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June 6, 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., the Applicant for above-referenced conditional use permit. Please accept the following documents into the record of the proceedings on the application. These additional documents address the Staff Report and testimony submitted at the April 29, May 1, May 6, and May 8, Planning Commission Hearings.

Given the volume and overlapping nature of the testimony in opposition, the Applicant addresses the major themes by topic.

- 1. Legal Arguments.** The Applicant submits the attached June 6, 2025, memorandum (Applicant's Ex. 35) responding to the legal arguments raised by Jeffrey Kleinman, attorney for the Valley Neighbors for Environmental Quality and Safety, in his memorandum dated May 6, 2025. The Applicant has correctly construed and addressed the applicable criteria. Historical representations and unadopted documents are not applicable to the application. The documents attached to this letter address Mr. Kleinman's substantive and evidentiary arguments.
- 2. Odor.** The Applicant submits the attached revised Odor Dispersion Modeling Study dated June 2025 (Applicant's Ex. 36) prepared by SCS Engineers. In accordance with the recommendation of the County's odor consultants at Maul Foster & Alongi (MFA), SCS Engineers has changed the methodology for measuring final height to account for the differing final heights across the landfill area. The revised study confirms that odor generated by the landfill expansion will not be at nuisance levels off site. It also demonstrates that the expansion will not significantly increase odor levels above those generated by the existing landfill if the expansion were not constructed. For these

reasons, the revised study fully addresses the issues raised in the Staff Report and demonstrates that the expansion will not interfere with uses on surrounding property. The Applicant also submits the Attached June 6, 2025, memorandum from SCS Engineers (Applicant's Ex. 37) responding to the comments and analysis prepared by Mason Leavitt of Beyond Toxics and presented at the May 6, 2025, hearing.

3. **Noise.** The Applicant submits the attached June 6, 2025, memorandum, prepared by The Greenbusch Group, Inc. ("Greenbusch") proposing mitigation measures to further reduce sound levels at the closest noise-sensitive uses during the quietest hour (Applicant's Ex. 38). The report details several modifications to on-site equipment that will reduce ambient noise levels at the nearest noise-sensitive use during the quietest hour from 11 dba to 6 dba, which is a substantial reduction. Greenbusch's memorandum proposes a condition of approval to ensure implementation prior to commencement of commercial landfill operations in the expansion area. This addresses the concern raised by MFA regarding exceedance of the Noise Rule during the quietest hours.

4. **PFAS.**

In Landfill Gas. There is limited data evidence indicating that PFAS is present in landfill gas, but there is no finalized EPA-approved method for sampling or quantifying gas-phase PFAS from landfill gas or combustion emissions. The draft EPA Other Test Method 45 (OTM-45) is a step forward in characterizing semi-volatile PFAS from stationary sources, but is still in a developmental phase and has limited adoption ([EPA, 2021](#)).

There are currently no published PFAS emission factors for landfills or flare systems. This makes it difficult to estimate emissions or compare control technologies. The Interstate Technology and Regulatory Council (ITRC) guidance acknowledges the lack of quantitative data for air emissions from waste sources ([ITRC, 2023](#)).

Collectively, the available literature and recent field data confirm substantial uncertainty in characterizing airborne PFAS risk from landfill gas. These gaps include incomplete data on emissions, inconsistent regulatory approaches, and a lack of inhalation-based health benchmarks. The Applicant's CUP should be evaluated based on current and available data with recognition that this body of research on PFAS in landfill gas is limited, and currently there is no scientific consensus that PFAS, to the extent it has

been identified in landfill gas, is causing health risks to communities with landfills. The Applicant will abide by all laws and regulations that may arise related to airborne PFAS.

In Leachate. There is similarly no specific regulatory framework for PFAS in leachate. The Applicant's disposal of leachate at the Corvallis and Salem wastewater treatment plants complies with all existing regulations. Leachate transport and treatment is regulated by DEQ under the Clean Water Act. Testing at the landfill indicates that the level of regulated contaminants in leachate generated by Coffin Butte Landfill are either nondetectable or well under the EPA thresholds. *See BOP Ex. 27.*

As the Applicant testified at the hearing, the Applicant's current disposal permit at the Corvallis wastewater treatment plant expires at the end of 2025. The leachate generated from the current landfill that was going to the Corvallis wastewater treatment plant, and some or all of the leachate from the expansion, will go to outlets other than the Corvallis plant. The Applicant is looking for disposal alternatives regardless of approval of the expansion. Similarly, the Applicant will have to comply with any subsequently adopted regulation of PFAS in leachate regardless of the approval of the expansion.

5. **Methane/Landfill Gas.** Methane, in particular, and landfill gas, in general, is not considered a significant source of on- or off-site health risk. Coffin Butte Landfill (and other Oregon landfills) are classified as lower priority Group 3 facilities under DEQ's Clean Air Oregon program. *See March 9, 2019, DEQ Memorandum entitled "Cleaner Air Oregon Prioritizations Results," attached as Applicant's Ex. 39.* As noted in the Memorandum:

The Cleaner Air Oregon program and rules add public health-based protection from emissions of toxic air contaminants to the state's existing air permitting regulatory framework. The goal of the Cleaner Air Oregon program is to evaluate potential health risks to people near commercial and industrial facilities that emit regulated toxic air contaminants, communicate those results to affected communities, and reduce those risks to below health-based standards.

In comparison, Hollingsworth & Vose Fiber Company in Corvallis is a Group 1 facility, and TDY Industries (Wah Chang Corporation) in Albany is in Group 2. The priority

groupings govern when a facility will be called in for a Cleaner Air Oregon risk assessment.

With regard to emissions from Coffin Butte Landfill in particular, the Applicant submits the following two documents into the record: Employee Exposure Report of Findings, dated February 2025, prepared by GuziWest Inspection & Consulting (“Guzi”) (Applicant’s Ex. 40)¹ and the Environmental Methane Compliance Report of Findings, dated January 2025, also prepared by Guzi (Applicant’s Ex. 41).

The Employee Exposure Report was prepared as a result of two OR-OSHA citations that have been referenced in the public testimony.² After an extensive analysis, Guzi concluded that that CBL employees are not being exposed above short-term/excursion limits nor 8-hour time-weighted average limits for asbestos, respirable crystalline silica, respirable dust, total inhalable dust, diesel particulate (elemental carbon), and the 11 metals under OSHA’s METALSSG-2 sampling group. The engineering controls and personal protective equipment currently utilized in relation to these respiratory hazards appear to be adequate to protect employees from the airborne concentrations they might be exposed to on any given day.

The Guzi Report further concluded that the landfill gas monitoring performed identified short-term carbon monoxide exposure exceedances specific to a CBL work vehicle, and methane exposure exceedances during well-shortening activities, as well as during the heavy equipment operator’s normal work shift. The remaining gases monitored, including carbon dioxide, hydrogen sulfide, and oxygen, remained below all regulatory thresholds, and/or stayed within acceptable ranges. Implementation of additional engineering controls and work practices subsequently reduced and/or eliminated methane and carbon monoxide exceedances.

The Environmental Methane Compliance Report was commissioned to study off-site impacts of landfill gas on the surrounding community. After an extensive analysis, Guzi concludes:

¹ This report has been redacted to remove personal employee information and work product.

² As noted in the report, these citations have been resolved.

In the evaluation of landfill gases and potential impacts to the community surrounding the CBL facility, Guzi-West first assessed the potential exposure pathways landfill gases could follow. No measurable methane concentrations have been identified migrating in the subsurface since at least 2006 in the closest and most likely areas where landfill gases would be expected to migrate. Therefore, we conclude it is very unlikely subsurface migration of landfill gases is occurring and potentially impacting the surrounding community. A methane concentration of 100,000 ppm or greater was identified at the facility and is well above the lower explosive limit for methane (50,000 ppm), however re-monitoring of the same location following implementation of corrective actions resulted in a concentration of 27 ppm. These measurements were taken during instantaneous monitoring which, while useful for identifying precise locations of methane release, is not representative of the broader system, a metric that integrated monitoring captures more accurately. Further, methane and carbon dioxide can cause potential hazards within confined spaces (either due to the creation of an oxygen deficient atmosphere, and/or in the case of methane, due to the creation of an explosive risk); that said, neither gas is expected to pose asphyxiation or explosive concerns in ambient air to the community surrounding CBL. This opinion is largely based upon the results of the integrated monitoring conducted at the subject facility, which began to be required under OAR 340-239 at the start of the third quarter of 2022. The highest average methane emission for any single CBL grid was 217.64 ppm measured during the second quarter of 2023; this is 4.5 times below the OR-OSHA PEL for methane (1,000 ppm), 22 times below the IDLH for methane (5,000 ppm), and 229 times below the lower explosive limit for methane (50,000 ppm). This risk is further reduced in ambient air the farther one travels away from the landfill. In conclusion, it does not appear methane or carbon dioxide are likely to be present at concentrations that pose any immediate health concerns to the surrounding community.

As the Applicant notes in the burden of proof, landfill gas is regulated by DEQ and EPA and is out of the scope of the County's jurisdiction under the CUP process. But given the

number of persons who expressed concerns about this during public testimony, the Applicant includes this information in support of its opinion that methane/landfill gas emissions do not pose an off-site health risk to the surrounding properties or community.

6. **Traffic.** The Applicant submits the attached May 23, 2025, memorandum from Transight Consulting (Applicant's Ex. 42), addressing testimony in opposition regarding traffic. Transight explains how the new traffic pattern will not impede traffic flow on Coffin Butte Road and that Coffin Butte Road and connecting roads are more than adequate to address the traffic from the current landfill and the expansion.
7. **Wildlife.** The Applicant submits the attached June 2, 2025, memorandum from Turnstone Environmental Consultants (Applicant's Ex. 43) addressing testimony during the hearing. Turnstone confirmed testimony that there is a new Great Blue Heron rookery forming east of 99W across and that the Landfill will have to comply with the Forest Practices Act with regard to the expansion. Turnstone otherwise reiterates its prior opinion that the expansion will not seriously interfere with wildlife in the area.
8. **Fire.** The Applicant submits the attached June 5, 2025, memorandum from James Walsh of SCS Engineers (Applicant's Ex. 44) responding to testimony on fire risk at Coffin Butte Landfill.
9. **Groundwater.** The Applicant will provide the County with additional evidence in response to testimony and questions related to groundwater the week of June 9.
10. **Visual Impact.** The Applicant submits the attached Landfill Cross Section prepared by SCS Engineering (Applicant's Ex. 45) to address questions from the hearing about the height of the landfill relative to Tampico Ridge. As shown in the cross sections, the maximum height of the landfill is below Tampico Ridge at all points, and therefore the expansion area at build-out will not be visible from the south side of Tampico Ridge. For clarity, topographical features are measured from mean sea level, which is well below the level of the surrounding landscape. Coffin Butte Road, for example, is at 267 feet above mean sea level. The top of the landfill at build-out is 450 feet above mean sea level, which is 183 feet above Coffin Butte Road.

11. Miscellaneous Responses.

Landfill Tarp Issues. An aerial photo of the existing landfill dated March 26, 2025, was submitted into the record showing tears in the tarp covering certain sections of the landfill. Repairs to these tears were in process during April 2025. The attached May 9, 2025, aerial photo (Applicant's Ex. 46) show that all these areas have been repaired. Griffolyn ethylene propylene diene monomer (EPDM) tarps are place over the 18 inches of soil cover required as part of intermediate cover.³ The goal of these covers is to reduce water infiltration and thus reduce leachate production. It is important to note that these covers are not required by any regulatory agency as part of intermediate cover, but they are Coffin Butte Landfill practice. Wind, weather, and the natural settling of waste can result in punctures or tears to the tarps. As demonstrated by Applicant's aerial photo, the Applicant monitors and repairs the tears as promptly as possible.

Working Face Size. The Applicant reviewed the testimony that the working face in recent history has been larger than the one-half acre previously estimated, and corrects the record to reflect that the current working face size is between approximately 1.5 and 2 acres. There is no regulation or requirement that limits the working face to a particular size.

Construction Sequencing. The Applicant submits a June 2025 CEC memorandum outlining the general construction sequence for the landfill expansion (Applicant's Ex. 47) in response to question that arose during the hearing.

Dry Climate Landfills. The Applicant submits a June 2025 CEC memorandum about dry climate landfills in response to testimony related to the rates of production of landfill gas and leachate in a drier climate as compared to Coffin Butte (Applicant's Ex. 48).

³ The Applicant uses a different type of canvas tarp for average daily cover.

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May 30, 2025
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The Applicant would be pleased to answer any questions that you may have about these submittals and will supplement the record with further evidence the week of June 9. Thank you for your consideration.

Very truly yours,

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

Jeffrey G. Condit