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March 14, 2025

VIA EMAIL

PETRA.SCHUETZ@BENTONCOUNTYOR.GOV

Petra Schuetz, Interim Community Development Director
Benton County Community Development
4500 SW Research Way
Corvallis, OR 97330-1139

Subject: File No. LU-24-027

Dear Ms. Schuetz:

As you know, we represent Valley Landfills, Inc. ("VLI"), the Applicant for the above-referenced conditional use permit. Please accept the attached electronic copies of the following documents:

- First Addendum to the Applicant's January 15, 2025, Burden of Proof ("BOP") addressing the above information
- Updated Odor Dispersion Modeling Study prepared by SCS Engineers addressing comments and suggestions that we received from the County's engineering consultant Maul Foster Alongi
- Benton County Business Database provided by the City of Corvallis

In addition, today Bret Davis of VLI will hand deliver copies of the updated drawings and a thumb drive that includes a PDF of the drawings, the preliminary drainage report, and an updated environmental report. These documents include the revisions and updates discussed in the January 15, 2025, letter from Jeff Shepherd of Civil & Environmental Consultants, Inc. ("CEC"), that was included with VLI's January 15, 2025, submittal. VLI would be pleased to answer any questions that you may have.

Petra Schuetz, Planning Director
March 14, 2025
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Please accept these documents into the record.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'J. Condit', written over a light blue rectangular background.

Jeffrey G. Condit

Attachments:

First Addendum to the Burden of Proof, dated March 14, 2025

Coffin Butte Landfill 2024 Expansion Application Odor Dispersion Modeling Study, dated March 2025

Benton County Business Database

FIRST ADDENDUM TO BURDEN OF PROOF

Submitted by Valley Landfills, Inc.

March 14, 2025

I. Purpose

This First Addendum to the Burden of Proof (this “First Addendum”) supplements the evidence and argument in Applicant’s January 15, 2025, Burden of Proof (“BOP”). The Addendum further addresses the odor impacts of the Project based upon a new February 2025 Odor Dispersion Modeling Study prepared by SCS Engineers (the “2025 Odor Study”). The 2025 Odor Study is attached to this First Addendum as Exhibit 33. This First Addendum also addresses the uses on surrounding properties using the current Benton County businesses data from the City of Corvallis Economic Development Office (the “Business Database”). The Business Database is attached to this First Addendum as Exhibit 34.

II. The 2025 Odor Study

A. Background. As part of its completeness review of Applicant’s initial application, Benton County asked Applicant to provide further analysis related to landfill odor. Applicant retained SCS Engineers to conduct an odor analysis. SCS employed the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) methodology accepted by EPA and DEQ. SCS examined wind patterns (direction and speed) over time, odor-causing landfill activities, and topography. This analysis, entitled Coffin Butte Landfill Odor Dispersion Model Study (the “2024 Odor Study”), is attached to the BOP as Exhibit 14.

The 2024 Odor Study, more fully described in Section III.C.7 of the BOP, noted that odor disperses the farther the distance from the landfill area. The report concluded that moving landfill operations from north of Coffin Butte Road to the Development Site will shift the primary odor impacts from north of the Valley Landfills property to south along Coffin Butte Road, but that such odor impacts generally do not and will not exceed 1 D/T¹ on properties immediately adjacent to the landfill property boundary, and then dissipate to lower levels at distance, under either scenario.

Based upon the 2024 Odor Study and the Greenbush Analysis (BOP Exhibit 11), the BOP finds that the Project will not materially increase off-site odor impacts over the current operation, and

¹ As noted in the 2024 Odor Study, per ASTM standards, odor concentration is defined as the dilution of an odor sample with odor-free air, at which point only 50 percent of an odor panel (or population) will detect or recognize the odor. This point is expressed in units of “dilutions-to-threshold” or “D/T.” By definition, odor threshold is equal to 1 D/T. Typically, odors are considered a nuisance at or above 7 D/T.

certainly not in a way that would “seriously interfere with uses on adjacent properties” or “seriously interfere with the character of the Area” in violation of BCC 53.215(1).

B. Recommendation From the County’s Consultant. After Applicant’s submission of its October 30, 2024, response to the County’s incompleteness letter, the County retained Maul Foster Alongi (“MFA”) to advise it on the technical aspects of the application. MFA recommended the study be reevaluated using actual/predicted emission rates in units of grams per second for volatile organic compounds and potentially odorous toxic air contaminants from each of the permitted emission units included in the Title V Operating Permit issued to the landfill. In keeping with its efforts to provide the County with the requested information, Applicant requested an extension of the 180-day local action deadline to evaluate and respond to the methodology recommended by MFA.

C. Findings From the 2025 Study. The 2025 Odor Study Corroborates the 2024 Odor Study and the Greenbush Analysis that the Project may slightly increase potential off-site odor on some adjacent or surrounding properties and reduce it on others, but in no case will it increase odor above the model threshold or create a public nuisance.

The 2025 Odor Study concludes as follows:

“Based upon the modeling results of the two scenarios, the following conclusions are presented:

- Scenario #1 (2023 actual operations) was not expected to cause detectable nuisance odors since the D/T ratio for each pollutant modeled was well below one.
- Scenario #2 (2052 proposed operations) was not expected to cause detectable nuisance odors since the D/T ratio for each pollutant modeled was well below one.
- Scenario #2 (2052 proposed operations) D/T ratios increased by 2 to 2.5 times as compared to Scenario #1 (2023 actual operation) for all pollutants except NOx. The decrease in the NOx D/T ratio was due to the change in tipper and AI location. As noted above, all D/T ratios were well below one.
- Peak impact locations were all north of the landfill boundary in Scenario #1 and Scenario #2.
- Moving operations to the proposed expansion area will move the predicted peak, off-site 1-hour impact locations, but the D/T ratio for each pollutant would remain below one.

Typically, odors become a nuisance at or above 7 D/T [13, 14²] so using 1 D/T for comparison is expected to be conservative. Therefore, this study concludes that the proposed expansion Project will not cause detectable off-site nuisance odor impacts at nearby residential or commercial areas.” Ex. 33 at 25.

As both the 2024 and 2025 studies indicate, certain activities or weather conditions can temporarily increase odor impacts. That will not change with the Project, but Applicant is proposing an operating condition of approval for the Project that will require daily odor monitoring, review, and (if odor is detected and is coming from the landfill) response. BOP Exhibit 21, OA-10. This program should help minimize the impact of off-site odors, if any.

D. Conclusion. Based upon the 2025 Odor Study, the 2024 Odor Study, and the Greenbush Analysis, the Project will not materially increase potential off-site odor impacts over the current operation, and certainly not in a way that would “seriously interfere with uses on adjacent properties” or “seriously interfere with the character of the Area” in violation of BCC 53.215(1).

III. Businesses on Surrounding Properties

The County suggested that we compare the list of Adjacent and Nearby Properties (BOP Exhibit 8) with the Business Database to determine the types and levels of commercial farm and forest uses on the adjacent and nearby properties. The Business Database is organized by business name, address, and North American Industry Classification System (“NAICS”). There were only two property owner/business matches: Consumers Power, which owns Lot 14 (zoned Open Space) as shown on Exhibit 8, and the owners of Lot 62 (zoned RR-5) as shown on Exhibit 8, who operate a Corvallis retail business.

Applicant is uncertain what, if any, conclusions can be drawn from the fact that the Business Database shows no commercial farm or forestry operations located on Adjacent or Nearby Properties. Owners could be leasing lands to farming operations with a different business address (as does VLI) or could be operating their farms or forestry operation as individuals or as a side business. Such lease agreements are generally not part of the public record or are confidential tax information, so there is no effective method to determine the exact business structure or commercial levels/income of farming or forestry operations on the Adjacent and Nearby Properties. For these reasons, Applicant employed visual observation combined with review of public documents, such as aerial photos, to determine the farm and forest uses on Adjacent and Nearby Properties. The summary of these visual findings is included in the BOP.

² Citations to references in the 2025 Odor Study.