



Jeffrey G. Condit
Partner
Jeff.Condit@millernash.com
503.205.2305 (direct)

April 29, 2025

Benton County Planning Commission
c/o Petra Schuetz, Community Development Director
Benton County Community Development
4500 SW Research Way
Corvallis, OR 97330-1139

Subject: File No. LU-24-027

Dear Benton County Planning Commission:

We represent Valley Landfills, Inc. ("VLI"), the Applicant on above-referenced application. Please accept the following documents into the record of the proceedings on the application. These additional documents are intended to address Benton County's comments and concerns expressed in the Benton County Staff Report dated April 22, 2025.

New or amended documents are as follows:

- A revised Odor Dispersion Modeling Study dated April 2025 from SCS Engineers. This Odor Dispersion Modeling Study is intended to replace the 2025 Odor Study submitted on March 14, 2025.
- A memorandum dated April 28, 2025, from Jeff Leadford, P.E., of SCS Engineers ("SCS"), responding to comments received from the County's engineering consultants Maul Foster & Alongi ("MFA") regarding the March 14, 2025, Odor Study.
- A memorandum dated April 21, 2025, from Jeff Leadford, P.E., of SCS Engineers ("SCS"), responding to draft staff report findings received from the County regarding the March 14, 2025, Odor Study.
- A memorandum dated April 18, 2025, from Adam Jenkins, P.E., and Justin Morgan of The Greenbusch Group, Inc. ("Greenbusch"), to VLI's project engineer Jeff Shepherd, P.E., of Civil & Environmental Consultants, Inc. ("CEC"), responding to MFA's comments on Greenbusch's September 25, 2023, Noise Study, attached as Exhibit 11 to the Applicant's Revised Burden of Proof dated January 15, 2025 (the "BOP").

- An updated traffic report dated April 28, 2025, from Joe Bessman, P.E., of Transight Consulting, LLC (“Transight”), addressing staff questions and including updated traffic counts. This report is intended to supplement Transight’s February 26, 2024, report attached as Exhibit 15 to the BOP.
- A new drawing prepared by CEC showing the location of the proposed maintenance building located on Tax Lot 1200. This building was inadvertently left off of Ex. Sheet 2 attached to the BOP. The drawing demonstrates that the proposed building will comply with the applicable 20-foot setback from property lines and includes a 400-gallon septic tank. Potable water will be trucked in as there is not a well or other water source on site.
- A revised Exhibit 21 (Applicant Proposed Conditions of Approval). This document replaces the current document on file with the County. The revisions primarily address Operating Approval Condition No. 1, relating to hours of operation.

VLI’s consultants will attend the April 29, 2025, hearing, and will explain these additional documents in greater detail.

Two additional points:

Odor

Jesse Winterowd, the County’s planning consultant with Winterbrook Planning, asked us to detail a comment in the BOP that “certain temporary landfill operations and weather conditions can temporarily increase odor.”

The following landfill activities or weather events can temporarily increase odor:

Drilling of a new gas well. Solid waste needs to be removed from the drill hole and placed into the working face. This can result in a temporary increase in odors away from the working face. In order to mitigate this impact, VLI places an “odor box” over the hole to minimize escaping gases and odors. An odor box is a metal container with a hole large enough for the drill to enter. This reduces the surface area for any escaping odors.

Gas field construction, maintenance, and expansion. New pipe is typically trenched three to four feet below the ground surface, which often uncovers solid waste and can result in a

temporary increase in odors. This opens an area too large to use an odor box, so crews work quickly and prepare all materials beforehand to reduce the length of time the trench is open. Crews are prohibited from leaving a trench exposed and open overnight. Gas field drilling and construction happens once or twice a year during the summer months and typically lasts three to four weeks. During construction, select portions of the landfill gas system are isolated from vacuum to tie in new infrastructure. During this time, wells are temporarily turned off while connections are made. These isolations are typically completed on the same day and are brought back into service.

Opening up the working face in the morning. Removal or reclaim of cover soil and tarps in the morning can cause a temporary release of odors. This exposed waste is then covered by the incoming waste during the operating day. VLI carefully removes the prior day's cover soil or tarp in an effort to disturb the underlying waste as little as possible. This practice is crucial to good landfill operations because leaving the cover soil or tarp can trap liquids within the waste mass and potentially lead to liquid seeps.

Temporary shutdown of the flare and/or power plant. This can result in gas building up in the field until the plant or flare can come back online. Gas could then escape upward and out of the ground surface. Flare shutdowns typically occur if there is an interruption in the gas flow from the field to the flare. There could be many reasons, such as isolating gas lines during construction, clogged header pipes or sumps, or a loss of power. These interruptions are infrequent and hard to predict, but there are also some planned flare shutdowns for maintenance, as discussed above.

According to Mr. Leadford of SCS, the following weather conditions can cause odors to travel farther from the site: when the atmospheric conditions are very stable with a consistent light breeze in one direction. This usually happens at night or during the winter. These conditions are not readily predictable, but less odor is generated at night when operations cease and daily cover is placed over the working face. (Mr. Leadford discusses these conditions in more detail in the updated report.)

Citizen Comments on Applicable Criteria

We believe that most of the many citizen comments are addressed by the Applicant in the BOP and exhibits, or by the Applicant or Applicant's consultant testimony. Several commentators, however, have argued that policy documents that have not been incorporated in the

Comprehensive Plan or Development Code should be applied to the application. Others have cited specific policies in the Benton County Comprehensive Plan that they argue should apply to this application.

At the threshold, the County may only apply the land use regulations duly adopted and incorporated in the County's Comprehensive Plan and Development Code to land use permits. ORS 215.416(8). If the County wishes to apply other policies or regulations, it must go through the post-acknowledgment legislative amendment process in ORS 197.610 to 197.651, and its Comprehensive Plan and Development Code, and comply with the extensive notice and hearing processes and notice to the Land Conservation and Development Commission and affected property owners required in those statutes and ordinances.

With regard to the cited Comprehensive Plan provisions, BCC 50.015 states that the policies of the Comprehensive Plan are not implementing regulations and shall not be directly applied to individual applications except as provided by the Development Code.

Staff has correctly identified the criteria that are applicable to VLI's application. None of those criteria expressly incorporate any comprehensive policy as an applicable criterion, so the comprehensive policies cited by the various commentators do not directly apply to VLI's application. VLI has addressed all of the applicable land use criteria identified in the staff report.

Based upon the submittals above and previously, the Applicant submits that it has demonstrated compliance with the applicable criteria.

VLI would be pleased to answer any questions that you may have. Thank you for your consideration.

Very truly yours,



Jeffrey G. Condit