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

Subject: Conditional Use Permit (CUP) to Expand Coffin Butte Landfill (LU-21-047)
Response to New Written Evidence

Dear Benton County Planning Commission:

We represent Valley Landfills, Inc., the Applicant for the above-referenced CUP. This letter and its enclosures are the Applicant's responses to the new written evidence submitted in connection with the July 8-9, 2025, continued hearing before you.

Commenters have raised concerns regarding alleged failures to comply with past conditions of approval at the Coffin Butte Landfill. *See, e.g.,* Jeffrey L. Kleinman, Supplemental Memorandum of Valley Neighbors for Environmental Quality and Safety, dated July 8, 2025, and written testimony of Mark Yeager dated July 9, 2025.

Enclosed as Applicant's Exhibit 64 is the portion of the Benton County Talks Trash ("BCTT") final report assessing past and existing conditions of approval final report. It discusses, in detail, the 99 conditions of approval imposed on the landfill since 1974. As noted in the report, BCTT concluded that the Applicant was not in compliance with only 3 or 4 conditions of approval (depending on how one counts sub-conditions).

Kleinman and Yeager have also voiced concerns regarding lack of enforcement by the County. To address these concerns, the Applicant is proposing a new OP-17, which will require it to reimburse the County for the cost of ensuring compliance with the CUP approval (up to \$80,000 per year):

OP-17 Compliance Enforcement

In order to assist the County in evaluating Applicant and its compliance with conditions of approval, Applicant shall reimburse the County in an amount not to exceed \$80,000 per year to enable the County to retain a qualified consultant or consultants to:

- (A) Review compliance with the Operating Conditions of Approval.*
- (B) Review groundwater compliance.*
- (C) Review sentinel well records.*
- (D) Be available to the County as their Coffin Butte Landfill expert.*
- (E) Perform a monthly inspection of the expansion area to assess compliance or more frequently on reasonable notice if necessary to address complaints or compliance issues.*
- (F) Perform such other service related to Coffin Butte Landfill as may be requested by the County.*
- (G) Produce an annual report to the County on subject matters (A) through (F).*

Applicant shall reimburse the County for these costs on a monthly basis within 60 days of receipt of an invoice from the County detailing its time and materials costs for the consultant or consultants. This condition of approval shall commence on the date that the Expansion Area is opened for solid waste disposal and will cease on the date the Expansion Area is no longer used for solid waste disposal. The reimbursement cap will increase every year following commencement of the condition by the United States Bureau of Labor Statistics Consumer Price Index.

Enclosed as Applicant's Exhibit 65 is a report prepared by the Applicant (the "Report"), responding to specific items of new evidence. These responses are summarized as follows:

- A. The Applicant's proposed tonnage cap is consistent with the assumptions underlying its odor study.
- B. The Applicant will conduct weekly litter removal, which will address off-site litter concerns.
- C. Stormwater collected in the southernmost basin will either infiltrate into the ground or evaporate. It will not travel onto rural residential property.

- D. There is no evidence that the existing leachate ponds have leaked. A leak detection layer currently exists under the liner system.
- E. The Applicant's assessment of groundwater and stormwater impacts is based on conservative assumptions and relevant site-specific data.
- F. The Applicant's seismic study was conducted in compliance with U.S. EPA and Oregon DEQ standards.
- G. The April 18, 2025, methane plume identified by Ken Eklund was caused by the Applicant's proactive drilling of additional gas wells. This drilling was limited in time and will result in reduced emissions.
- H. The Applicant has timely responded to odor complaints.
- I. The Applicant promptly disclosed an EPA Section 114 request.
- J. The Applicant has addressed fracturing and seismic effects of blasting and there is no evidence linking blasting activities to alleged property damage.
- K. Physical site constraints will ensure that expansion landfill will not exceed 450 feet above mean sea level ("MSL") for top of waste and 453 feet MSL for top of cover.
- L. Concerns about liner failures and similar issues are based on outdated technology. The expansion will use high-density polyethylene ("HDPE") membranes and geosynthetic clay liners ("CGLs"), which are each expected to last several hundreds to over a thousand years without failure.
- M. The proposed expansion will not obstruct the flight path of great blue herons, significantly increase the population of predatory birds, or block movement of other wildlife. In any event, the relevant area is not a major wildlife corridor.
- N. There was a large fire at Coffin Butte Landfill in 1999, well before the Applicant took ownership. Because the Applicant always covers waste overnight, a fire of that size at the site is no longer possible.
- O. The Applicant and Adair Fire intend to continue their strong cooperative relationship with respect to the landfill expansion.

- P. The Applicant will ensure that there is always at least one water truck on site, by maintaining two water trucks and allowing only one to be off-site at any given time.
- Q. Landfill operations will comply with the applicable noise standard, even with the noise generated by private and commercial haul vehicles. The Applicant's noise study took that noise into account.

Finally, in addition to the new OP-17 described above (and as set forth in more detail in Exhibit 1 to the Report), the Applicant is proposing three new or amended conditions of approval, summarized as follows:

1. Tonnage Cap. Amending OP-7(C), to include the following tonnage caps: 1.0 million tons per year of municipal solid waste ("MSW") and 1.3 million tons per year of total solid waste (inclusive of MSW). Note that this condition will apply from the date of approval of the CUP and so will replace the tonnage cap in the Franchise that will expire upon approval of the CUP under the terms of the Terms of Franchise. The Planning Commission cannot technically impose any conditions relating to the operation of the current landfill, but the Applicant is willing to accept imposition of this condition to address concerns that the expiration of the franchise tonnage cap will result in a substantial increase in solid waste disposal at the landfill.
2. Water Trucks. Replacing OP-12(A) with a requirement to maintain at least two 4000-gallon+ water trucks, with at least one of the trucks present at the landfill site at all times.
3. Off-Site Litter Management. Amending OP-15(F) to require weekly litter cleanup on adjacent property, upon request of the owner of such property. Cleanup will be performed in accordance with an access agreement that contains insurance and indemnity provisions.

Thank you for your consideration.

Very truly yours,



Jeffrey G. Condit