

## PLANNING COMMISSION DECISION CONDITIONAL USE PERMIT

<b>NATURE OF REQUEST:</b>	<b>Conditional Use Permit to expand Coffin Butte Landfill.</b> Republic Services is proposing to expand existing landfill operations south of Coffin Butte Road, construct an 1,800 sq. ft. employee building with off-street parking, modify an access road, and relocate leachate activities, portions of a perimeter landfill road, an outbound scale, and construct a shop/maintenance area. The applicant is also proposing to modify access roads North of Coffin Butte Road.
<b>APPLICABLE CODE CRITERIA:</b>	Benton County Code (BCC) Section 51.505, Sections 51.705 through 51.840, Sections 53.205 through 53.235, Section 55.005, Section 60.005, Section 61.005, Section 63.005, Chapter 77, Sections 87.200 through 87.230, Chapter 99.
<b>FILE NO.:</b>	LU-24-027
<b>PROJECT LOCATION:</b>	29175 Coffin Butte Road; Township 10 S, Range 4 W, Section 18, Tax Lot 801 28972 Coffin Butte Road; Township 10 S, Range 4 W, Section 18, Tax Lot 1101 and Tax Lot 1108 29000 Coffin Butte Road; Township 10 S, Range 4 W, Section 18, Tax Lot 1107 29160 Coffin Butte Road; Township 10 S, Range 4 W, Section 18, Tax Lot 1200
<b>APPLICANT:</b>	<b>Republic Services</b>
<b>PROPERTY OWNER:</b>	<b>Valley Landfills Inc.</b>
<b>ZONE DESIGNATION:</b>	Landfill Site (LS), Forest Conservation (FC)
<b>COMPREHENSIVE PLAN DESIGNATION:</b>	Landfill Site, Forestry
<b>CAC PLANNING AREA:</b>	Not active
<b>STAFF CONTACT:</b>	Petra Schuetz, <a href="mailto:petra.schuetz@bentoncountyor.gov">petra.schuetz@bentoncountyor.gov</a>

**Summary of Planning Commission Decision:** Denial of Conditional Use application.

## I. PROJECT DESCRIPTION

### Background

The “**subject property**” is 462 acres of land in unincorporated Benton County, approximately 6.5 miles north of Corvallis. It consists of 14 Tax Lots owned and/or operated by the applicant – Republic Services and Valley Landfills, Inc. on which there are existing or proposed landfill operations. The property includes Tax Lots within the County’s Landfill Site (LS), Forest Conservation (FC), and Exclusive Farm Use (EFU) zones.

Not including the Tax Lots where the development is proposed, the applicant described the current land uses on the subject property as existing landfill areas and accessory uses.

The subject property is accessed by Coffin Butte Road, which intersects US Highway 99W to the east and Soap Creek Road to the west. Coffin Butte Road cuts east-west through the property and separates the existing landfill area from the only remaining land in this LS zone not yet used for landfill operations.

Adjacent properties are owned by the applicant, individuals, or state entities such as the Oregon State Game Commission and Oregon Department of Fish and Wildlife (ODFW).

### Proposal

The applicant requests a Conditional Use Permit to expand existing landfill operations to **Tax Lot 104180001107**, south of Coffin Butte Road within the Landfill Site (LS) zone. The proposal also includes:

- **Tax Lot 104180001101** -Construction of an 1,800-square-foot employee building and off-street parking on a portion of the subject property zoned FC;
- **Tax Lot 104180000801** - Modifications to an access road located on a portion of the subject property zoned FC;
- **Tax Lot 104180001108** - Modifications to an access road;
- **Tax Lot 104180001200** - Relocation of leachate ponds, loadout, sump, an outbound scale, portions of the perimeter landfill road, and a shop/maintenance building; and removal of existing landfill and leachate activities on the east side of the subject property within the FC zone.

## II. REVIEW PROCESS

The application-submittal and hearing timeline is displayed in **Figure 1**. The Planning Commission held its deliberations hearing on July 22, 2025 where it unanimously voted to deny the application. The Planning Commission is scheduled to adopt its decision and these findings on July 29, 2025.

BCC 51.805 through .840 detail the requirements and procedures of the appeal process. The Planning Commission decision is subject to appeal to the Benton County Board of Commissioners. The appeal period begins on the date the Planning Commission renders its final written decision and adopts findings. An appeal must be filed within 14 calendar days of that date. If appealed, the Board of Commissioners must adopt their final decision on the proposed application by the 150-day time limit ending on September 26, 2025.

Figure 1. Application Submittal and Planning Commission Hearing Timeline

Event	Date	Additional Information
Pre-application conference	June 27, 2024	CDD requests additional information
Conditional Use application received by CDD	July 19, 2024	
CDD deems application to be incomplete	August 16, 2024	CDD requests additional information and provides advisory comments
Completeness response from applicant is received by CDD	October 30, 2024	
CDD requests additional information	December 11, 2025	CDD requests additional information and provides advisory comments
Additional information and a request to begin review is received by CDD	January 15, 2025	Applicant notifies CDD they would like review to begin
Applicant requests a 58 -day review extension	January 15 – March 14, 2025	Applicant says they will provide additional information and request an extension to do so
CDD deems application to be “complete”	January 15, 2025	The application review period begins. CDD awaits additional information from applicant
Additional information from applicant is received by CDD	March 14, 2025	End of the requested 58-day extension
Planning Commission hearings begin	April 29, May 1, 6, and 8, 2025	Including Staff Report presentation and applicant presentations and oral testimony from the public Applicant agrees to a 47-day extension of the 150-day review deadline
Additional information from applicant is received by CDD	June 6, 12, 13, 16, and 23, 2025	Applicant submits new materials in response to public testimony and requests from County staff and engineers
Planning Commission hearings continue	July 8 and 9, 2025	Including presentation of the Supplemental Staff Report, applicant presentations, and new oral and written testimony from the public Applicant requests a seven-day open record period
Additional information from applicant is received by CDD	July 16, 2025	Applicant submits its response to the new written evidence
Final arguments from applicant is received by CDD	July 21, 2025	Applicant submits final written rebuttal ahead of Planning Commission deliberations
Planning Commission hearings continue	July 22, 2025	Including deliberations and a unanimous vote to deny the application

### III. PLANNING COMMISSION FINDINGS

The planning commission adopts the findings and conclusions below, as well as Exhibit A-1, Commissioner Fowler Opening Statement, Exhibit A-2, Commissioner Fulford Opening Statement, and Exhibit A-3, Commissioner Lee Opening Statement, Exhibit A-4, Commissioner Biscoe Opening Statement, as incorporated findings in support of the decision (Incorporated Findings).

#### Decision:

The planning commission finds that the application fails to satisfy Benton County Code 53.215(1) and (2) for the reasons explained in the findings below and the Incorporated Findings.

#### **BCC 53.215(1) Serious Interference with Uses on Adjacent Properties and the Character of the Area**

##### **Interpretation**

As a preliminary matter, the planning commission interprets the word “seriously” in the phrase “seriously interfere” in BCC 53.215(1) to be synonymous with the phrase “significant” as discussed in *Stop the Dump Coalition v. Yamhill County*, 72 Or LUBA 341, 359 (2015):

“Because the term ‘significant’ is undefined , and of common usage , it is permissible to consult dictionary definitions. The most pertinent definition of ‘significant’ in Webster’s Third New International Dictionary (2002), 2116, appears to be ‘3 a : having or likely to have influence or effect : deserving to be considered[.]’ Because ORS 215.296(1) is framed in the negative (the applicant must demonstrate that the proposed use ‘will not’ force a significant change, etc .), it seems appropriate to consider related antonyms such as the term ‘insignificant,’ which Webster’s defines in relevant part as ‘e : of little size or importance[ .]’ *Id.* at 1169.”

Therefore, when the word seriously is used in these findings it means significantly and vice versa.

The planning commission finds the character of the area to include urban and rural residential uses with the expansion of those uses northward from the city of Corvallis towards the existing landfill in recent decades, and places more importance on those urban and rural residential uses and less to no importance on the existing landfill use in the area.

##### **Findings on Serious Interference**

The planning commission finds that the proposed uses will seriously interfere with uses on adjacent properties and with the character of the area in the following respects:

Odor: The planning commission finds that testimony from occupants of adjacent properties and from opponents that odor from current landfill operations limits them from opening their windows and going outside supports a conclusion that odor from the proposed landfill use will seriously interfere with uses on adjacent property and with the character of the area. The planning commission finds the applicant’s consultants’ odor studies and the third party reviewers evidence to be less credible than testimony from adjacent property owners and opponents because the locations of odor-sensitive adjacent uses were not clearly defined in the applicant’s odor analysis or mapping, and the potential impact on these adjacent uses was not specifically evaluated.

Blasting for landfill cell preparation: The planning commission finds that blasting activities for construction of the new cell will seriously interfere with uses on adjacent properties including harming livestock and pets, as well as seriously interfere with wells on adjacent properties by dewatering adjacent wells and contaminating wells, as discussed below under “Groundwater Contamination.” The planning commission finds the applicant’s

consultants' evidence and the county's third party reviewers' evidence regarding interference with wells on adjacent properties to be less credible than opponent testimony and evidence regarding the effects of blasting and regarding past dewatering of wells on adjacent properties.

Air Quality: The planning commission finds that landfill uses will seriously interfere with uses on adjacent properties and the character of the area due to the presence of methane gas plumes and PFAS emissions into the air. The planning commission considered the applicant's consultants' evidence and the county's third party reviewers' evidence and considered the evidence submitted by opponents, including but not limited to VNEQS and Beyond Toxics.

Groundwater Contamination: The planning commission finds that landfill uses will seriously interfere with uses on adjacent property and the character of the area from groundwater contamination from leachate. The planning commission considered the applicant's consultants' evidence and the county's third party reviewers' evidence regarding groundwater contamination from leachate, and considered opponents' evidence, including without limitation evidence submitted by VNEQS. The planning commission acknowledges DEQ's regulatory authority over water quality, but concludes that BCC 53.215(1) allows the planning commission to take into consideration whether groundwater contamination from leachate will seriously interfere with uses on adjacent properties or with the character of the area, and the planning commission concludes that it will.

Traffic: The planning commission finds that landfill uses will seriously interfere with uses on adjacent properties and with the character of the area because traffic from construction activities and landfill operations will seriously interfere with uses in the area. The planning commission considered the applicant's traffic consultant's evidence and the third party review of that evidence and considered testimony and evidence submitted by opponents.

Litter: The planning commission finds that litter escape from the landfill will seriously interfere with uses on adjacent properties and with the character of the area because litter escape will harm livestock and pets.

Housing: The planning commission finds that the proposed landfill use will seriously interfere with the character of the area because it will constrain potential additional housing in the City of Adair Village due to the negative effects from the landfill operation.

## **BCC 53.215(2) Undue Burden on Public Improvements, Facilities and Services to the Area**

### **Interpretation**

Preliminarily, the planning commission interprets the undefined phrase "undue burden" in BCC 53.215(2) to mean "A situation where a requirement or action is excessively difficult, costly, or impractical to fulfill, effectively preventing or significantly hindering someone from exercising a right or fulfilling an obligation" as proposed by Commissioner Fulford.

### **Findings on Undue Burden**

The planning commission finds that the proposed landfill use will unduly burden public improvements, facilities, and services available to the area, specifically the following:

Transportation facilities: The planning commission concludes that the landfill use, and in particular traffic from construction activities associated with construction of the new cell, will unduly burden transportation facilities. The planning commission considered the applicant's traffic consultant's evidence and the county's third party reviewer's evidence and considered the evidence and testimony submitted by opponents.

Fire Services: The planning commission concludes that the landfill use will unduly burden fire services provided by the Adair Rural Fire District, which is small and comprised largely of volunteers. The planning commission

considered the testimony of the Fire Chief and the evidence and testimony of opponents and considered the applicant's consultants' evidence and the third party reviewers' evidence.

Water Facilities: The planning commission concludes that the proposed use will be an undue burden on the City of Adair Village's water facilities, due to transmission into the Willamette River of leachate processed by the Corvallis wastewater treatment plant . The planning commission considered the applicant's consultants' evidence and the third party reviewers' evidence and considered the evidence and testimony of opponents.

Wastewater Treatment Facilities: The planning commission concludes that the proposed use will be an undue burden on the city of Corvallis' wastewater treatment plant, which currently treats the landfill's transported leachate under an agreement that expires at the end of this year. The planning commission considered the applicant's consultants' evidence and the third party reviewers' evidence and considered the evidence and testimony of opponents.

County Monitoring and Enforcement: The planning commission concludes that the proposed use will be an undue burden on county services because the county lacks monitoring and enforcement personnel, and that the applicant's proposed condition to provide \$80,000 to the county in annual funding for monitoring and enforcement personnel is insufficient to mitigate that burden.

I appreciate that the applicant has not only worked with the County in preparation of their application, but has clearly analyzed feedback from their 2021 application, fully participated in Benton County Talks Trash and fully participated in this Planning Commission process. The result is a much more deeply researched and prepared application. This has been an example of how the process should work.

If ever I forget that we are a community of engaged, passionate, and intelligent citizens, this process has been a vivid reminder. Public testimony has been both respectful and enlightening. It has certainly been worth the time we devoted to listening to all of it.

And I would especially like to commend Ms Schuetz and her cadre of experts for a professionally analyzed, researched, and written staff report.

To say that this has been a long process and has created a voluminous record is an understatement. Like all of you, I have diligently listened to and read every word in the record. My comments which follow are based on my understanding of the record and if I am mistaken, am happy to be corrected. In the interests of time, I will not dwell on the many areas that I agree with applicant and staff assessments of compliance with the standards only to say that I concur that the application largely meets the Code criteria. And as we are frequently reminded, compliance with Code is our only decision standard. But all conditions must be met. So my statement will only focus on my concerns and difficulties. If my colleagues can determine conditions of approval to sufficiently ameliorate these concerns, and those conditions have a reasonable chance of succeeding, I can support an approval with conditions. Otherwise, I must vote to deny. I very much look forward to our discussions.

Despite Coffin Butte designated as a “regional” landfill in 1974, and even though Code Section 77 was written in 1983, there is no discrimination between a simple landfill and regional landfill. Staff asserts that this distinction will be added in the next revision. For context, in 1977, annual tonnage was less than 100,000 tons. As we know, current annual tonnage is 1.1 million, a tenfold increase. So we are left with Section 77 of the Benton County Code that does not discriminate, contemplate, or anticipate an operation of the scope and complexity of this application. Frankly, I didn’t find Section 77 very helpful in review of this application.

Section 77 offers only the general requirement that proposals for expansions require a conditional use permit governed by Section 53 of the Code and I believe that it is here that our deliberations will focus.

Section 53 of the code explains that conditional uses may have an adverse effect on surrounding permitted uses in a zone and recognizes that conditional use approvals are not impact free. BCC 53.215 provides us with guidelines to evaluate rather than strict standards. And it is our judgement as a planning commission whether those impacts are reasonably mitigated.

The county appears to accept the applicant's assertion that their current operations are to be considered in the baseline for evaluating whether the proposal "seriously interferes with uses to adjacent property" and "character of the area."

I agree, and disagree. The landfill has been in operations for more than 50 years so is to be accepted within the character of the area. I do accept and agree that a landfill is a component of the character of the area. However, I do not believe that the current tempo of operations was anticipated or reviewed as a land use action and by extension, the public. The record shows approved CUP for ancillary activities of power generation, stockpiling, transfer, etc. with the last conditions of approval in 2015 for stormwater treatment. This was the last successful test of BCC 53.215 but at an operating tempo less than half of today and that of what is proposed going forward. I readily accept the landfill as a part of the character of the area, but I do not accept that all current impacts, especially those correlated to tempo of operations, must be considered as baseline and grandfathered in.

It is no wonder that monitoring and enforcement of previous conditions of approval cannot objectively be assessed. They are decades old established under previous operators and ownership.

By one conceptual description, this application simply extends current operations by approximately 6 years. That is an easy way to think about this application. Applicant asserts that tempo will be approximately consistent to today, and has committed to this maximum volume for our assessment of adverse impact. However, evidence shows that for this six year extension of life, 3-4 years of preparatory work of 6-8 months each year of blasting, overburden removal, and trucking operations on top of the existing operations. Therefore, the concept of an extension of landfill life is overly simple and ignores the very significant impacts of development.

A decision to approve should be based on findings that BCC 53.215 (1) says "proposed use does not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone."

We are all customers of Republic Services and users of Coffin Butte either directly or indirectly. We blithely discard our refuse into the trash can. It magically disappears – out of sight and out of mind. Potential negative externalities of odor, unsightliness, traffic, and risk of groundwater contamination are inescapable yet for most of the history of Coffin Butte, operations affected only a handful of properties. Both the landfill and Adair Village have grown rapidly. Landfill operations have grown from roughly 500,000 tons in 2017 to over 1,000,000 annual tons while Adair Village has grown from a tiny hamlet to nearly a thousand homes. And no sign of slowing down. We are on a collision course. Conflict is not only inevitable, but upon us. We have the challenge of balancing the expansion desires of the landfill owners with those of surrounding agricultural and forest resource lands, and with the growing numbers of homeowners having the right to the peaceful enjoyment of their property in residential zones.



I am particularly moved by adjacent neighbor testimony indicating blasting is causing stress on livestock, impacting their livelihood. On top of existing operational noise, the expansion will have three to four years of six to eight months per year of major earth moving in advance of operations. Anyone with pets on the 4<sup>th</sup> of July not only empathizes but can see adverse impact from development noise. And, blowing debris also threatens livestock. These are serious interferences, not nuisances. Fencing may, but is not guaranteed, to address ingestion risk to livestock. I do not see how the existing proposed conditions of approval sufficiently mitigate the impact of noise on both the agricultural and residential zones.

We have appropriately spent a great deal of time of impacts of odor. The applicant offers a model with self-disclosed general challenges as well as inherent limitations owing to topography and microclimates. As a model, it suggests odor can be controlled to nuisance levels or below. On the other hand, substantial public input contradicts the model and shows that odor limits their activity, use of their properties, and seriously interferes with residents' peaceful enjoyment of their properties. We could dismiss this public testimony as anecdotes. Or we could accept as citizen science. This contradiction has not been reconciled.

As the model has not been verified with empirical results and not squared with the body of public testimony, I very much struggle with the proposed conditions. It is not obvious to me that the record demonstrates that proposed conditions will successfully mitigate odor to or below nuisance levels.

53.215 (2) reads, "the proposed use does not impose an undue burden on public improvements, facilities, utilities, or services available to the area."

Water Quality. PFAS is an emergent issue that we must consider in protection of our water quality. Coffin Butte leachate is processed at the Corvallis municipal water treatment center that expels into the Willamette River, a source of drinking water for many downstream communities, and we have no evidence that such treatment mitigates PFAS. Does treatment of PFAS represents an undue burden on facilities? The proposed conditions of approval do not mitigate PFAS. The natural surface drainage for Coffin Butte is Calloway Creek that also flows into the Willamette. Wash off, aerosol deposits, and storm overflows migrate to the Willamette. Submitted evidence indicates there is no safe level of PFAS. I do not see sufficient conditions of approval around risk of PFAS contamination to our watersheds.

Finally, I am very concerned that necessary noise, odor, and water monitoring as proposed in conditions of approval are not adequately funded by the county, state, and federal regulators. History of current operations has demonstrated that there are, in fact, exceedances in each area. Unless the county and regulatory authorities can fund regular monitoring and have enforcement resources, my confidence is very low that the proposed 80 something conditions of approval will actually achieve mitigation of the risks. The risks to land quality, water and air quality, and even public health are too great not to regularly monitor and have the capacity for enforcement. Evidence in the record indicates state and federal regulators neither have the resources or expertise to effectively monitor the landfull. We have heard explicitly from the

county that they do not have the resources to conduct routine and regular monitoring and the newly hired code compliance officer will not cover the landfill. I very much appreciate the applicant offer to fund a county monitor as a condition of approval but wonder whether this goes far enough. Therefore, it appears to me that this is an undue burden on public facilities.

These are my concerns and I look forward to all of your conclusions. If my colleagues can determine conditions of approval to sufficiently ameliorate these concerns, and those conditions have a reasonable chance of succeeding, I can support an approval with conditions. Otherwise, I must vote to deny. I very much look forward to our discussions.

## **Coffin Butte Conditional Use Permit (CUP) Deliberation Brief**

### **Recommended Position: Deny the CUP Application**

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#### **Opening Reflections and Community Appreciation**

First, I want to recognize and thank all who have participated in this complex and weighty process. The time, thoughtfulness, and lived experiences expressed through public testimony have been deeply valuable. I also want to acknowledge the applicant, Republic Services, for their detailed efforts and willingness to adjust the proposal in response to concerns. Our Benton County staff have worked diligently to compile, review, and present an enormous amount of information to support this decision-making process.

These types of deliberations are never easy. They carry long-term implications for our land, residents, environment, and regional policies. As a community, Corvallis and Benton County face rising land values and an increasing cost of living, making thoughtful land use planning even more critical. Decisions we make today, especially concerning major infrastructure like landfills, will shape the economic and environmental wellbeing of our county for generations.

The Coffin Butte landfill was once located far from town. Today, residential and economic development has expanded, drawing our communities much closer to the landfill boundary. While the desert or remote areas served by rail may offer lower-impact options in the future, the proximity of this site to schools, homes, and major corridors raises legitimate concerns about compatibility.

## **Legal & Policy Foundation – BCC 53.215**

BCC 53.215 requires that:

1. The proposed use will not seriously interfere with uses on adjacent property.
2. The use will not alter the character of the area or unduly burden public facilities.

Even if mitigation is proposed, serious interference or burdens must be avoided—not just reduced. Approval requires clear evidence that adverse impacts will not occur, not just promises of monitoring or offsetting after the fact.

## **Key Arguments Supporting Denial**

### **Incompatible with the Evolving Character of the Area**

- The landfill is no longer isolated. Urban and rural residential areas have expanded, making this land use increasingly incompatible.
- This is a 27-year decision (expansion to 2052) in the context of massive residential growth and land scarcity.
- Staff reports and BCTT findings confirm growing public opposition and a changing standard of compatibility.

### **Unresolved Legacy and Future Oversight Failures**

- Past CUP conditions remain unmet (e.g., screening, boundary violations) with significant visual and land use consequences.
- Benton County relies on a complaint-based enforcement model, acknowledged as insufficient by both staff and the applicant.
- Proposed OP-17 third-party monitoring is untested and does not correct long-standing systemic enforcement issues.
- If compliance was inadequate under previous conditions, trust in future compliance over three decades is questionable.

### **The DEQ Reliance Argument Fails the Local Compatibility Test**

- • DEQ/EPA environmental compliance does not negate BCC 53.215 requirements for land use compatibility.
- • Local authority remains essential to address noise, odor, traffic, water and character impacts.

### **Odor, Litter, and Fire Risk Mitigations Are Promissory**

- • Mitigations (e.g., fencing, water trucks, modeling) are forward-looking and depend on internal management.
- • No proven track record of successful mitigation at increased tonnage levels.
- • The removal of the tonnage cap (even with OP-7C) increases uncertainty and risk.

### **CUP Undermines County Climate and Waste Goals**

- • Approval extends Coffin Butte's life to 2052, disincentivizing alternative site planning or waste innovations.
- • Delays in exploring zero-waste solutions or new regional facilities are likely.

## **Appeal-Ready Argument**

Based on the evidence in the record, the proposed expansion does not meet the compatibility standard under BCC 53.215. The landfill is increasingly incompatible with surrounding land uses, creates undue burdens on nearby residents, and presents unresolved risks despite proposed mitigations. A CUP for expansion through 2052—especially without a holistic regional solid waste strategy in place—does not align with the public interest.

## **Supporting Evidence Anchors**

- BCC 53.215: Compatibility and burden thresholds
- Applicant rebuttal (July 21, 2025): Promises future compliance, lacks proven mitigation
- Staff reports/BCTT history: Confirm oversight gaps and evolving land use concerns
- Public testimony: Consistent concerns around odor, noise, safety, property values, enforcement

Prepared by: Ed Fulford

Date: July 22, 2025

## My statement

I have a written statement and will provide it to staff if desired.

My statement provides Findings from this hearing that relate to specific land use criteria and that support my opposition to this application.

### 53.215 (1) Groundwater Interruption seriously interferes with uses on adjacent property and the applicant plan is inadequate to prevent or mitigate:

The applicant is required to meet the burden of proof that groundwater interference would not seriously interfere with uses on adjacent property.

Application has not met the burden of proof in these ways:

1. Their analysis is based on untested assumptions:

The application provides groundwater analysis based on evidence from the north side of CB Road. [According to E16 Tuppan consultant investigations have provided a substantial historical record for the area north of Coffin Butte Road. For the development area south of the road, reports are in preparation; additional data is forthcoming... our present understanding of the area will be available in the near future....]

This does not meet the burden of proof.

2. Their analysis includes conflicting assumptions:

Tuppan says....Water wells in this area produce primarily from fractured basalt bedrock. Predicting where and at what depth the basalt will be fractured enough to produce water for a supply well is problematic. This is because the lateral and vertical geometry of fractures in the bedrock basalt flows is naturally not uniform.

However, the Staff report 2 page 57 Applicant response to groundwater concerns states: VLI's evaluation of the impacts to local water supply wells considers the relative consistency of the groundwater flow conditions to support a conservative assumption that fractured bedrock behaves similarly to a porous media. Under this assumption, all fractures are interconnected, allowing the analytical solution to evaluate the most widespread effect of the proposed project.

i.e. The applicant states an assumption that the fractures in the basalt that hold and transport groundwater are uniform and equally interconnected, such as a glass of sand that you fill with water and then drain out the bottom. Their modelling is based on that assumption. The Tuppan report states the opposite: the fractures are not uniform, are not necessarily interconnected, they are in fact unpredictable.

The applicant has not met the burden of proof that neighbors' wells will not be impacted. The application should be denied on this basis.

3. The applicant has failed to consider:

- dewatering impacts from excavations during construction for the leachate ponds on FC land near Tampico Ridge. This has the potential to dewater nearby resources.

The applicant has stated: *Typically, construction activity to site a proposed use is not considered part of the impact for conditional use review.*

I do not agree...I believe construction phase activities have not been thoroughly documented in this application and they should be.

- Dewatering, what happens to that water that flows out of the cut face of the hill exposed by excavation? The water would be draining into the constructed open pit, as deep as 155 ft below the natural land surface on the north end of Tampico Ridge. Water from the pond on Tampico Ridge could drain into this pit. Any water-bearing features (such as fractured zones of the basalt) that are intersected by this excavation will drain into the resulting pit. This water will need to be pumped out or otherwise drained from the excavation, as a practical matter. This impacts of potential on the application were not included explored or documented.
- There is no plan for protecting groundwater resources in the event that their excavations are discovered to intersect significant water-bearing features (such as fractured zones) that drain into their excavations, at the same time potentially de-watering the wells on adjacent properties. There is a wait and see approach.

If the applicants aSSUMPTIONS ABOUT THE NATURE OF THE FRACTURED BEDROCK ARE INCORRECT, DEWATERING WILL HAVE TAKEN PLACE BY THE TIME THEY MONITORING SHOWS IT. This is permanent and irreversible.

If this were to happen, OP13(A)(1) is inadequate to prevent serious interference and proposes unknown mitigation after the fact.

OP 13 A1 also proposes that the adjacent property owners must prove that their water loss is due to the expansion and not climate or other factors. But without prior data, it may be impossible to satisfy the applicant, nor does the COA provide any thresholds to use as an acceptable measure of proof. Nor have they made any effort to gather baseline data to use for comparison after the construction even though they have had the time, the adjacent land, and the resources to take baseline groundwater level data.

The applicant's mitigation plan does not specify the frequency of monitoring other than "regularly" nor does it specify how it will determine the baseline established prior to excavation, since the wells will not be installed until after excavation. These absences make the COA essentially unenforceable as a mitigation measure.

**The risks from dewatering are permanent and irreversible. The applicant has not met the burden of proof that it can mitigate the serious interference with adjacent property.**



### 53.215.1. Groundwater contamination from leachate seriously interferes with uses on adjacent properties and with the character of the area:

An expanded landfill would increase its rainwater footprint by about 45%, and increase its leachate generation proportionally but the applicant has no long term plan for treatment of leachate.

If they do not find a treatment facility in a timely manner, a number of potential scenarios demonstrate risks that have not been dealt with by the applicant.

Leachate storage ponds could fill and remain filled for long periods. If that happened at a time when there was a significant rainfall event, leachate could enter the groundwater in very large amounts that could not be mediated by their system.

Similarly, if there were a fire event on the steep flanks of the cell, with large amounts of water used to douse the fire, leachate would significantly increase and if storage ponds were already full, the increased leachate could spill and enter the groundwater.

Evidence of toxic impacts to groundwater associated with CBL and landfills in general is already clear from testimony. Leachate leaks from torn liners or stormwater pose serious, long-term impacts on adjacent property and the character of the area.

OP 13(B) proposes to mitigate these risks by monitoring Arsenic in sentinel wells but this COA is inadequate for the following reasons:

- The OP does not specify how changes in arsenic will be attributed to landfill operations versus other factors.
- The presence or absence of arsenic has been a source of conflicting interpretations and other contaminants that more certainly come from the landfill should be used.
- “The sampling program will begin before landfill construction.” This activity should be moved to Preliminary COA.
- The applicant does not specify how it will determine a baseline prior to excavation, Based on one sample? Based on several seasonal samples? What is the threshold of acceptable sampling error? Who will determine the baseline? The applicant? The county? etc. The OP is so vague it is unenforceable.

The burden of proof is not met.

53.215.1 and 2 Fire/Wildfire risks at CBL seriously interfere with uses on adjacent property, with the character of the area and provide an undue burden on services.

I agree with the Ada Fire recommendation to deny this application.

Whether a fire that started at CBL or a fire that engulfed the region, any fire that included the CBL footprint would seriously impact adjacent uses and the character of the area and be an undue burden on local services.

I am concerned that BC and the applicant do not seriously consider and plan for the risks associated with fire at CBL, risks that the expansion will enlarge proportionally.

I agree with the Adair Fire Dept that expansion of CBL would cause an undue burden on services and the applicant has not met the burden of proof that their mitigation is effective.

We have evidence that

- management under-reports fire events caused at CBL and confuses information using generalizations about the types of fire.
- Equipment fires are commonplace and either under or unreported. Impacts of the smoke from these fires has not been considered.
- First responders report feeling ill after working on fires at CBL
- Methane and other volatile organics leak in plumes that reach explosive levels from the existing site and have done so for years. CBL is asking DEQ for a permit to increase the methane level they can emit, even though the superemitter episodes have not been resolved or proven to halt.
- After-hours fires are reported by neighbors and drivers on the highway and not by CBL staff.
- Adair fire chief requested CLB management meet regularly to review fire risks at the site, but testimony suggests they have not done so.
- The CWPP excludes consideration and planning for fire at CBL.
- The applicant' analysis underestimated the risks and excluded sources of risk such as wind-blown embers from off-site fires which have proven to be a serious consideration from recent experiences.
- Fire at the working face is considered a major source of risk, yet the expansion specifies an enlarged working face from ½ to 2 acres with no analysis of the impact on fire risk.
- A fire at CBL last year caused adjacent properties to evacuate themselves and livestock.

WE also see:

- Oregon is already in a state of emergency due to wildfire this summer.
- Regular weather conditions that increase risks from fire include high winds and corresponding drops in humidity to below 20%.

- Any local vegetation fire could produce a sustained barrage of wind-blow embers that reach the landfill when Adair and other local responders are already responding at the source. Monmouth had such a fire last weekend with winds from the west northwest.
- If embers met an explosive methane or VOC leak or some garbage at the open working face, the result could be catastrophic. The applicant's fire mitigation plan fails to include this scenario.
- Wildland firefighting responding for requests for Mutual aid would not have personal protection equipment.
- OP -12 relies on reporting to DSAC, which does not exist. Reporting is not a substitute for mitigation of the hazard.

CBL expansion would cause fire risk to expand and the risk is not mitigated by an adequate plan. Expansion results in an UNDUE BURDEN ON PUBLIC IMPROVEMENTS.

[We have testimony from Soap Creek property owners that has gone unanswered:]

- A fire that started at the landfill could damage public improvements, including power and water infrastructure.
- If there is an artificial canyon made out of methane generating garbage on either side of Coffin Butte Road, a fire that started elsewhere and spread to the landfill (via burning embers) could prevent Coffin Butte Road from being a safe egress route for Valley residents and keep EMS personnel from sending firefighting equipment up the valley.
- A fire that started at the landfill could damage public buildings like schools and government offices, and areas with cultural significance (for example EE Wilson structures, and the historic Soap Creek Schoolhouse) could be damaged or destroyed.
- DANGEROUSLY STEEP SLOPES The Applicant has told the EPA that the surface of the existing landfill is too steep and dangerous for EPA personnel to walk over with handheld air quality monitoring devices. But to access a fire on the surface of the landfill, fire personnel will have to access these same surfaces (and possibly spray water on slippery tarps to fight a surface fire). This is a threat to the life and safety of firefighting personnel and an undue burden. The expansion will use similar steep slopes that are added to the existing slopes.
- ADDITIONAL 59 ACRES OF SURFACE ON WHICH FIRES MIGHT IGNITE The increase in the landfill surface area is 135% of existing flat surface area, without taking slopes into account (like the roof of a building, the surface area of the roof is greater than the two-dimensional building footprint). An increased surface on which fires will have to be fought is a threat to the life and safety of firefighting personnel and an undue burden.
- GEOMETRY OF THE PROPOSAL The proposal will create an artificial canyon made of garbage on either side of Coffin Butte Road, each side of which will producing methane at explosive levels. The new topography will intensify fires moving uphill and increase wind speed if a fire ignites on either side of the artificial canyon. Fighting fires in an artificial canyon made of methane-producing garbage is a threat to the life and safety of firefighting personnel and an undue burden.

### 53.215.2 30,000 ft level Undue burden on Benton County's Government Services

I am concerned that BC recognizes CBL as an asset but does not recognize it as a significant source of extreme risk and does not plan for the risks.

From 30,000 foot view, it is apparent that the CBL expansion is an undue burden on at least several of the services of the Benton County government and thus reason for denial of the application.

In the words of BCCode, the CBL expansion it is an undue burden on BC government services because it jeopardizes health, safety, and welfare and because the implementation of improvements such as SOA are not certain. Evidence is as follows:

**Finding1:** BC government has no process or is otherwise not effective at institutional learning.

BCTT resulted in very few actionable items. However, there was one specific actionable result from BCTT that was born upon the members of this planning commission because it directly relates to our role in considering conditional use permits. The planning commission was seriously admonished to use special care to craft conditions of approval. CUP-R20 states "Benton County should ensure that its land use decisions clearly capture and make binding the intent of the decision-makers;"

BCC 53.220 says that COA provide a specific remedy for an issue that would otherwise cause the application to be unacceptable based on BCC.

CAO are intended to mitigate the negative impact, not simply ask for documentation of their occurrence. MONITORING AND REPORTING ARE NOT SUBSTITUTES FOR ENFORCEMENT AND EFFECTIVE MITIGATION OF THE HARMS CAUSE BY THE CONDITIONAL USE.

COA must be written so that they can be effectively monitored and enforced, in other words, specific, measurable, timely, etc. so the harm can be mitigated in a timely manner and with certainty.

When I read the COA for this application, it was immediately obvious that the BCTT lesson was not learned. Most of the expansion COA need to be re-written to be either enforceable or effective.

**Finding 2:** BC does not monitor or enforce COA at CBL because BC has stated that it lacks the capacity to do so. This is more evidence of undue burden on BC services. Without enforcement the county cannot assure that the project will mitigate the jeopardies to health, safety or welfare described in this hearing.

Reliance on a 3<sup>rd</sup> party contractor that is paid for by RS has not been shown to change the way BC handles the issue of enforcement or the effectiveness of mitigation. If a contractor reports infractions to BC, where is the assurance of mitigation? Monitoring is not enforcement. Reporting is not mitigation.

**Finding3:** BC does not include wildfire risks at CBL in the CWPP because BC has stated that it lacks the capacity to do so. This is more evidence of undue burden on BC services. These wildfire risks at CBL are enormous and BC relies on the applicant's 3<sup>rd</sup> party contractor, whose analysis of risks is incomplete.

**Finding4:** BC ignores BCC 77.401 which assures that the public is aware of conditions at CBL that cause concern to ODEQ. BC has stated that it lacks the capacity to do so. This is more evidence of undue burden on BC services.

**Finding5:** BC hires 3rd party consultants to handle the issues related to CBL because it does not have the capacity to handle the process with staff. This is more evidence of undue burden on BC services.

BC then consistently defers to consultants' conclusions and the conclusions of the applicant and its 3rd party consultants. BC is heedless of the reasonableness, evidence, or lived experience of members of the public who testify or the agencies who participated. This has at least 2 impacts:

1. it not only effectively limits the purpose of Goal 1 of the comprehensive plan to involve citizens in land use decisions,
2. it also, in effect, indicates that BC does not or cannot evaluate or correct the work of its contractors based on evidence brought forward by the public or participating agencies. BC accepts whatever a contractor says regardless of its reasonableness or efficacy. To hire a contractor and not critically review their work creates the potential for inaccuracy and a potential waste of money.

The CBL expansion is an undue burden on the county which justifies denial of this application because the result causes significant degradation to the quality and effectiveness of the staff report, its conclusions, its COA, which in turn jeopardizes people's health, safety and welfare.

[Examples of deficiencies in the consultant's work include: ]

The applicant's fire consultant reported that they never heard of a surface fire starting from landfill gas flare. And yet CBL had two flare fires in recent years.

Or for example, the wildlife biologist concluded that no wildlife migrations would impact the CBL expansion, yet the applicant chose to mitigate litter using a low chain link fence to prevent interference with wildlife migration even though the higher the fence, the more effective it would be for the purpose...

**Finding6:** BC does not involve participating regional jurisdictions in CBL issues. This is more evidence that the CBL expansion is undue burden on BC services that justifies denial of the application.

CBL is a regional landfill and should have regional support and input. Without regional jurisdiction involvement, BC will continue to solely bear the risks and burdens associated with CBL issues which significantly degrades the quality and effectiveness of BC services related to CBL. This is especially true given the number of times BC states it cannot do something because it lacks capacity.

AS a taxpayer, I see BC engaging in activities like BCCT and this application process at its own expense and I hear BC claim its monitoring and enforcement at CBL are limited based on lack of expertise and finances. Meanwhile I can see Polk County, for example, who shares many of the risks we have been discussing here, uninvolved, unencumbered by these processes, hearings, consultants, and it makes no sense to me.

Participating jurisdictions share the risks and benefits, they should share in the process and related expense. But BC doesn't even have the capacity to assemble those jurisdictions. This is more evidence that the CBL expansion is an undue burden on BC services.

**Finding7:** In this historic period of federal transition, BC is unprepared for an imminent reduction in federal environmental protections from laws and institutions that are heavily relied upon to oversee activities at CLB. This is more evidence of undue burden on BC services that justifies denial of this application.

These finding draw me to the conclusion that the CBL expansion is an undue burden on multiple services of the BC government and this grounds for denial of this application because the effect jeopardizes people's health, safety or welfare.

We have also been instructed that, for planned improvements to be relied upon, the implementation of those improvements must be certain. They are not because of this undue burden.

**This application is an undue burden on the services of BC government on many levels and should be denied on that basis.**



*"[...] Staff has stated that in past CUP applications the Planning Official, Planning Commission or Board has considered a "burden" on public infrastructure and service is likely "undue" if it overloads the system or causes significant degradation in terms of quality, effectiveness or timeliness of infrastructure or service. Lesser burdens may also be "undue" if the effect jeopardizes people's health, safety, or welfare. Burdens that the County has typically not considered "undue" include those that can be mitigated through planned improvements, that are incremental service additions[footnote] consistent with that generated by other uses in the area or that fall below an established threshold (such as road classification standards). For planned improvements to be relied upon in determining that a burden is not undue, the implementation of those improvements must be certain, such as through a condition of approval specifying the improvement and the timeline for implementation."*

### 53.215.1 Odor seriously interferes with uses on adjacent properties and the character of the area:

WE have ample evidence that odor impacts uses on adjacent property and the character of the area.

OP-7 does not mitigate the harm. It is so vague it is unenforceable. It provides no thresholds for success or failure. It relies on “attempts to find the source....where possible...” It provides no time limits for response. Its monitoring is unrealistic and ineffective. It relies on reporting. Reporting is not a substitute for mitigation of the harm.

**Air quality:** Poor air quality poses serious interference with livability.

Additional health concerns are likely with the landfill expansion; enough so nearby residents speak out about it. Some residents point to increasing cancer clusters in their neighborhood and suggest that poor air quality may be responsible.

### 53.215.1 Noise seriously interferes with uses on adjacent properties and the character of the area:

The applicant stated: *Typically, construction activity to site a proposed use is not considered part of the impact for conditional use review.*

I believe I have the option to disagree.

Noise levels already cause concerns. The applicant proposes blasting and other construction noise to take place over the span of at least 4 years, on top of the noise levels already causing complaint.

OP-2 is intended to mitigate noise only after commercial operation begins, and specifically not during the construction phase. This is not adequate to respond to interference with uses on adjacent properties and the character of the area from the application.

**OP-2 relies on reporting noise. Enforcement of this COA would result in lots of reports, but no mitigation.**

### 53.215.1 Litter from the CBL expansion Seriously Interferes with Uses on Adjacent property and the Character of the Area

Litter from the expansion may increase due to the increased transport of trash across CB Road from the North side to the South side as part of the new process. The potential increase in annual tonnage is unclear. The application acknowledges serious interference by addressing it specifically in the COA.

Litter on the roadside degrades the environment and the visual impact seriously interferes with the character of the area.

Litter on adjacent property presents well document hazards to livestock and interference with uses on adjacent property.

We have testimony that PFAS contaminates landfill dust as well as water. We have testimony that the Cancer cluster which was reported in Soap Creek Valley at the 2021 hearing has grown in number since then.

OP -15 relies heavily on fencing to mitigate litter, with no consideration of the airborne litter particle size or toxicity. The applicant provides no evidence that fencing will work to prevent litter of any size or characteristic.

OP-15 specifies additional litter patrols. Litter patrols and cleanup do not specify to particle size being handled by the patrols, timing, and they provide no thresholds for success or failure. The applicant has not met the burden of proof that the expansion will not seriously interfere with uses on adjacent properties or the character of the area.

### 53.215.1 CBL expansion impacts on the character of the area relating to housing

The PC is required to view this expansion in consideration of long term impacts. BC has made housing a priority, but has no housing plan. BC expects to revise its Comp Plan to address housing on rural land and includes consideration of CBL in those future considerations.

CBL is expanding southward while Adair Village is attempting to expand its housing potential. CBL expansion impacts housing growth potential for the area due at least to the noise, odor, litter, and general industrial character. The applicant has failed to consider this impact related to the character of the area.

### Chapter 99.225 Development in wetlands

The CBL expansion is sited on wetlands. The EPA specifically advises against siting landfills in or near wetlands.

P1-1 proposes wetland mitigation on tax lot 1200. Palustrine Emergent Wetland and Palustrine Forested Wetlands also appear on tax lot 1107 and 1108 but the application does not make clear their proposal to mitigate impacts on the wetlands there.

The burden of proof is not met.

### 53.215(1) Seriously Interfere with the Purpose of the Zone

Forest Conservation Zone wildlife (migration):

The construction and operating conditions on FC zone result in changes in grazing habitat and migration corridor used by a variety of wildlife species. The applicant propose use of fencing around the expansion area with no evidence of the impact of the fencing.

The GBH analysis relies on the assumption of the birds' habituation to noise.



P2-3 states that the applicant will identify a buffer of 300 ft. but does not specify if it is a buffer of 300 ft surrounding the sensitive area or in a specific direction

The COA includes no mitigation for GBH during the operation of the landfill.

The applicant only addresses Great Blue Heron concerns. Either that condition should be expanded to include other wildlife or additional conditions should be added. Testimony from the public indicates numerous other potential wildlife impacts.

The applicant has not met the burden of proof that the proposal will not interfere with the purpose of the Forest Conservation Zone for protection of the wildlife resources.

### 53.215(2) Impose an undue burden on any public improvement, facilities, services

The CBL expansion will impose an undue burden and should be denied based on these findings:

Finding 1: Regarding Fire protections, I agree with Adair Fire recommendations to deny and also refer to the testimony of former Adair fire chief Kevin Higgins regarding health impacts and other experiences during his tenure.

Finding 2: Treated or untreated leachate from CWTF is released into the Willamette River and poses water quality concerns. There is no leachate plan presented for the increased volume from this expansion.

Finding3: Geotech data: Staff report #2 page 60

*"[...] We conclude that the existing geotechnical data and analysis presented in the geotechnical report (Exhibit 5) do not indicate that there are any geotechnical or geologic constraints that would adversely impact landfill development. We note that additional geotechnical evaluation related to design of the landfill itself will be provided before landfill construction."*

This does not meet the burden of proof.

Finding 4. BC relies on complaints to drive enforcement proceedings but after more than a hundred complaints there have been no enforcement proceedings. This is evidence that the CBL expansion imposes an undue burden on public services

Finding5. BC has no SWAC or DESCA committees and has not for extended periods of time. This is evidence that the CBL expansion imposes an undue burden on public services.

### 77.310 (1) (c) Provisions for screening of the site from public roads and adjacent property is inadequate.

Proposed condition of approval P1-4 and OP3 for screening are not adequate to address screening of the site from public roads or adjacent property. To adequately screen the view of the CBL expansion would require a larger effort than is planned and may be impossible. Since no mitigation is proven, the burden of proof is not met for this provision that is specific for CBL.

### COA

Staff report says: Typically, construction activity to site a proposed use is not considered part of the impact for conditional use review. I would not characterize this as a typical CUP and disagree that noise and other conditions are out of bounds for conditions of approval.

Generally, the application's COA are hollow gestures that require extensive work to assure they can be enforced to assure mitigation of the serious interference or undue burden. Monitoring is not enforcement. Reporting is not mitigation.

Does BC have the will or capacity to enforce? If Title 31 is the only vehicle, why bother? Will BC address the deficiencies to provide effective enforcement with staff, a set of levels of infractions with fines or other incremental options?

Examples of COA deficiencies that result in grounds for denial of the application:

#### P1-5 A

What part of BC should receive 10 years of DEQ permits and what will they do with them? Who will take responsibility for them? Will they be posted on a web site?

OP-2 states: "Prior to start of commercial operations..."

This should go into Preliminary group and should include measurements during construction for mitigation. Who in BC will receive data? What are thresholds requiring mitigation? What is successful mitigation? Who will enforce? What are enforcement incentives or fees for infractions? What is the timeline for mitigation response?

**LU-24-027 Hearing****Benton County Planning Commission****July 22, 2025****Opening Statement – Commissioner Catherine Biscoe**

This prepared statement was not fully presented orally for the record out of respect for meeting time and with consideration of subjects previously covered by other commissioners. This full opening statement is presented in this written version and submitted for the official record of the Planning Commission deliberation record.

This statement is a synthesis of review of the public record, now well over 7,000 pages of staff report, application and written testimony, in an attempt to reduce it to some of the most salient points related to Benton County Code and established land use criteria.

“Adjacent properties” for the purpose of this hearing related to criteria found in BCC 53.215, has been determined to far exceed the immediately adjacent by “shared property lines” property owners, with documented risks and impacts as far as North Albany, Airlie, Independence in Polk County, South Corvallis, Lewisburg, Philomath, and rural unincorporated areas of Benton County.

The LU-24-027 application and its numerous revisions revealed data inaccuracies, conflicting testimony and omission of key facts necessary to determine burden of proof and refute inconsistencies and the shifting “data” and “fact” appearing to change in response to public concern and planning commission inquiry...seemingly to improve position to meet the applicant’s burden of proof. Many questions asked by the Planning Commission of the applicant were deflected and many were not followed up on as promised, leaving insufficient clarity of key issues and eroding confidence of the information presented by the applicant. This contributed to the weight given in evaluating the record.

Much of the public testimony both in person and in written submissions was thorough, largely consistent, used citations and references that supported their facts, much of it from scientific journal, credible sources, federal and state agency lending credibility that was missing in many areas from the application.

As the only member of the Planning Commission who was also a member of the BCTT Work Group (2022-23) and served on the Past Land Use Conditions Subcommittee, it was noted that missing records and poor administrative process limited the ability of this subcommittee to confirm conditions of approval, while leaving others unenforceable due to administrative error. The burden then falling to the county and its residents when the landfill operator appeared to disregard the agreements. This also contributed to a lack of confidence in the applicants promises to address community concerns and compliance for any expansion in the apparent absence in the current operations.

## **A TALE OF TWO LANDFILLS**

The Planning Commission and the public are hearing two disparate landfill stories – first the assertions and records from Republic Services the applicant, and then very differently from the public testimony, eye witness accounts and personal experiences and observations, much of this testimony was very compelling.

The question we are to consider, is whether Republic Service's application for landfill expansion has met the burden of proof using code criteria, in particular BCC 53.215, regarding "seriously interfere", "character of the surrounding area" and the imposing of "undue burden." This is the focus of my opening statement.

The applicant has portrayed an operation that is fully in compliance with regulatory agency, and one that is operating as a good neighbor and with regard to Benton County residents. Public testimony from hundreds of Benton County residents, member organizations representing hundreds more, environmental groups, visitors to Benton County, neighbors of the landfill, areas outside of Benton County and observers have noted that compliance with past conditions of approval, regulatory oversight and safety protocols may not be occurring.

The Benton County Planning Commission has been given great deference in the interpretation of the code in regards to criteria, evaluating the public testimony, the applicant's burden of proof in meeting the requirements of the code.

If it is determined at the end of this evening and think this is important for us to keep in front of us, that the application has failed to meet the burden of proof regarding certain criteria...the PC has the right to deny this application.

## **RECOGNITION AND APPRECIATIONS**

My recognition of Benton County staff and the applicant for their efforts to present to the Planning Commission a thorough summary of an unprecedented record for our consideration, a process which has been substantive at now over 6,000 pages and counting.....that effort is noted.

To my colleagues on the Planning Commission and to Chair Fowler, my appreciation to each of you for the obvious commitment this process and your willingness to become knowledgeable on arguably one of the most complex and consequential land use applications in this county's history.

To the individuals and orgs providing testimony, the countless hours of public service to this process are a measure of the greatness of this community....and want to recognize all of you by sharing we on the Planning Commission have seen and heard you.

Without the comprehensive and compelling public testimony based on personal experience, impacts to life and livelihood, extensive research, and through the lens of their professional

careers...this Planning Commission would be limited in navigating the complexities and nuances of this application and the supporting materials submitted for the record.

Two of my colleagues on this Planning Commission, Chair Nick Fowler, and Commissioner Evelyn Lee served as commissioners during the 2021 landfill expansion. This expansion application was denied in a unanimous vote of 6-0.

Two members of this Planning Commission served on Benton County Talks Trash. Commissioner Andrew Struthers joining mid-way in the work group process, and myself having opportunity to participate from the beginning, and on the Conditional Use Permit (previously named the Past Landfill Applications) Subcommittee. On that subcommittee were Ed Pitera and Mark Yeager, as well as Republic Services Jeff Condit and Benton County's Inga Williams. Ed Pitera has passed away since serving on Benton County Talks Trash, and before this application was submitted, however his point often repeated during BCTT was the critical importance of "community expectations" reflected in the 50-years of landfill land use actions and how Benton County decision-makers responded or failed to respond to those community expectations. It remains an essential consideration for this expansion application.

### **BENTON COUNTY GUIDING DOCUMENTS**

The testimony in the record for LU-24-027 has pointed to how the application and public testimony align or conflict with the following requirements of code criteria, but also with respect to community values and expectations in the following documents. Each of these have been referred to in this application record:

- **Benton County Code**
- **Benton County Comprehensive Plan Policies**
- **Benton County 2040 Thriving Communities Initiative**
- **Benton County Mission and Vision Statements**
- **Benton County Vision for Wildfire Management**
- **Benton County Community Wildfire Protection Plan (CWPP)**
- **Benton County Talks Trash (BCTT) Work Group Final Report, 1,099 pages.**

### **COFFIN BUTTE LANDFILL**

LU-24-027 application expansion for Coffin Butte is about a regional landfill accepting waste from cities and counties across Oregon...and its relationship with the county of which it resides...Benton County.

Referred throughout the record as the accidental landfill due to its site development from a waste dump at Camp Adair during WWII, to a regional landfill designation in 1974. No through numerous land use applications for expansion over the decades Benton County and its residents

are brought to today's application for landfill expansion South of Coffin Butte Road along Tampico Ridge.

Coffin Butte Landfill is the second largest landfill in Oregon...and one of Republic Services most profitable revenue generating landfill that simultaneously comes with adverse impact to Benton County services, infrastructure, public safety, and the regional health and quality of life and livelihood of county residents and nearby regional neighbors, along with the landfill realities and specter of long-term financial and environmental obligations.

### STATE AND FEDERAL ELECTED OFFICIALS TAKE NOTICE

The risks, burdens and unsuitability of the geographic location for Coffin Butte Landfill, its impacts to public safety and consequences of any expansion, are being noticed by state and federal elected officials. The proximity to high density populations and the risks therein are being recognized far outside of Benton County communities. The Oregon Legislature has taken action and recently passed two bills in the 2025 session. Those involved include **Senator Sara Gelser Blouin, Senator Deb Patterson, Representative Sarah Finger McDonald, U.S Senator Ron Wyden, U.S. Senator Jeff Merkley, U.S Representative Val Hoyle**, and others, each recognizing the risk and unsuitability of this landfill and any future expansion at its current location....**why is Benton County not taking more meaningful action?**

### OBSERVED IN THE LU-24-027 RECORD; CITED FOR OPENING STATEMENT

...are numerous salient points and impactful statements that stood out and will be pointed out in these opening comments. These are from both the applicant testimony and application, and public testimony submittals believed to have value to these opening comments

*"More waste means more methane and other hazardous emissions, more leachate, more trucks and traffic, more days when residents of Airlie, Adair Village, Corvallis, Albany, Lewisburg, Independence and greater rural Benton County will endure rank odors that compel them to stay indoors." (Suzanne Ortiz, April 21, 2025 testimony)*

### OVERVIEW

In their 2023 Annual report, Republic Services states that Coffin Butte Landfill provides **best-in-class service** and environmental stewardship to the County.

#### The application for landfill expansion

The LU-24-027 hearing record has instead shown through public observation, adjacent property resident's experiences, extensive graphics and reference to regulatory and scientific data, that

Republic Services appears to engage in a pattern of continual disregard for proper management of Coffin Butte Landfill, disregard for federal and state protections regulated by the U.S. Environmental Protection Agency (EPA) and Oregon's Department of Environment Quality (DEQ), and disregard for the health and well-being, quality of life and livelihood, fire safety, and increasing risks to Benton County.

The landfill and its current expansion application has elicited public concerns over Landfill Gas (LFG) emissions, ground and surface water pollution, contaminated soils, impacts to property values, quality of life for area property owners, visitors, recreational enthusiasts, downstream Willamette River water users, impacts to infrastructure and services, adverse impacts to local business, traffic, odor and noise pollution. Documents and testimony in this record show these impacts **EXIST**...the landfill does not operate in a void. In the best of cases, even best-in-class service and environmental stewardship cannot address the elephant in the room...**this landfill is simply not suited for its geographic location** due to excessive rainfall, the absence of ideal geologic features and its proximity to high density residential and rural economic properties, productive farm and forest lands, and recreational and preserve areas nearby...To argue that because a mistake was made in expanding this landfill in an improper and ill-suited area in 1974 gives justification to continue expansion now and likely in the foreseeable future, is negligent.

Observed operational behaviors at Coffin Butte Landfill are inconsistent with good stewardship, respect of community and concern for the well-being of an exceedingly large and increasing number of "landfill neighbors."

The "adjacent properties" in the past, often identified as sharing property lines with the landfill buffer zones and drawn by a line on a map, have now become Adair Village, Independence, Airlie, Lewisburg, South Corvallis and more, reporting landfill odors and other impacts of landfill operations. **Adjacent properties" has now become a regional definition and no longer a linear definition.**

What was once a regional landfill operation has become an industrial operation, with industrial size impacts and consequences for Benton County who is responsible for only 6-7% of the waste sited within its county borders. The burdens of an expansion to this county are disproportionate to its use.

**Revenues paid to Benton County have not been used to meaningfully manage past Conditions of Approval, public noise and odor complaints, risk factors to water and air quality, and burden to municipal services...the political appetite and will is simply not there.** Republic Services offering to fund a county position at \$80k/year as an additional condition of approval, intended to offset costs incurred by the county due to the landfill, does not change this lack of priority or will at the county, which is set and reflected firmly in the record since 1974.

**This unchecked, unmanaged, unregulated by the county "asset" appears to have overtaken common sense, sound science, reasonable risk management, and long-term fiscal responsibility.**

### REPUBLIC SERVICES TIMING OF THIS EXPANSION

In LU-24-027, Republic Services seeks expansion of Coffin Butte Landfill extending to South of Coffin Butte Road. Their application and applicant testimony advocates for their position including this statement found in the Coffin Butte Landfill 2023 Annual Report:

*“An approved CUP would ensure continuity of disposal services while the county works to develop a Sustainable Materials Management Plan....We are requesting this CUP now because industry best practice is to start working on an expansion project when there is 10-12 years of life remaining at the site. This is a prudent timeframe given that it takes an average of 3 years or longer to complete the local land use process. After the land use process is complete, it could take an additional 3 years or longer to obtain permits required from various state agencies (DEQ, EPA, Dept. of State Lands [DSL], State Historical Preservation Office [SHPO] and others) and “to initiate and complete construction of the disposal cells.” (pg. 6, Coffin Butte Landfill 2023 Annual Report).*

It's worth noting that any Benton County Sustainable Materials Management Plan is highly aspirational, and will take years, possibly decades to meaningfully address waste flows, consumer habits, manufacturing waste streams and reductions to the waste volume demands at Coffin Butte Landfill. Until such shifts in consumer habits and business production, **the immediate adverse impacts to Benton County due to the landfill operations will remain unchanged.**

Republic Services push for expansion at this time is despite current landfill at only 60-65% of its current landfill capacity, with years of life remaining for Benton County's and the regions use dependent on Coffin Butte's management of waste tonnage intake limits.

During this time, analysis of alternative options that could be explored such as rail transfer of wastes (more cost and climate effective) and use of preferentially sited landfill locations, such as Columbia Ridge landfill, which offers 10,000 acres of buffer zone, preserved for wildlife habitat, wheat farming, cattle ranching, and wind farms. **Alternate plans to expansion of Coffin Butte Landfill have not been considered.**

### REVISITING THE TALE OF TWO LANDFILLS

Revisiting “A Tale of Two Landfills”, by taking a close look at the public record for LU-24-027, we see the applicants have persistently told Benton County one story, but the public testimony, science, and our own eyes and observation tells another that is very different.

Using implied “threats” of imminent closure of the landfill and high cost of waste removal to leverage an approval of expansion, Republic Services cites the need for expansion is due to capacity limits of the current landfill. But this expansion is not about public safety, not about



improving or providing environmentally sound services to Benton County, and is not likely to be sustainable for the community and its neighboring regions that are host to the landfill and its impacts. In short, the interests of this application lie with Republic Services, and do not align with the interests of greater Benton County, nor does this application adequately consider the risks or absent protections which must be centered on Benton County, the forever host of this landfill site.

The Coffin Butte Landfill 2023 Annual Report, (published before volume intakes for 2024/2025), estimated approximately 13.4 years of usable life remaining at the current Coffin Butte Landfill site. This 2024 expansion proposal (LU-24-027) adds **just 6 years life, and fails to meet the burden of proof, the criteria for approval and the assurances** of providing safe and reliable waste disposal for Benton Co residents without increasing adverse impacts.

**In other words, Coffin Butte Landfill has not begun to approach the realistic waste intake burdens, health and safety risks and its increased adverse impacts at its current operations, while Benton County is being asked to consider an expansion that will increase risks and daily impacts to Benton County and its residents.** The remaining capacity of approximately 15 million cubic yards of waste that will be added to current operations, and the associated impacts of leachate, odor, traffic, and the questions of undue burden **have not been realized or evaluated** in the analysis of adverse impacts of the landfill, while Benton County is being asked to approve an application for additional expansion sited South of Coffin Butte should LU-24-027 be approved. The Planning Commission and the public have not been provided an honest and full analysis of increased impacts, occurring even before this proposed expansion that will include 3-4 years of construction and development.

*(estimated capacity and volumes from pg. 5 of 2023 annual report)*

#### **UNPRECEDENTED PROPOSED CONDITIONS OF APPROVAL FOR LU-24-027**

Effectively, 90 approximate Conditions of Approval have been proposed for this application. **At best these conditions would improve only the areas of the expansion and only if enforced,** doing nothing to address operational management shortfalls of the current operations at Coffin Butte Landfill. This unprecedented number of conditions proposed for this expansion, reflect the incomplete nature of the landfill expansion analysis, the compliance challenges being experienced at Coffin Butte's current operations, and the increasing lack of confidence in Republic Services landfill management...***MANY OF THESE PROPOSED CONDITIONS WILL BE UNENFORCEABLE DUE TO LACK OF ABILITY TO DISTINGUISH BETWEEN CURRENT AND EXPANSION LOCATIONS AT THE LANDFILL, and the need for subject-matter-experts to oversee an unrealistic set of conditions through a system that does not exist.***

Recent legal maneuvers regarding the status of Coffin Butte's compliance with conditions of approval and regulatory authority cannot erase what can be experienced regionally as a result of Benton County hosting Coffin Butte Landfill...what can easily be seen by the naked eye,

smelled by the average nose, and heard by the average person with ears. It does not erase the EPA and DEQ observations, investigations, and enforcement actions related to Coffin Butte's non-compliance and compliance actions which only reinforce what is well known by the neighbors and neighborhoods surrounding Coffin Butte Landfill.

### **BENEFIT TO BENTON COUNTY?**

Just what does this application offer Benton County residents?

The Franchise Agreement guarantees Benton County residents disposal services at a preferred rate for many years, a number not disclosed during this process in the application and which RS declined to provide the answer...despite requests by the Planning Commission.

...and financial incentives paid to incentivize waste volumes and approval of landfill expansion CUP applications.

That is what is being offered Benton County.

### **COFFIN BUTTE LANDFILL HISTORY OF NON-COMPLIANCE**

The history of Coffin Butte's 50 years of non-compliance and the counties inability to manage conditions of approval to ensure public health and safety is documented in the findings of Benton County Talks Trash (BCTT) Final Report. These non-compliance issues are in the record and not subject to or necessary to opine or adjudicate. The sheer number of proposed conditions of approval for this landfill expansion, now numbered at 90...and the months of continuous revisions of the applicant's proposal after the failed 2021 expansion application, lends credibility to this observation.

In 2022-23, the BCTT Conditional Use Permit Subcommittee reviewed the land use application records from pre-1974 to 2021. The subcommittee documented Benton County's inability to manage the approved conditions of approval of land use decisions and reviewed each of the conditions of approval for each land use hearing. These applications are as follows:

- CP-74-01 (1974),
- PC-83-07/L-83-07 (1983)
- PC-94-03 (1994)
- S-97-58 (1997)
- PC-02-07 (2002)
- PC-03-11 (2003)
- PC-11-016 (2011)
- LU-13-061 (2013)
- LU-15-001 (2015)
- LU-24-047 (2021 records reviewed, application denied)

Many past land use application decisions extended earlier conditions of approval while others were added, revised, or superseded through new land use proceedings,

With some portions of the past land use records “missing” from county records, there were certain conditions of approval compliance that were inconclusive. However, those ‘missing records’ of past land use conditions of approval, and the records that also documented community concerns and expectations, does not absolve Coffin Butte or the County’s obligation to manage or enforce (respectively) the land use decisions, their applicable conditions of approval, or the intentions of these decisions.

*Reference: Past Land Use Conditions Subcommittee Findings and Recommendations, BCTT Final Report, pg. 97, [bctt final report 4-11-2023.pdf](#)*

The BCTT Past Land Use Conditions Subcommittee review of records from 1947 to 2022 thoroughly documents these community expectations...what the community was looking for, what community concerns were, what conditions were, and the communities dissatisfaction from the beginning of this site for a landfill (in the LU-24-027 record) The changing of land use process and procedure over time, resulting in changing interpretations, **does not change that the landfill was expected to be of a certain size, was not expected to expand into buffer areas, was expected to cease operations by the year 2000 with full closure assurances and reclamation of the land, and most importantly was at no time expected to be what it have become today.**

*Additional Reference, BCTT Size, Capacity and Longevity Subcommittee Findings and Recommendations, pg. 56. [bctt final report 4-11-2023.pdf](#)*

Key findings from the BCTT final report and its subcommittees should not be ignored in this review and consideration of the LU-24-027 application for landfill expansion process. The BCTT record is the basis for both the county and the applicant and referred to in public testimony. The BCTT final report, it’s finding and recommendations and the process reflected in the record cannot be selectively used for arguments that benefit the applicant over the public testimony and vice versa.

#### **FACTS IN THE LU-24-027 RECORD THAT MUST BE CONSIDERED**

- Benton County’s Coffin Butte Landfill is not a suitable location for a permanent landfill, and was never intended to be one. (BCTT 2022-23)
- Odor plumes have been and are continuing to be reported in an expanding pattern around the landfill and are impacting areas in Adair Village, Airlie, North Albany, Independence, South Corvallis, Philomath, and our rural neighbors in non-incorporated areas.

- According to a USGS publication noted that the EPA has concluded that **all landfills eventually will leak into the environment** ( *Mark Henkels, May 6, 2025*)
- Conditions of Approval set in past land use applications for Coffin Butte Landfill have failed Benton County residents leaving health and safety risks to increase to unreasonable levels – an expansion would increase these risks
- Waste intake volumes exceeding the limits set in the 2000 Franchise Agreement waste occurred in 2017, 2018, 2019 and are documented (*Kenaga, May 8, 2025*)
- Expansion applications have permitted the expansion of Coffin Butte Landfill and its impacts in 1974, 1983, 1994, 1997, 2002, 2003, 2011, 2013, 2015 and 2021, each proposing expanded operations, resulting in increasing adverse impacts...a recurring cycle and an undue burden to Benton County services, facilities, infrastructure and the public. (BCTT Final Report, 2023 [bctt\\_final\\_report\\_4-11-2023.pdf](#))
- County counsel has not appeared to take any enforcement action regarding past Conditions of approval, instead asserting conditions were all compliance at the signing of the 2002 MOU...documented in BCTT Final Report [bctt\\_final\\_report\\_4-11-2023.pdf](#)
- Benton County Health Department has made no statement, taken no position on the LU-24-027 landfill expansion
- Systems for complaints reporting, implementation of compliance officers and/or systems to manage reporting and conditions of approval, are ALL downstream of the real issue which are the continuous quality of life impacts, undue burdens and serious interference to the public and Benton County services, facilities and utilities (both physical and staffing)
- Ever expanding buffer zone creep: The encroaching on business and homes, increasing risk of ground and surface water impacts
- The risk of basalt ridge blasting and unpredictable fractures are foreseeable with an approval to expand landfill operations South of Coffin Butte Rd. The applicant has failed to adequately analyze or propose mitigation to this risk in this application.
- 5 fires were reported during Republic Services testimony while nearby Adair Rural Fire & Rescue documented response to 111 calls to fires near or on the landfill site, and 195 motor vehicle accidents near the landfill. (*Victoria Scott written testimony*)

#### **ISSUES IMPACTING BENTON COUNTY AND NEARBY COMMUNITIES (FROM THE RECORD)**

- Coffin Butte's history of non-compliance with past conditions of approval- **can be seen**
- Patterns of negligence – lack of methane emissions control, leachate management
- Lack of responsible landfill management – including daily cover requirements, closure of filled cells, screening, litter control, odor control; all evidenced in the record and in reported experiences of the public.

- DEQ lacks staffing or interest in responding adequately to address complaints regarding landfill odors, hazardous waste, hazardous materials runoff, permitting and regulatory compliance, ground and surface water contamination, and dangerous gas emission and air pollutants.
- Lack of safeguards through state and federal permitting, Land Use Compatibility, site plans, clarity of process for expansion leave this Planning Commission with an inadequate amount of information to make a fully informed decision.
- Acceptance of Uncontrolled, contaminated, illegal and hazardous waste from schools, businesses, residences are documented in this record (*Doug Pollack, April 21, 2025*) but Republic Services asserts in its own testimony that they are checking all loads for these materials. Multiple public testimony suggests this is untrue and that all loads cannot and are not being checked adequately for hazardous materials to address risk.
- Community perceptions are that Benton County revenues paid by Republic Services...are a perceived conflict of interest or a de facto payoff
- Questions in testimony of a quiet “deal” pending with Adair Village to fund a larger water treatment plant for their city may be intended to “treat” large volumes of landfill leachate. There is an absence of testimony from Adair Village in this record. Analysis and evaluation of leachate “treatment” at this location was not part of this application.
- Unable to be forecast are unknown but potentially dangerous risks and increasing financial burden to Benton County for decades to come. No analysis or evaluation has been submitted for this record or known to exist.
- Legitimate questions are within the record as to whether LU-24-027 should have been and application for a new landfill proposal rather than a landfill expansion application. Public testimony from David Patte makes a compelling argument in his April 21 2025 written testimony, along with others
- Groundwater contamination and well resiliency risks resulting from any approval of this expansion are treated by Republic Services with a “lets blast, then see what happens” approach. These risks have not been researched, documented or analyzed in this application.
- Leachate management is not adequately addressed for this expansion. With the Corvallis wastewater treatment plant no longer an option, and lack of confirmation of the status/agreement with Salem, leachate production from current landfill operations over the next 10-12 years regardless of this proposed expansion, **WILL increase**. This refers to the 30-35% landfill capacity remaining. **If this application for expansion is approved...the risks will also increase**. Application failed to provide adequate leachate projections for this projected waste volume increases.
- Republic Services appears unwilling to comply with or disregards past conditions of approval BECAUSE THERE ARE NO CONSEQUENCES. There are and remain conditions of approval that are unmet and community expectations unaddressed...hiring a monitor or

manager is not going to assure compliance – **absence of record does not eclipse past COA requirements or community expectations in these records.**

- This application fails to provide sufficient fire risk management, fire response management for any landfill expansions.
- The expansion application fails to sufficiently outline required plans for long term management of the expansion site during closure and post closure ...and in any instance of any financial “default” by Republic Services in the first 30 years...remembering that leachate from first cells that should be closed are still producing millions of gallons of toxic leachate annually (cells 1 and 1A).
- **Increasing appearance and possibility of cancer clusters** cannot be ignored in this record (review Tom Hewes April 21, 2025), and several others reporting...Example: on Blue Heron homes 6 of 8 homes have members that have contracted some form of cancer (75%), a total of 13 now reported in an expanded area as of testimony – recognizing there is an increase in cancer in this area and a lack of analysis and consideration for these cancer clusters, with no mitigation proposed by the applicant. It is commonly accepted that the gene mutations that are linked to cancer are linked to environmental factors...and **regardless of the fact that PFAs are not produced by CBLF, they are paid generously to manage and mitigate waste streams...all of them**
- A disparity between Republic Services claims, compared to DEQ and EPA site visits, reports and enforcement actions are also of concern and cited in this record. The application proposes insufficient plans to address these issues in the application.
- There is lack of clarity in the application and in public hearing responses by applicant related to “organic” and “in-organic” wastes, “hazardous” wastes and “special” wastes in the application for expansion, leaving the Planning Commission unable to determine risks related to this landfill expansion.

#### LANDFILL LINERS FAIL

The EPA recognizes and has stated that **Landfill liners fail**. With types of hazardous wastes known in this landfill...with leachate produced from those wastes...we get risk. Science changes and what was once considered safe is now an imminent health threat, such as PFAs, or the chemical components in many consumable goods including nonstick cookware, stain resistant carpet and water repellant clothing. Up until the emergent science on PFAs around 2023,– PFAs was generally reported as safe and otherwise and now? Risks of cancer, hormone disruptions, type 2 diabetes, ADHD, development of fetuses and children, bioaccumulation risks and more.

#### CREDIBILITY OF PUBLIC TESTIMONY

**We have heard testimony in opposition from highly educated and credentialed experts from within the community, accounting for lifetimes** of work in their fields have shed light on this application for landfill expansion...scientists, educators, contractors, consultants, farmers, and environmentalists, some listed below, but many others found in the record.

- Mechanical Engineers (Bill Gellatly)
- Hydrogeologists specializing in groundwater flow and contaminant transport (Joel Geier)
- Environmental engineers
- Civil Engineers
- GIS Analysts; Spatial Data Experts (Mason Leavitt)
- Toxicologist (Shelley Su)
- Former EPA Employee (Shelley Su, May 8, 2025)
- Cancer Researcher (Shelley Su, May 8, 2025)
- Fire Chief, Adair Rural Fire & Rescue, (Aaron C. Harris)
- Farmers – Generational, emerging, organic and traditional
- Vineyards and Wineries
- Recreational Birders
- Teachers and Educators
- Professors of Fish and Wildlife Sciences, OSU (Daniel Ruby, April 22, 2025)
- Professor of Public Policy and Administration at Western Oregon University (Mark Henkels, May 6, 2025)
- Peer reviewed journal articles/reports cited throughout testimony
- Credible news articles cited throughout testimony
- EPA and DEQ findings cited throughout testimony
- BCTT findings and recommendations cited throughout testimony
- Solid Waste Advisory Council members – materials and testimony
- Disposal Site Advisory Committee members - materials and testimony
- Environmental and Natural Resource Advisory Committee
- ...and more.

Additionally, in-person testimony of those most directly impacted by the landfill, with testimony overwhelmingly opposed to this landfill expansion carries more weight than those **not** directly impacted by the landfill's adverse impacts. The weight therefore that this public testimony is given is significant.

#### **NON-COMPLIANCE CONCERNS / REGULATORY VIOLATIONS OBSERVED IN THE RECORD**

Apparent of non-compliance of past landfill conditions of approval, violations of regulatory requirements of the EPA and DEQ are documented in the record, some of which are presented below:

- 600 ft contour elevation limit has been exceeded; now reported at 625 (PC 02---07)
- Screening - fencing or berms so not seen
- Odor control/mitigation – heard in test that Republic Services could not confirm most of the 84 and in this hearing was much dismissed as not from the landfill
- Reclamation – a Conditions of Approval – Benton County and public didn't anticipate the landfill being covered indefinitely under tarps, due to delayed cell closures preventing reclaiming of land for recreation areas. Torn tarps and cover not being maintained, not being used as farm areas, or for recreational or green space.
- Coffin Butte emissions so high, EPA now considers **Coffin Butte landfill a Super Emitter**, a term used to describe the **nation's worst industrial polluters**.
- Unclear if landfill fires were reported to DEQ per Operation Plan (V. Scott, May 8, 2025)
- Alternate Daily Cover use of tarps noncompliant leaving working face of landfill regularly exposed. Confirmed by satellite images and additional testimony (Kenaga, May 8, 2025)
- Failure to cover working face of landfill with soil/tarps or adequate alternate daily cover
- Cell closure REQUIREMENTS – none, some? We are now taking waste on Cell 6, what is the status of the previous cells? – Mountain of tarps billowing in the wind – no obvious or observable closures
- Runoff occurring from contaminated waste truck tires and wheels into uncontrolled runoff areas – wastewater, leachate issues
- Litter on nearby properties and natural areas, and on roadways
- Noise pollution
- LUCS – Land Use Compatibility Statement compliance?
- Delays in installation of enclosed methane gas flares, requiring DEQ enforcement action. (*Mason Leavitt, Beyond Toxics, May 6, 2025*)
- Republic Services recent acknowledgement of 10% fugitive emissions last year, now in application revised to 25% (*Mason Leavitt, Beyond Toxics, May 6, 2025*) – a large difference from 10% to 25% - Methane, hydrogen sulfide, particulate matter within gas emissions
- Inconsistencies with “regular surface emissions and monitoring to repair holes in covers and tarps vs. visual observation of torn, unrepaired cover
- EPA violations found in 2022 and again in 2024 – federal enforcement actions taken subsequently
- RS opting not to monitor 56% of landfill surface area through legal loophole (Leavitt, May 6, 2025) – relates to EPA and DEQ site visits. – do we feel RS is best of service/environmental steward or inconsistency seen within record
- Plumes of landfill gas emissions visible by satellite; leaks 100% of the time monitored by flyover – no information found in the application to refute or confirm
- “Normal” operations during announced visits by EPA and DEQ result in violations of methane emissions, uncapped gas flares/wells, methane emissions far beyond the limits, landfill odor beyond nuisance levels.



- Explosive levels of methane leaks found repeatedly – state/and or federal regularity enforcement have documented
- Section 114, EPA Clean Air Act enforcement action served in 2025
- Delays in fence line monitoring for odor pollutants (*Mason Leavitt, Beyond Toxics, May 6, 2025*) Republic Services chose not to take a step towards mitigation at current operations; no offering as a matter of this application.
- Incomplete data sets re: odor monitoring (*Mason Leavitt, Beyond Toxics, May 6, 2025*)
- Failure to management of hazardous waste streams – pesticides, contaminated soils, batteries, fluorescent lights, pharmaceuticals, paint, solvents, electronics and refrigerants – hazardous materials entering into the waste stream at CBLF
- Plastic “cover” is in disrepair and state of degradation, failing to adequately reduce excessive rainwater from the Will Valley from entering the landfill and producing more leachate
- Discharge of leachate into wastewater treatment plants is not regulated by DEQ (*Mark Yeager, May 29, 2025*) – Salem and Corvallis wastewater treatment plants are unable to adequately treat leachate...which is then passed through to the Willamette River as effluent.
- Wastewater treatment plants process through aeration releasing air-borne PFAs and other particulates into the environment. (*Pam Castle*)
- Cell 6 permitting/approval to expand is inconclusively – not been litigated – no evidence of BC confirming and quarry expansion area is in development and receiving waste already – increasing landfill footprint and environmental impacts an additional 40 approx. acres.

Reference to two testimonies in the record:

#### **McKenna Bradley, her cow Potato and calf Paisley**

Ms. Bradley spoke in person before the Planning Commission as a 4Her and future leader, not yet out of high school, pursuing a career in agriculture, to the numerous impacts of the landfill to her parents’ property. She reported having to walk her show cows, horses and goats by halter in her family pastures adjacent to the landfill, rather than letting them free range, due to the risks the increasing landfill litter has brought to their property...Bringing bags of trash with her to show the realities, she spoke in sobbing tears before this planning commission, because these animals aren’t just livestock to her, they are her pets, her friends and her future.

#### **Mark Henkels, May 22, 2025 written testimony**

The difference between Coffin Butte and Columbia Ridge landfills, how managed and relationship with the community. (Henkels, May 22, 2025)

- Buffer Lands comparison between Coffin Butte Landfill to Columbia Ridge Landfill – (*Mark Henkels, Ph.D. May 2025*) referring to “Columbia Ridge 10,000 acres of buffer lands surrounds this site 10 miles south of Arlington...preserved for wildlife habitat, wheat farming, cattle ranching and wind turbines.” Vs. Coffin Butte, where people live, recreate, even holding 4H events and animal training clinics right next to the landfill...and the odors and blowing wastes affect them directly.”
- Columbia Ridge has the capacity to continue running for another 120 years based on volume projections from customers, including Metro, ...Eastern Oregon is a good place for a landfill, in part because of drier weather to protect against contaminants seeping into groundwater.
- It is a comparison this Planning Commission should consider

**Undue Burdens and Serious Interference presented by the public in this process, include:**

- Data linking hydrogen sulfide to lung cancer (*Shelley Su, May 6/8, 2025*)
- PFAs – notorious endocrine disruptors and carcinogens
- 10-20 years odor not an issue, increasing over time with expanding size of CBLF
- Estimated 6-7% of landfill waste from Benton County; hosting 27 counties, but 36 over time from 4 states, OR, WA, ID, CA
- 2021 application for expansion unanimously denied finding it would cause significant harm to BC (*Debbie Palmer, May 6, 2025*)
- Less than 60% of methane emissions from CBLF captured (per DEQ, (*Debbie Palmer, May 6, 2025*))
- Benton County lack of updated waste management plan unlike other Oregon counties.
- The cumulative effect of odor, noise pollution, air quality, uncontrolled litter, traffic congestion, visual blight, ground and surface water contamination is indeed substantial emanating from the growing mountain of waste that starkly contradicts the professed values of our community. (*Keith Lembke, May 6, 2025*)
- Depressed property values resulting in reduced funding for ARFR cite Chief Harris, Adair Rural Fire & Rescue, April 21, 2025 testimony) – reduced capacity, reduced resources...those reduced property values aren’t only impacting homeowners, but impacting the small region of prop that support the FD – impacting their ability to respond to landfill properties
- Expansion impacts of the construction period, reported by RS to be up to 8 months for up to 4 years, resulting in 32 months of blasting, trucks hauling rock, increased traffic and noise (*Joel Geier, May 6, 2025*) – this is not part of the conversation when we

consider noise, odor, traffic, livability for nearby neighbors – not been considered in the application and not presented here other than intermittently by public testimony

- Traffic Impact Analysis submitted by applicant does not include 3-4 years of construction traffic, increase of traffic from nearby housing developments traffic– witness accounts used in part to determine traffic impacts...leaving questions regarding modeling used and validity of report.
- Traffic impact analysis that does not address remaining 35% increase of waste intake at current site, simultaneously as the blasting and development of proposed site, the filling of Cell 6 simultaneously or any impact from removal of tonnage cap – based on assumption traffic volumes will not change
- Expansion risks to wells and springs in/near Tampico Ridge area and surroundings (*Joel Geier, May 6, 2025*) *Applicant failed to provide adequate analysis with no proposal for mitigations of risks*
- Potential future closure of Coffin Butte Road – a reality whether presented here or not – and must be considered if we are to consider our role in “planning” for greater Benton County and its residents.
- An up to 35% more increase in the dump’s total surface area at current landfill (*Kenaga, May 6, 2025*, and 2023 Annual Report) and an up to 68% increase in intake volumes overall if this expansion is approved (*Ken Kenaga, May 6, 2025*)
- With expansion approval, there will be a proportional increase in risk, impact, emissions, etc. – including traffic increases over the current count of vehicles entering every 80 seconds (*Yeager, May 27, 2025*)
- No submittal of risk analysis of financial burden to county, present impacts, closure of landfill financial risk, and post-closure financial responsibility
- Risk of reduction in disaster assistance as a rural area (*Ken Kenaga, May 6, 2025*)
- PFAs in both leachate and in air borne gases; **in particular the bio-accumulations in surrounding environment, found in groundwater, surface water, soil aggregates, air that is breathed, equally important is the bioaccumulations in plant materials, in livestock, in wildlife and has not been considered in the application for expansion.** (*Mary’s River Grange written testimony*)
- Risk of expanded/new landfill as an additional source of arsenic (*Joel Geier, May 6, 2025*) – insufficient data
- Ongoing disturbance to Great Blue Heron nesting colony – disparate reporting between public Subject Matter Experts and applicant’s consultant testimony
- DEQ unresponsive or lacking regulatory follow through, including no comment submitted for this application (*Kenaga, May 8, 2025*) – how to rely on a state partner that is non-responsive?
- Benton County staffing – how much time, resourcing, financial costs to accept, categorize, archive, review and summarize for this expansion application? Would county, Planning Commission and residents be better served by using these limited

county resources on other efforts? What is BC giving up to serve the demands of this application process and management of compliance= arguably be considered an Undue Burden related to public services eclipsed by the service to the landfill at the cost of other efforts such as the Comprehensive review? Benton County Citizen Advisory Committees and compliance with Statewide Land Use Planning Goals, and other priorities that have been set aside. The Planning Commissions interest in fire risk and management has been set aside since 2021

- Serious Interference of Benton County residents, in particular those on properties nearest the landfill are being “forced to sacrifice their comfort and livability for the sake of **others**, not just in Benton County, but regionally and in counties across Oregon that have utilized the landfill and all benefit but do not pay or bear an equal burden such as the inability to recreate or work outdoors, children unable to play outdoors, direct health impacts (burning eyes, lungs, tightening of chest, reports of cancer clusters) countless testimony of residents resorting to closing windows due to extreme odor, impacts to farming and vineyards.
- Maps documenting methane /odor plumes far exceeding what Republic Service is documenting or is willing to admit
- Fire risk and consequences, toxic smoke, damaged water lines and wells, aquatic ecosystems, before and after fire impacts realized, risk to the Luckiamute Watershed (*Virginia Scott, May 8, 2025*)
- Coffin Butte – the single place in Benton County where more fires have started in last 50 years than any other location (*Virginia Scott, May 8, 2025*)
- 2018, May and July 2024 fires at landfill responded to by Adair Rural Fire & Rescue/ RS mitigation did not prevent second fire near flare as expected, two flare proximity fire events in one-year, possible landfill fire in 2025 unreported as being mitigated that would prevent second fire
- After hours fires: Citizen reported fires to Adair Rural Fire & Rescue during after hours
- August 2024? – Republic Services reported to Board of Commissioners that they do not have a way to monitor for fires after hours...(*Virginia Scott, May 8, 2025*) – noting that fire risk occurs 24 hours at the landfill which exists 24 hours a day.
- Landfill fire risks increasingly from lithium-ion batteries, car batteries, dangerous fumes from landfills, wide range of combustible materials, lightning strikes,
- \$107B total wildfire risk exposure in Benton County (Wildfire Risk Explorer Report for Benton County (*Virginia Scott, May 8, 2025*))
- Gaps in fire risk assessment, response capacity, materials risk assessment
- Motor Vehicle Accidents responded to by Adair Rural Fire, 195 from 2013-2025 – how many are landfill related?
- Negative impacts on wildlife
- Negative impacts on property values – confirmed in past acquisitions and pending
- Increase in buffer zone properties – pushing out families and residential housing

- Climate and environmental consequences – fugitive gasses
- Hidden costs vs benefits of lower cost waste services – (emissions, leachate, groundwater contamination, transportation, regulations, testing, real estate values, livability, TBD. (*Jan Napack, April 21, 2025*)
- 20% of 126 Adair Village surveyed reported modifying outdoor activities to avoid going outside due to odor, concerns of exposure to toxins (*Mason Leavitt, Beyond Toxics, May 6, 2025*) – a 30-35% increase in waste intake at current LF then expansion So of Coffin Butte – what does this mean for Adair Village
- Persistent odor impacts requiring residents to shelter indoors, unable to work, recreate outdoors
- Odor impacts well into downtown Corvallis, and other areas far outside what is commonly considered “adjacent” properties
- Landfill gas (LFG) methane emissions, fugitive gas emissions, hydrogen sulfide and the dispersion of PFAs beyond through airborne particulate – an emerging threat recognized
- Noise impacts – outside normal operation hours
- Traffic impacts – road damage, congestion, noise
- Leachate risks – managed through municipal water treatment plants, unable to treat sufficiently all contaminants including PFAs from effluent pumped into Willamette River
- Bioaccumulation of PFAs in plants and animals – impact to farms, agriculture and produce (*P. Castle, May 6, 2025*)
- Contaminant risk to downstream communities using Willamette River for municipal drinking water source.
- Contaminant risk to recreational users of Willamette River.
- Well and groundwater contamination with PFAs and other toxins
- Republic Services ignoring or violating environmental regulations
- Livestock risks from litter
- Lack of clarity; undefined; inorganic v organic waste – a loophole in the making (*Mason Leavitt, Beyond Toxics, July 9, 2025*)
- Wildlife – vulnerable ecosystems easily disrupted by these operations; elk herds, herons, bald eagles, how soon before E.E. Wilson Wildlife Area and McDonald-Dunn Forest and water species impacts?
- Risk to well water usability/stability a result of expansion and unknown blast impacts to accommodate the landfill expansion
- Expansion area is closer to residential areas/impacted properties than current operations.
- Adverse impacts to livestock on nearby properties – horses, cattle, goats,
- Cancer clusters
- Future liability of leachate estimated at 40-60m gallons/year - - insufficient bonding to cover this unknown cost (*Keith Lembke GOP chair*)

- Application offers no truck and traffic impacts assessment and comparison between expansion versus development of rail and transfer station
- Municipal solid waste (organic waste) contaminated with PFAs and other unknown high-risk contaminants – returning to landfill as “organic” waste – not way to meaningfully predict long-term impacts of concentrated biosolids and no mitigation to these risks is offered by the landfill other than leachate liners that are confirmed will eventually fail.
- The undue burden and serious interference placed on immediate adjacent areas of the Coffin Butte Landfill - Toxics working with Soap Creek for 3 years (*Mason Leavitt, Beyond Toxics testimony July 8, 2025*)
- Ken Kenaga’s estimate of \$1.2 million of volunteer hours to resist Republic’s attempts to expand the landfill and in defense of health, safety, and quality of life, livability and livelihood.
- Noise pollution and heavy truck and waste hauling traffic has been a persistent complaint topic regarding current operations of the Coffin Butte Landfill. The expansion application did not address noise concussions, increased heavy truck traffic to remove 2.1 million cubic yards of blast material from the expansion site, and other heavy equipment noises and impacts for the construction of the expansion area, including removal and mitigation of the current leachate ponds. The combined adverse impacts, undue burden and serious interference of the region due to the noise and traffic increases of the combined current operations and the expansion area were not addressed, including any reasonable mitigation to the region or surrounding properties proposals by Republic Services.

### **Environmental Regulation Concerns Noted in the Record**

At this point in the hearing process, the Planning Commission deliberations, we have witnessed and confirmed in many instances that Republic Services has knowingly misrepresented data and operational reporting; and has made efforts to obscure critical facts needed for transparency and accountability in the record. Only through due diligence and testimony by members of the community who have carefully scrutinized thousands of pages of documents and reporting and hundreds of hours of public hearing and work group process, have members of the planning commission uncovered these pervasive inconsistencies in an application that is altered with the public winds, revising and responding to gaps in the application when rising public tide demands a response...the burden of proof by the applicant has simply not been met regarding these and more environmental concerns:

- Leachate and PFAs – The Willamette River is a public facility and provides public services and a source of drinking water for thousands of Oregonians. The current and proposed leachate disposal method is an undue burden and creates a serious interference to surrounding communities and those downstream and regionally adjacent properties of Adair Village, Independence, Sherwood, Wilsonville, Tualatin Valley as regional.

- Cells 1 and 1A were “closed” in the 1990s and 30 years later continue to generate approximately 2 million gallons of leachate per year. Landfill expansion will increase leachate production creating an undue burden to public services while raising the risk of serious interference.
- Republic Services has misrepresented environmental compliance to EPA resulting in enforcement action.
- Methane and leachate release (*Mark Lee, April 21, 2025*)
- Republic Services reporting on methane vs. methane plume mapping disparity
- Superfund site risk

### Health Issues Risk Due to Increased Landfill Capacity by Expansion

“It is well-documented that PFAS have a number of effects on human and biotic health. Among those are altered immune and thyroid function, liver disease, lipid and insulin dysregulation, kidney disease, adverse reproductive and developmental outcomes and cancer (*Reference E, Pam Castle, May 6, 2025*)

How is Benton County assessing the widespread nature of Landfill Gas (LFG) carrying PFAs (aka atmospheric transport of PFAS) being spread in the region...the Planning Commissioners and the public have seen the plume maps which are in conflict with Republic Services assertions and application and testimony...impacts to Adair Village, Corvallis, Independence, Philomath, Airlie, and more...as PFAs are carried by landfill gases...it’s not simply a nuisance issue, it is a public health issue. (*Nancy Whitcombe in person testimony with maps and other written submittals*)

### What is going into this landfill?

Keeping in mind that according to the U.S. Environmental Protection Agency, “All landfill liners fail”

The 2023 report...waste intake includes, commercial and industrial waste, asbestos, agricultural waste, sludge, C&O, MSW, and more...daily cover can include more contaminated soil ...let’s examine...

- **Municipal biosolids** – generously (or not) capped at 900,000 tons
- **Livestock carcasses** – Tillamook cattle, unknown disease and contaminants
- **Unknown contaminants; including industrial solvents, epoxies, fluorescent lights, containers of paint, televisions, refrigerant systems, e-waste, (citing Doug Pollock investigation and testimony, up to 200 tons of cartridges with ink PER YEAR, April 21, 2025)**
- **Organic fish and slaughterhouse waste** delivered weekly
- **Hazardous materials:** Unregulated, unknown or required – batteries, fluorescent lights, household and agricultural chemicals, televisions/computers,
- **Major fire and disaster debris** – 2020-2021 confirmed, 2024?
- **Radioactive waste** from Teledyne/Wah Chang (*Conover, April 21, 2025*)

- Contaminated waste from Consumers Power Inc. – **Wood preservatives for telephone poles, PCBs from leaking transformers** (*Conover, April 21, 2025*)
- **Covanta incinerator ash** including medical waste previously used as Alternate Daily Cover found to contain heavy metals contaminants (*Conover, April 21, 2025*)
- **Superfund wastes** from Negative impacts on recreation in immediate area, region and Willamette River (*Conover, April 21, 2025*)
- **Forever chemicals – PFAs – Since 1938 more than 4000 compounds created that contain PFAs...**non-stick pans, stain resistance in carpets, , etc....very difficult to remove from wastewater AND they do not break down to any inert form in landfills. PFAs are 3-4 orders of magnitude smaller than most microplastics, and as a result now being identified in the circulatory systems of humans and animals. (*Gellatly, May 6, 2025*)- potential to affect growth, learning, and behavior in infants and older children...could lower a woman's chance of getting pregnant and could increase risks of cancer." (*Gellatly, May 6, 2025, but cited by numerous others*)

### Why This Matters...

- Ongoing compliance regulatory authority involving EPA and DEQ oversight and compliance action to mitigate poor management of Republic Services repeatedly cites these compliance issues as not Benton Counties role...Planning Commissioners argue that BCC 53.215 gives authority to deny this application based on certain criteria.
- Increased fire hazard / fire suppression costs and risks – Application and risk of future additional expansions found in record show that this expansion will increase use, impacts and risks. Adair Rural Fire Protection District's retired firefighter \ testimony by Mason Leavitt, July 9, and others, along with missing record of fire events in applicants' testimony at the landfill site, means that Planning Commissioner's must conclude that the application fails the burden of proof in showing how expansion operations would not increase fire risk.
- Models used in applicant's proposal are recognized by **both** the applicant and public testimony to have limitations; resulting in "hypothetical, not definitive analysis re: landfill expansion" (*Leavitt, July 9, 2025*)
- Application and hearing process illuminated questions and loopholes regarding current and future closure and post-closure liability and compliance including monitoring, mitigating, and the reclamation process – the application for expansion only increases the risks.
- Republic Services self-monitoring and self-reporting has not proven to be adequate or sufficient; showing the intention of profit over safety of county residents. The application fails to show how this will improve without conditions; which have failed to enforce compliance in the past and as proposed, many are unenforceable.
- Long-term costs of landfill site will fall to BC residents/taxpayers, as leachate and other environmental, safety and health risk will remain long after the bond securing



management and funding from Republic Services has sunset. The expansion application shows not mitigation, evaluation or even an acknowledgement of the genuine risks to Benton County related to an expansion.

### What is Coming Out of the Landfill?

The landfill is a source of landfill emissions that enter the air & combine with more rainwater to form leachates. Leachates can include similar heavy metals, carcinogenic industrial solvents, PFAs, and dangerous organic matter. Close to 30 million gallons of leachate were generated by CBLF in 2023 (*Coffin Butte 2023 Annual Report*).

Landfill Gasses: Fugitive gas plumes from the landfill include methane, hydrogen sulfide, PFAs, heavy metals, dioxins, and particulate matter.

Particulate matter, including PFAs particulate, that becomes airborne due to these fugitive gasses is documented in the record as having bioaccumulation of PFAs and other toxin effect on surrounding plant and animal matter that absorb these particulates and pass along the contaminants. Mary's River Grange testimony points to the risks and data associated with this consequence to our local organic and traditional farms, plant materials and livestock. Other testimony presents questions on the impacts of this particulate matter along with toxic gas plumes to the local vineyards and the usability of their grapes.

As noted accurately in Suzanne Ortiz' testimony..."Breathing the materials that are emitted in the gas plumes is not conducive to good health & the levels only increase when the LF area expands." (*Suzanne Ortiz, April 21, 2025*)

With a landfill expansion, what comes out of the landfill through leachate and fugitive gasses, will only increase, resulting in increased adverse impacts. The applicant has provided no achievable means to mitigate this environmental damage and health risks associated with what is coming out of the landfill.

Methane is a greenhouse gas that is reportedly 80 times more potent than CO<sub>2</sub>.

Landfills are the third largest source of human-generated methane after livestock and gas/oil production

The human and livestock direct impacts reported in the record:

- Odors
- Headaches
- Nausea
- Cancer
- Burning eyes and throat
- Endocrine disruption in youth and unborn children

- Particulate matter inhalation
- Plant and animal bioaccumulation of airborne particulates
- Increase fire risk
- Long-term impacts to landfill fire first responders
- And more

## CONCERNS REGARDING APPLICANT TESTIMONY

Despite testimony and applicant presentations, DEQ and EPA oversight is insufficient to limit environmental impacts...or in managing the LUCS, 2024, fugitive methane emissions and the landfills management and mitigation practices, air quality and noise issues, and leachate oversight of PFAs.

Landfill closure is a certainty...no alternatives to improve management of waste flows or balance waste intake to slow the imminent closure of the landfill...what options have been offered by the applicant to address deficiencies and seek more economically feasible and cost reductive waste management at this site?

Applicant and testimony have not shown the cost burden or realistic increase of collection rates of hauling to a more landfill appropriate site. If waste can be hauled to Benton County by contract haulers from all over Oregon, and from ID/WA in ways that are economically advantageous for haulers and landfill users, then surely the flow can be reversed, with economic advantage.

The frequency of the applicants mapping errors, data errors, inaccurate assumptions (i.e. odor) incomplete data (traffic impact) exclusion of construction zone of expansion area, omission of key information relevant to the landfill is troubling/

Construction phases of expansion are not included in the LU-24-027 application analysis. There is insufficient information on combined traffic and noise, impacts resulting from applicant reported 2.1 million cubic yards of rock blasted and removed – **An estimated 147,000 - 220,000 truckloads for just the expansion phase of this application** and easily calculated by the most common size of hauling trucks and the volume of material removed. This phase is expected to take place over an estimated 32 months of the next 48...continuously for 6-8 months at a time.

For testimony submitted by livestock and horse owners, as well as those living or working near, this amount of continuous blasting and truck hauling is expected to have adverse impacts...and is not factored in the applicant's proposals for mitigation nor consider in the application for its direct impacts to the surrounding communities and properties.

Mark Yeager's July 9, 2025 testimony asserts. *"Conditions of Approval are required when a proposed development is incompatible with surrounding land uses and may have an adverse effect on nearby properties. Those conditions of approval have been determined to be necessary*

*to mitigate adverse impacts, but if the conditions are not implemented and not enforced, then they are worthless.”*

There no conditions or acknowledgement of the expansion process with regard to the combined adverse impacts of the expansion phase simultaneous with current landfill operations.

The risk is amplified in Yeager’s continued comments, “The landfill operator’s consistent disregard for land use conditions, paired with Benton County’s non-existent oversight, has undermined the integrity of the land use process. The County’s unwillingness to challenge non-compliance through penalties or corrective actions has allowed Republic Services to operate without meaningful accountability, contrary to the public interest and the intent of the conditional use permits.”

Further, Republic Services has appeared to willingly, in the absence of County oversight and compliance management, taken the opportunity to operate the landfill in ways that increase health and safety risk...with impunity, defiance and arrogance. Both DEQ and EPA, each in their state and federal capacities, have taken enforcement action against Republic Services...if RS is such a good partner and operating with such high integrity, this would not be necessary...again pointing to the risk of expansion with discrepancies between observable and the reality of Coffin Butte Landfill management practices and reporting.

### **Impacts to Livestock and Agricultural Production Lands...farms, vineyards, pastures, seed and other commercial crops**

Tremaine and Gail Arkley, Independence, OR

“At times the stench is very strong on our farm...so strong we are afraid to go out and plant vegetables in our raised beds, or do our harvesting, or go out and mow for fear of what’s in that stench mixed with the air we are breathing. How many toxins are we absorbing into our skin? The smell even gets into our clothing and hair. What is coating our fruits and vegetables? The more we learn about what is in the landfill gas that leaks out of CB the greater our fear. We are concerned on behalf of the people who work for us too.”

### **BY THE NUMBERS...**

#### **Opposition by Member Organizations and Committees to Landfill Expansion**

Below is a list of member organizations submitting testimony in opposition of the LU-24-027 landfill expansion application:

**Mary’s River Grange**

**League of Women Voters**

**Oregon Chapter Sierra Club**

**350 Salem**

**Great Old Broads of the Wilderness**  
**Valley Neighbors for Environmental Quality and Safety (V-NEQS)**  
**Mid-Willamette Bird Alliance (4/14/2025 testimony opposed)**  
**Audubon Society of Corvallis**  
**Volunteers of Willamette Riverkeepers**  
**ENRAC: Benton Co. Environmental & Natural Resources Adv. Comm.**  
**Beyond Toxics**  
**Adair Rural Fire & Rescue**  
**Benton County Republicans**  
**Benton County Democrats**  
**Linn-Benton Pacific Green Party**  
**Elected officials submitting as private residents**

### **INCREASED FIRE RISKS**

**Fire Risks to Benton County increase with approval of LU-24-027, application for expansion at Coffin Butte**

- Coffin Butte Landfill is not assessed or inventoried in Benton County's Community Wildfire Protection Plan (CWPP) and in testimony is reported as being intentionally left from this document and planning process. *(McClelland Fields, May 6, 2025 as read by Ken Eklund)*
- Benton County has neglected to evaluate and understand the full scope of the fire risks associated with the landfill.
- Any operations plan is insufficient to address the multi-pronged increase in fire risk resulting from the landfill and any proposed expansion in a high population area.
- The landfill application for expansion does not adequately address fire risks and fire mitigations associated with those risks.

*"Fire presents a real an irrevocable risk to the character of the area., an undue burden on fire and emergency services and on local and regional residents force to flee the flames of the plumes of toxic smoke from a landfill fire." (McClelland-Fields read by Ken Eklund, May 6, 2025)*

*Refer additionally to Testimony in opposition of expansion due to exponential increase of fire risk, hazards and health impacts*

- *Virginia Scott, all submittals; testimony in opposition of the landfill expansion*
- *Chief Aaron C. Harris, Adair Rural Fire & Rescue, in opposition to the landfill expansion, letter dated April 21, 2025*

*By comparison, Republic Services application and testimony regarding fire management and risk, failed to be consistent, responses to Planning Commissioner questions for clarity were*

*evasive or incomplete at times, and the expansion proposal does not adequately address large fire risk, hazardous materials health risks and adverse impacts experienced by first responders, was unable to address response to a methane driven, deep well or gas explosion fire, unable to address mitigations for wind driven sparks from large fires and response capacity to respond to fires fire larger than the basic grass fire, an inability to monitor fires that are currently dependent on reports by drive-bys and neighbors, and lack of adequate training for Coffin Butte Landfill employees.*

**...AND THAT NO FURTHER LANDFILL EXPANSION SHALL EVER BE CONSIDERED IN BENTON COUNTY**

Heard **loudly and consistently** in the public testimony was the call for no further expansion and a closure of the landfill to reduce risk and adverse impacts to the communities surrounding the landfill...no assertion in the landfill application or applicant testimony to limit future expansions to just this application can be found from Republic Services. Public records requests have resulted in testimony citing the implied intention TO EXPAND on further landfill owned properties. It is therefore necessary to concluded that the expansion applications are likely to continue after LU-24-27 and with disregard to public testimony of adverse impacts due to the landfill operations at current status before any expansion.

**In review of the application and staff report, along with extensive testimony that illustrates risk the public is experiencing, the disparity is obvious. Facing an increase in waste volumes and impacts if the expansion is approved, it is not hard to imagine this dystopian future for Benton County.**

*Welcome to the **Coffin Butte Landfill Museum of Benton County** – inviting you to remember a time where the herons used to nest, elk herds used to migrate, visitors used to fish, hunt and recreate and drive through the countryside visiting farms and wineries, bicyclists used to travel, cattle, horses, and goats used to graze, children used to play outdoors, well water was clean, the air used to be fresh, farmland produced clean and safe produce and crops, homeowners sat, played, and worked outdoors in their yards, the Willamette River was less polluted, drinking water was safe, and people and livestock were healthy, with decreasing rates of cancers and other health maladies...*

There is no assurance found or achievable in this application that shows after a 50-year history at the Coffin Butte Landfill site, with documented gaps in compliance of Conditions of Approval, violations of EPA and DEQ environmental regulations and disregard for the health, safety and wellbeing of Benton County residents or the future financial solvency of Benton County, that there is any Condition of Approval that would serve Benton County.

**A vote to approve this application that fails to meet its burden of proof, is simply an extension of the status quo, leaving Benton County and its residents little means to regulate, enforce,**

**limit, mitigate or recall any short-sighted insufficiently informed decision at a tremendous long-term and immediate expense for Benton County residents.**

**LU-24-2027 does not meet the criteria set forth in BCC 53.215 by showing how it will NOT create a “serious interference” or undue burden,” and therefore should be denied.**

The application as submitted illustrates how Benton County residents will bear the undue burden of this expansion, while landfill operations continue to seriously interfere with their quality of life, their financial futures, and with adverse consequence to public facilities and services.

### **CLOSING**

Beyond this application’s failure to meet the burden of proof as set in Benton County Code criteria, this additional perspective...a reality for some of our neighbors and communities is worth keeping.

If Coffin Butte through its adverse impacts, non-compliance and mismanagement of current operations has contributed to the loss of just one pet, one farm animal, one well, one wildlife area...one property, one business...one child, one parent, one partner or spouse – then the cost of expansion is too much – **not one loss is an acceptable consequence of hosting or expanding the Coffin Butte Landfill.** Which “one” would you be willing to trade places with?

To quote the testimony of Mark Lee, April 2025, *“These are real people, families with children, not to mention wildlife and farm animals that are being affected by the mismanagement of the landfill. All these concerns about the current problems with the landfill obviously need to be addressed and resolved before entrusting more waste into the hands of Republic Services. I see no reason to believe that Republic (Services) would somehow do a better job of managing an enlarged footprint of their facility.”*

**I recommend denial of LU-24-027 based on the criteria established in Benton County Code and the findings in the record as submitted in the staff report, application and applicant testimony, and the public written and in-person testimony.**

**Catherine Biscoe**  
**Benton County Planning Commissioner**