the infraction-response plan – if applicant does this, then county will do this. This is harder than it seems.
4. Beyond that, you must indicate the escalation plan– how many warnings will be given, for example.
5. The county must know HOW the applicant will rectify the situation. This is sorely lacking – the applicant must provide a step-by-step plan for each CoA – and a timeline set for curbing the problem.
6. If the county cannot get the response it needs, then what? It litigates and the applicant continues operations and its problems all along the way?

7. In all of this, we must ask WHO has the expertise to monitor and report? This position does not exist and I cannot see a way for it to exist as a neutral monitoring and enforcement position, especially not one paid for by the applicant.

The CoA route is not tenable and is a disservice to your constituents who want the burdens of the landfill to abate, not grow. They are nearly impossible to write, monitor, and enforce. They are folly.

Applicant and Staff Avoid a Key Problem for the Applicant

I realize this letter has been a bit of a grab-bag of topics, but this last one is particularly important. As I sat through both the Planning Commission hearings and the Oct 22/23 hearings, the lack of discussion of the issues with leachate and its disposal was striking. During the PC hearings, the staff report noted that it addressed the "top concerns of the community". Here's the thing though: leachate represented 7% of community concerns and liner leaks another 1% of the concerns as of June 10, 2025. Whereas litter only represented 1% of the concerns -- and yet litter was addressed in depth (although the strategies by the applicant were insufficient) and no mention was made of leachate. Why this difference? Because no one wants to deal with the leachate problem, because it cannot be dealt with due to the wet location of the landfill - *so it was not addressed at all*. Even if the applicant were to build a leachate treatment facility that strips the leachate of the heavy metals, microplastics, PFAS, etc., there is still a large volume of leachate in the landfill to leak out. In addition, what do they do with the contaminants they remove? Put them back in the landfill? Seems like a recycling proposition to me. That will only perpetuate the problem, as rainwater filtering through the contaminants will just re-contaminate the leachate in an endless cycle. The only real answer to the leachate issue problem is to not produce any that needs to leave the landfill. That is only possible at landfills located in a dry climate. That is not possible at Coffin Butte. And so, this is yet another reason to deny the expansion.

Respectfully,

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