

Memorandum

DATE: June 18, 2025

TO: Jeff Shepherd, P.E. – Civil & Environmental Consultants, Inc.

FROM: Adam C. Jenkins, PE, INCE Bd. Cert., CTS-D
Justin Morgan, INCE

RE: Republic Services Coffin Butte Landfill – VNEQS Comment Responses

This memorandum provides responses to comments provided by the Valley Neighbors for Environmental Quality and Safety (VNEQS) on June 10, 2025. Individual comments raised by VNEQS in the detailed comments section pertaining to noise (beginning on page 7) are addressed below.

Community Addresses Flaws in the Applicant's Consultant's Study

FLAW #1 IN CONSULTANT'S STUDY – REMOVAL OF VOLUME CAP – NOISE ANALYSIS NOT ADJUSTED FOR NOISE IMPACTS INCREASING IN TANDEM WITH WASTE VOLUME INCREASES Applicant's consultant's submittal does not take into account removal of the intake cap, which will have the effect of increasing noise impacts 1:1 in tandem with waste volume increases (69%/100%/100%+)⁷. Applicant's own drawings show an increase over current volumes of 69%, but Applicant has shown capacity to double volumes in the past (as from 2017 to 2019). With no constraint in the intake cap, any analysis of potential future impacts should not perform noise analysis using current noise volume, but at least 169% of current noise volume (using Applicant's own volume estimates for years 5&6 of the proposal), or 200% of current noise volume if Applicant exceeds estimates and conforms to historical increases.

The noise study is based on information about future traffic volumes accessing the expansion area and is not based on current traffic volumes. The comment references note 7, which lists the future and current allowable fill volumes and divides the two volumes to establish the 69% increase. Additional fill capacity does not mean more noise; it simply means the site would have additional capacity.

FLAW #2 IN CONSULTANT'S STUDY – NO CONSIDERATION OF SITE PREPARATION IMPACTS Applicant's consultant's submittal does not take into account site preparation noise (unknown impacts), applicant has not provided a timeline or plan, but removal of enough material (mostly basalt) to equal the volume of THREE EMPIRE STATE BUILDINGS (3,500,000 CU YD) will not be accomplished quietly or swiftly.

The Benton County Code does not provide regulations for construction noise and construction noise is exempt from Oregon Administrative Rules sound limits under OAR 340-035-0035(5)(g).

Potential Code Citations – Potential Findings for Denial, Noise, Part I

53.215 (1) NOISE SERIOUSLY INTERFERE – INCREASED WASTE DISPOSAL VOLUME = INCREASED NOISE Applicant's consultant's analysis considers only current noise impacts, not future noise impacts that would result from

increased activity resulting from increased volumes of waste accepted. Noise could increase 69%/100%/100%+ over current noise recorded (not including site preparation, see below).

The noise study is based on future traffic volumes accessing the expansion area and is not based on current volumes. Additional fill capacity does not correlate to more noise; it simply means the site would have additional capacity.

53.215 (1) NOISE SERIOUSLY INTERFERE -- SITE PREPARATION = INCREASED NOISE Applicant's consultant's analysis considers CURRENT NOISE IMPACTS, NOT FUTURE NOISE IMPACTS THAT WILL RESULT FROM EXTENSIVE SITE PREPARATION "before and after" operating hours, i.e. all the time. This noise will be extremely disruptive, consisting of blasting – YEARS of blasting, scraping, beeping, loading dump trucks, unloading dump trucks, truck travel, etc.

The Benton County Code does not provide regulations for construction noise and construction noise is exempt from Oregon Administrative Rules sound limits under OAR 340-035-0035(5)(g). Noises caused by "beeping" which is assumed to refer to backup alarms or other safety devices are exempt from OAR sound limits under OAR 340-035-0030(3)(b).

Community Addresses DEQ Regulations

DEQ REGULATIONS ARE NOT LAND USE CRITERIA DEQ Regulations protect PUBLIC HEALTH; Land Use protections protect one land use from potentially incompatible uses; such protections do not necessitate a health component. A one-time 49-decibel noise would have an entirely different impact on an "adjacent" (however defined) property than a 49-decibel noise that continued 24/7. Either would be allowed by DEQ; the latter situation, however, might properly result in land use application denial. In LU 21-047, The Planning Commission addressed this squarely, and succinctly summarized the disconnect as follows: "...There is no ability for the Planning Commission to review the situation after DEQ's approval to ensure that DEQ's standards were adequate to prevent the proposed use from seriously interfering with uses on adjacent property."

DEQ noise regulations were developed based on criteria developed by the Environmental Protection Agency in Information on Public Health and Welfare Criteria for Noise (July 1973) and Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (March 1974) as an outcome of the Noise Control Act of 1972. These documents thoroughly assess noise and its effects on humans, not only health effects but also other affects such as speech and sleep interference. The substantial increase threshold of 10 dB adopted by DEQ is also consistent with EPA guidance in EPA EIS Guidelines for Region X (April 1973). In our experience, the DEQ noise regulations are one of the most comprehensive regulatory framework for assessing potential noise effects from noise sources such as the Coffin Butte expansion. The proposed project, including additional mitigation measures proposed since the Noise Study was published, will be far below DEQ noise standards and not present any adverse effects on the surrounding properties.

DEQ REGULATIONS ARE NOT CURRENTLY ENFORCED AND COMMUNITY BELIEVES THEY ARE CURRENTLY EXCEED DEQ regulations are not enforced; and Benton County does not have a noise ordinance to enforce. An unenforced regulation relies on voluntary compliance, and there has been considerable public testimony to the effect that the Applicant frequently does not comply with unenforced regulations (i.e. EPA emissions, OSHA, DEQ, etc.)

The Applicant has proposed additional noise control and monitoring measures to assess compliance with DEQ noise limits on a regular basis, which could be added as a condition of approval, enforceable by Benton County.



Potential Code Citations – Potential Findings for Denial, Noise, Part II

53.215 (1) NOISE ALL THE TIME The Applicant proposes to engage in landfill operations from 5 am to 5 pm and to engage in site preparation "after and before" operating hours. "After and before" is equivalent to "all the time". The Applicant's proposal, by subjecting adjacent properties to the constant noise – at approximately double current volumes -- of an operation which Benton County Public Works testified was already the "most intensive" industrial operation in Benton County would constitute significant adverse impact.

It is our understanding that any operations conducted outside the 5am to 5pm hours would not generate any notable levels of noise.

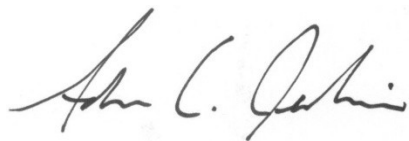
53.215 (1) APPLICANT CURRENTLY OUT OF COMPLIANCE WITH DEQ NOISE REGULATIONS The Applicant has been promising neighbors for years that it will replace the existing backup alarms that awaken them before dawn, but to date has yet to do so. Backup alarms produce a noise that ranges from 87 to 102 dB (twice the DEQ regulatory limit for night-time noises), and by OSHA standards must be audible above the surrounding ambient noise level (which is why they are so loud). Applicant currently starts landfill operations at 5:00 a.m., TWO HOURS BEFORE DEQ ALLOWS, awakening residents in surrounding homes at that time with the loud beeping of backup alarms (see testimony, Grant Carlin). Consequently, it is probable that landfill operations are already out of compliance with DEQ noise regulations mandating noises no louder than 50 dB at night from 10 p.m. to 7 a.m. It is reasonable to assume that if the Applicant is currently out of compliance with regulations, non-compliance will continue if this application is not denied.

Although noise from backup alarms is exempt from OAR sound limits, backup alarms will be replaced with ambient sensing broadband backup alarms. Ambient sensing broadband backup alarms are typically quieter than standard alarms, adjust their volume based on the surrounding noise environment, and replace tonal alarm noises ("beeping") with broadband noise. During times when the surrounding sound levels are low, the alarms are quiet and if sound levels in the area increase the alarm also increases to maintain audibility and comply with safety standards. Ambient sensing broadband backup alarms are typically 5 to 10 dB above the ambient noise level, ensuring reliable audibility while limiting overall sound levels.

The statement that "backup alarms produce a noise that ranges from 87 to 102 dB (twice the DEQ regulatory limit for night-time noises)" does not include a distance for these sound levels and it is therefore not appropriate to compare these to OAR sound limits that are established at noise-sensitive receptors. Given the distance from existing operations, backup alarms, which are exempt from OAR sound limits, would not result in sound levels of 87 to 102 dB at nearby properties.

The statement that the "applicant currently starts landfill operations at 5:00 a.m., TWO HOURS BEFORE DEQ ALLOWS" is incorrect. The OAR does not prohibit the site from operating before 7 a.m., but the OAR does reduce the allowable sound levels during nighttime hours, which was accounted for in the noise analysis.

Sincerely,



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Vice President – Acoustical

