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RECORD FOR



April 17, 2025 and April 24, 2025 Re-submission to the Staff Report. April 28, Revision to April 24 comment from R.Foster

page 1-25 with 2 attachments

Dear BC Planning Commission,

LU24-027 CUP Landfill expansion Republic Services
Testimony in Opposition. Thank you very much for your work and learning about this similar application for expansion as the 2022 expansion CUP application.

DSAC (Disposal Site Advisory Committee) Bi laws
“Under the authorities and responsibilities in Oregon Revised Statutes (ORS), the Benton County Board of Commissioners (Board) hereby establishes and charges a Board-appointed Disposal Site Advisory Committee to advise the Board and support the County in fulfilling its mandates under ORS 459.320-330.”

State of Oregon DEQ Chapter 452: Section
ORS459.320

“Disposal advisory committee public law are assigned to the county in which a Regional disposal site is located”

SWAC has been disbanded by County Council in 2023.

77.305 - Conditional Uses Approved by the Planning Commission.

“Any proposal to expand the area approved for a landfill within the Landfill Site Zone is allowed by conditional use permit approved by the Planning Commission. The Benton County Environmental Health Division and the **Solid Waste Advisory Council shall review and make recommendations**

through the Planning Official to the Planning Commission regarding the Site Development Plan Map and narrative. The Oregon Department of Environmental Quality shall be given an opportunity to review and comment on any proposal which may affect this site.”

[Ord. 26I; Ord. 90-0069]

DSAC is not reviewing LU24-027 and making their recommendation to BCPC and BOC as a long time knowledgeable commission on landfill operations and who have worked together with Republic Service staff on DSAC.

Contacting Republic Services Staff to ask about the landfill results in not responses back.

ENRAC was told to review LU24-027, and make their recommendation with Conditions to the BCPC. ENRAC has no prior experience with this subject matter and they will against BC Land Use Code 77.305 be advising BCPC and BOC on this CUP.

ENRAC recently voted 5 Against -1 For to deny LU24-027.

2024 ENRAC provided their extensive and thoughtful testimony packet covering the main Conditioned areas of LU24-027 CUP to the BCP Commission under stressful time limitation and prior extensive exposure to the Landfill topic.

Unlimited dumping:

LU24-027 does not clearly state, so that the public does not clearly know what they are getting, and will have to live with for the next 20 years with unlimited dumping.

There is lack of public awareness of CB Regional landfill in general, and of pending with passage of LU24-027 results in unlimited dumping. The lack of transparency to the public about the landfill puts an undue burden on the public, for lack of clearly being informed or that the public is being under informed regarding unlimited dumping/cap removal within the '2020-2040 Operation Franchise Agreement.

Oregon DEQ may or may not support the tonnage cap removal, in the already renewed July 31, 2020 Solid Waste Disposal Permit(SWDP)- 306 for ten years.

The single 306 Permit does not currently calculated in: unlimited dumping, possibly may additionally, not calculate in the current operation of Cell 6, and operation of current north landfill combined, as active landfill area's with no closure date set for the north landfill.

In two years, the start of operation of Tampico Ridge Expansion area in phases, to be operational for four to five years may not be part of the current 306 SWMP.

Area impact:

Planning for the second try, to build a short term x billion dollar landfill, engineering it to in only run for 5- 6 years, and working to have it able to be connect physically to the north landfill structure.

The north landfill is not being 100% covered with earth and current plastic tarp system is fragile with ripped open tarps and exposed cap materials as of April 19.2025.

Leaving north landfill open, reports about area impacts, of the need to keep the north landfill uncovered, to then add trash into the void between LU24-025 and north landfill structure.

There is zero vegetation on this north landfill, connect this landfill to Tampico Ridge Expansion. Area Site Plan for LU24-027 may not share of the future CBRoad Closure to occur by a Road vacation notice on paper only. As was planned in 2022 as an example for the future growth and expansion management possibly not shared in an associated LU24-027 Area Site Plan Document to Benton County or the DEQ.

The renewed existing single SWDP 306 for Cell 6, Northlandfill and LU24-027 operations may not take into account projected future expansion to connect the out of compliance to Conditional Use Permit - uncovered north landfill to this Tampico Ridge Expansion,

See Attachment One of the elevation graph for both the north landfill and LU24-027 and Coffin Butte Road, that I could not attach, from Part 2 30-24 Revised Oct 24 Page 11 'Elevation Profile North and South Coffin Butte Road Center'

Unlimited dumping, trash tonnage cap removal is stated in '2020-2040 Franchise Operation Agreement' to be enacted, with the passage of LU24-027 as an expansion landfill.

Does this Unlimited dumping in '2020-2040 Franchise Operation Agreement' become illegal? under

Burden of Proof if:

(2) “In no case shall the applicant be required to prove the continuous existence, nature and extent of a use for a period exceeding 20 years immediately preceding the date of application, enforcement order, or other pertinent action. However, the applicant shall demonstrate that the use was legal at the time it was established regardless of whether such establishment occurred more than 20 years ago.

[Ord. 2006-0214]” BCLand Use Code

In ‘Benton County Talks Trash’ this ‘2020-2040 Operation Franchise Agreement’ is discussed.

Excerpted from: Trash Talk Draft Three page 25

“2020 Operation Franchise Agreement

“In the meantime, Benton County also negotiated a separate, not directly related, franchise agreement for trash hauling with Republic Services. County officials viewed this process very positively. That franchise fee agreement was settled on June 7, 2022 with a ten-year agreement, with the possibility of re-negotiation July 1, 2024.

As County Commissioner Xan Augerot observed,
{“... while county officials have a long-standing working relationship of trust with Republic’s local staff, many members of the community haven’t been party to that.”}

(44) One explanation for the disconnect between county officials and their constituents is the apparent breakdown in communication between citizens and officials regarding landfill issues, as became very apparent in the process creating a new franchise agreement **over Coffin Butte itself**

signed in mid-December 2020, which assumed an expansion of the landfill.

-This communications breakdown is recognized and addressed by the Subcommittee E charge: Develop protocols for the timely and broad distribution of CUP-related information to the public, other governmental entities, and internal committees, groups, and divisions. BCTT Subcommittee E1 Master Document.

Unlike the prior franchise negotiations that led to the signing of the 2000 franchise, a review of the local newspapers through 2020 when the landfill franchise agreement was being negotiated did not reveal any announcements about the process nor did the public seem to be made aware of this new franchise agreement in any way.

At the Board of Commissioners meeting to vote on the franchise agreement, the county attorney attested that there were no public comments.

(This public commentor, myself, assumes that the lack of public response noted by Attorney Croney, was because: there was no Zoom capabilities for this 2020 BOC hearing and Covid may have stopped most in person meetings, and no public attended this in person hearing and the hearing agenda did not clearly state what was going to occur at this very important hearing, and possibly this hearing was not legally noticed in the local Gazette Times at that time.)

Members of the SWAC acknowledged that they were told that this was not a matter for their consideration. This is surprising in light of the fact that a September 2020 solicitation notice for

(44) Corvallis Gazette Times. June 9, 2022.”

Benton County Talks Trash Continued quote:

“...allowing the landfill to operate starts at \$2 million in 2021 and rises to \$3.5 million by 2024. The agreement was designed to financially pressure the county to favor increased volume of disposal and the expansion of the landfill by the addition of a “host fee” compensation model.

The “host fee” starts at \$2.87 per ton of waste in 2021 to \$3.99 per ton in 2024. Before the county receives the “host fee”, however, the franchise fee is first subtracted from the per ton charge. If too little is disposed of, the county may receive no host fee and the county is rewarded if more waste goes to Coffin Butte.

As the franchise fee goes up, the volume required to receive the host fee also goes up. Furthermore, the fees go up slightly if the landfill expansion is approved by 2023, and will go down slightly if the landfill expansion.

(45). Benton County Commissioner Meeting, December 15, 2020. From recording archive.

BCTT Subcommittee A.1 Subcommittee Report to Work group

(46). Advisory Board membership explicitly states ‘review franchise agreements’ as a primary responsibility.

(46). The 2020 franchise agreement over landfill operations enhanced the financial incentives of the county for increased tipping. Under the 2020 agreement, Benton County receives compensation in two forms. The “franchise fee” given fornsion is not approved by 2025.

(47). Before the vote to sign the franchise agreement, Benton County Counsel Vance Croney stated that Republic Services maintained that its ability to pay higher fees was dependent on reducing cost or increasing capacity.”

Summary of the above:

BOC Dec 2020 land use hearing with no public in attendance, and there was no clear information on this BOC land use action’s public hearing Agenda. SWAC and DSAC from looking at the none existant meeting minute archives for 2020, 2021 did not get to review ‘2020-2040 Franchise Operation Agreement’ to make their recommendations to PC and BOC. SWAC supported 2022 Landfill expansion application, to BCPCommission, then requested their recommendation decision be changed, possibly due to their understanding of the ‘2020-2040 Franchise Operation Agreement’ tonnage cap removal, that they did not get to review in committee.

Bike Lane addition to support safety, recreational use of CBR

“99.520 - Improvements in a Public Right-of-Way.
An applicant intending to construct or upgrade a roadway within a public right-of-way shall be responsible for design and installation of all improvements within the public road right-of-way. Such improvements shall commence from an existing improved public roadway and continue to the subject property and 25 feet along the frontage of the proposed parcel or lot, or to the private driveway serving the building site, whichever is greater. Required plans and construction of improvements shall be inspected and approved by the County Engineer.”

[Ord. 90-0069; Ord. 96-0118]

The economic cost of this improvement should be additional to the cost involved in Economic Evaluation not required to support LU24-027 which could show a loss to Republic Services or VLFI such that in 6 to 7 years paving of 'x' square feet more of Coffin Butte Road for bike lanes only to have this road buried forever in seven years is a waste of time and natural resources.

In the traffic study, for LU24-029 how many bikers where reported to be using CBRoad? How safe will bikers be with dumptruck traffic shuttling 300,000 cubic yards of Tampico Ridge overburden to the east and west spoil pile storage area as fast as humanly possibly with being paid by the hour to do so?

Chapter 99 General Development Standards, 99.110 Will amount of fill and removal exceed BC Public Works permitted levels for: south dump expansion, stormwater facilities, leachate pond construction, 2 leachate pond's decommissioning, south upper haul road, south upper storm water catchment pond, other access roads, tipping platform, staff buildings, widening of CBR combined?

Does LU24-027 allow this landowner to bury the two active leachate lagoons, and not deal with their years long contribution of chemical soup toxic or hazardous substances such as PFAR into surrounding road fill at new and old leachate storage lagoon's 2 pump fill pads, or from leachate leaking for x time period into area soil and

site drainage ditches along CBR from one located leachate storage pond liner break?

County Planning Staff ability to assist the public:

Questions to the BC Planning Department Planning Staff, for any issue in LU24-027 where completely ignored/forgotten and where directed to BC Planning Dept. Director Schuetz.

Petra shared to answer questions about LU24-027, I would need a FOIA and pay a charge for Staff's Time.

With no one else in the BC Planning Staff able to answer the public's question about LU24-027, to completion, as Mr. Payne referred questions to the correct BC Staff for the Public, he has been helpful, but this leaves the public at a loss for the facts and for the public's understanding how this application functions, and leaves the public having to ask their questions about LU24-027 in their testimony.

It is like the public is physically being blocked out of participation in this land use case. I see only one legal notice April 19, 2025 in the Gazette Times with the title, 'Coffin Butte', so the title of this one legal notice does not clearly described, and that there will be no Zoom capabilities, at this hearing, as the legal notice had nothing identified in it about Zoom meeting access code and password.

With no zoom meeting capabilities, this works to limit public attendance at this public land use hearing. But then I hear from the grape vine, that yes the public has to sign up for three or four Planning Commission hearing dates, to be able to attend any of these hearings over Zoom. I assume this process of signing up at one time, for three or four zoom meetings is difficult. So, I could assume that this limits the number of public who want to complete zoom registration process.

Petra was busy in mid April, 2025 writing the Staff Report to be able to spend time responding to public questions about for LU24-027, I assume. Winterbrook Planning is I assume out of the question to ask questions for LU24-027 if BC Planning Staff is not responding to the public at this critical time, in early to mid April 2025, about questions we have regarding LU24-027 CUP.

Leachate and impacts to area waterways:

77.205 - Prohibited Uses.

“The following uses are prohibited in the Landfill Site Zone:

(1) Hazardous waste disposal.”

Landfill leachate is generated and is a hazardous waste.

The chemicals noted as toxic in the application do not report any chemical inventory for what is chemically found in landfill leachate. The leachate chemical list is missing from the Burden of Proof and support documents.

Chemicals in landfill leachate from CB contain Federal and State EPA and DEQ historically banned substances. Leachate is hazardous waste, is pumped 365 days a year to leachate storage lagoon at Cbutte, then pumped into tanker trucks and transported to Corvallis Waste Water Treatment facility 365 days a year, for the past approx. 25 years, until mid 2025, or currently April 19, 2025, when all landfill leachate will go to one, or both Salem Oregon Waste Water Treatment plant's.

Or will be, or is currently additionally, sold as a commodity/product and tanker trucked to multiple other, Municipal Sanitary Waste water facilities who are interested in making money from Republic Services to: except, treat(deacidify and dilute) and dispose of landfill leachate into the Willamette River at Corvallis and Salem and other locations not disclosed in the application and with all the to be permitted, waste water disposal NPDES leachate and stormwater permits, industrial waste discharge permits for leachate at sewage plants, state TitleV ACD permit for air quaility, well water management permits and a pending Site Plan and the pending LUCS Documents for the currently active and to be active landfill sites both south and east on CBRoad.

Well for fire suppression not discussed:

BCC60.220 impacts to FC zone. BCC99.850 hydrogeologic study

Digging of fire suppression well at LU24-027 may need to occur if the area wells on the south side of CBRoad

will not be close enough to the development site, or supply enough volume or build recharge pressure to deal with landfill fire, tipper fire, trash truck fire... hot loads... and gas line management issues as they occur at LU24-027. Long range pumping of water from further off southern wells, will cost money. Pumper trucks may be a solution but with expansion, more chances of fire will occur and Forest Conservation Zone is close by this landfill area with a narrow buffer zone, for fire to spread to Tampico Ridge from LU24-027 as burning ember fire from higher level updraft wind hitting the slope face of this landfill. BC60205.60

Leachate volume will increase with each expansion and poorly managed north landfill that as of April 19, 2025, had visibly ripped tarps and exposed soil surfaces over wide areas to the east, north of the current haul road to active landfill faces and to Cell-6. Cell 6, and its new 2 leachate delivery lines to the current leachate collection lagoon add to leachate generation volume.

Cell 6 is very wet, and generates its own water from all the surrounding springs and cracks in the walls of this layered basalt quarry dug into Coffin Butte. Leachate storage pond leakage has historically occurred here. Building 2 new leachate facilities needs a separately land use permit from BC and this is not stated in LU24-027.

Closure of both closed and functioning leachate storage lagoon's hopefully will need to also be permitted by DEQ for treatment of toxic soil from under and around

leaking leachate basin liner, and hazardous waste clean up associated with the long term hazardous waste storage of landfill leachate and for escaping leachate during pumping and filling tanker trucks into road bed fill at the leachate tanker truck loading dock.

Forest Conservation Zone on south side of CBRoad

‘BCC60.220 1,2, FC zone is used to conserve natural resources minimize conflict between forest/farm uses to protection of water, wildlife resources in this zone.’

ORS527.670 Forest Conservation

“B) Is consistent with the purposes and policies of any relevant Safe Harbor Agreements or Candidate Conservation Agreements entered into between the State of Oregon and agencies of the United States Government, pursuant to the federal Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.) and federal regulations.”

“HB2656
Relating to
forestland
that
supplies
drinking
water
systems.

Catchline/ Summary: Prohibits certain forest operation activities on forestland that supplies drinking water for one or more public water systems. Allows certain exemptions. Makes violation of prohibition Class A

misdemeanor subject to maximum of \$6,250 fine, 364 days' imprisonment, or both. Makes violation of prohibition or terms and conditions of exemption subject to civil penalty as determined by State Board of Forestry rule, not to exceed \$5,000. Requires written plan for forest operation conducted on forestland that supplies drinking water for one or more public water systems. Limits State Board of Forestry adoption of best management practices for activities on forestland that supplies drinking water for one or more public water systems.”

Multiple drinking water wells may be impacted by LU24-027 per geological evaluation which is not be done in this application to show long term, how well water tables local to LU24-027 private Rural Residential and State Of Oregon Water supply to E.E. Wilson Oregon State Fish and Wildlife Recreation Area will be impacted by long term storage of compacted, 5-6 years of trash compaction here, containing unaudited hazardous and possibly an assortment of toxic commercial and household wastes, demolition debris materials(asbestos) and unaudited residential trash with ever increasing amounts of new chemicals and items containing PFAR compacted into the Tampico ridgeline trash scare.

Lack of protection for area water tables and area wetlands:

Development of the water and run off holding pond at the south highest slope of LU24-027 garbage storage cell

may lead to seepage of assorted unidentified toxics substances to be buried here, and of the down slope drainage of unplumbed hazardous landfill leachate with heavy metals from this landfill, running in rain or in other, condensed landfill liquids, down slope with gravity, into and through unconsolidated brecca layers, and rythmantic rotting basalt and sandstone layers of Tampico Ridge, similar to Coffin Butte's to the north's geology, into multiple private drinking and Ag use well aquifers located downslope, in an arch, into 180 degrees of rotting/tipping fractured basalt, sandstone layers at this high elevation landfill expansion site.

Storage of leachate from LU24-027 up slope of rainwater run off storage, when these two leachate ponds leak, these lower rain water run off storage and filtration ponds will be damaged, plants in these catchment filtration basins will die off with leachate leakage into these two lower rain water and run off storage ponds.

Drainage from the two rain water and two leachate ponds to the man made historic NE E.E. Wilson drainage channel, and out across E.E. Wilson's north wetland complex needs to be clearly acknowledged in LU24-027 as drainage from the CB landfill similar to the drainage catchment to the north at former leased Knife River quarry area operation and for run off that will pour out of Cell 6 as run off of rain water drain South West then West into Soap Creek via one sediment basin on SW side of Coffin Butte Road.

This same system of silt and sediment removal may be built for LU24-027 to drain to E.E. Wilson eventually. With plants involved in this filtration engineering, leakage of leachate from the upper leachate lagoons, or from the landfill itself into these storm water drainage filtration swale, will kill off the installed vegetation, and reduce the filtration systems capabilities to do it's job over time.

LU24-027 does not consider the safety of Rural Residential drinking water and irrigation wells for landowners on the South side of Coffin Butte Road or for the health and Safety of all the run off to be directed downhill, and out from the two drainage catchment storage ponds, to the NE wetland complex, which drains under Highway 99 and NE, into the E.E. Wilson Wildlife Refuge and to the Willamette River. DEQ is not testing the E.E. Wilson area for long term landfill derived contamination to soils and wetlands or to the Trout Fishing Pond.

Visual documentation and FC zone involved in this landuse: 77.310(C) provisions for screening of site from public roads adjacent to property areas

The views taken for this application do not show the removal of Forest Conservation Zone and how this will look in the application. BCC53.215(1) Views from 50 feet to the east will look over the proposed 12 foot tall cottonwood / poplar wetland area planted landscape and Douglas fir planted upland landscaped buffer planting that

is not installed currently for full visibility of all of the north landfill currently.

This full visible landfill, is an example for what is to come for the south expansion area may also, as a Condition that BC does not enforce, or that required amount of time to complete a Condition such as screening, runs out and then the applicant does not have to comply with a Condition when BC is unable to enforce Conditions in any Conditional Use Permit with Republic Service.

LU24 -027 does not show how clearing of X acres of FC zone from Tax lots 801, 1200 and 1101 will look.

Inquiry to Planning to how many acres of FC zone which will be removed resulted in Freedom of Information Act request and a staff time charge for this information. Loss of FC Zone reduces the tax base to BC and State of Oregon for the management of FC zone. 60.220 (1)(a) will force significant change ,
60.005 Forest loss
60.210 loss of AG zone.

Reforestation for the loss of FC may need to occur in the OD Forestry Notification process, for this land use change within a large combined tax lot area of FC Zone. The ODF Notification process reviews how FC Zone is used looking at all OR, Federal and Local Environmental Laws and resources to verify this land use will not violate Federal or State land use laws.

Current inventory of the existing FC zone as to what it consists of such: the long term managed and unmanaged history of this FC zone, age class, species of trees, snag numbers, size and location, wildlife usage, springs, creeks, bogs, wetlands, eagle or other listed species use, Great Blue Heron Rookery use, NSO use, Bat species, Vaux Swift use, rare mammal, herps or reptile use (Willamette Valley rattle snake), migratory bird use should be explored, so that the public can understand what will be lost with this application from the removal of x acres of FC zone in LU 24- 027.

The public will never see the ODForestry 'Notification Plan', as it is not part of LU24-027 until this CUP has been passed into BC law. We will never see what the Forest Conservation Zone held within it, or supported environmentally, until the ODF Notification Plan is completed.

The process of issuing State and Federal Environmental permits after CUP passes into law is backwards, and does not allow the public or reviewing Planning Commission and BOC, to have or have factual environmental and silvicultural data, about FC zone in Tax lots 801, 1200 and 1101 as it is 'Notification' document to change the use of the FC Zone to ORForestry, is not include in Burden of Proof information within the CUP application. The Wildlife Reporting in LU24-027 does not talk much forestry resources.

Fill and Removal permits:

The existing Republic Services VLFI, ACOE Nationwide Fill and Removal Permit from 2021-22 may be out of date for these tax lots in LU24-027. A new ACOE Nationwide Fill and Removal Permit for 2024 for this project should be evaluated together with this application. If the ACOE permit and the State of Oregon permit(s) to fill and remove significantly disagree with the engineering documentations of how this slope will be treated, and remain stable over the life of this landfill, which is forever.

Does ACOE/State of Oregon fill and removal permitting share how safe it is to take apart these tax lots by removing 300,000+ cubic yards of basalt, sandstone, broken weathered brecca, clay, silt... from the North slope of Tampico Ridge and not have all it's associate elevations of water tables, at each elevation into this excavation area, rupture and reduce pressure to the wells of existing homes at the south Rural Residential area's historic to Tampico Ridge, south and east of the excavation site for this expansion landfill storage pit?

Do the ACOE Fill and Removal and State Fill and Removal Permits allow the two massive spoil piles, for 300, 000+ cubic yards of overburden, to be stored with BC erosion control permits and storm water drainage protection issued permit from DEQ, to the north of CBRoad in two areas?

Noise:

The noise Study also does not take into account building of LU24-027, or the movement of the Tampico Ridge Slope to the two identified, soil and rock storage sites in Phased developments over 2-3+ with extensions to BC, years time.

Noise currently generating from operation of the landfill site/area is louder, and reaching further out due to location of active landfill being above 550 feet out of compliance to an exciting expansion BC CUP Engineering Conditioned height limit for engineered safety that the DEQ may have priory required be maintained.

With elevation changes, sound travels out from these locations and reflects off of surfaces. The always changing Haul Road on the current landfill and the always changing Haul Road of the expansion will cause sound to move out from road elevation changes over time. The Haul route has to change, so sound from both north and south landfills will change direction, and amplitude out from new locations of the new haul road locations.

Sound from haul road and operations all over the active working faces of the area landfill, is able to be heard at E.E.Wilson Recreation area and to the west around Soap Creek and Coffin Butte homes to the north, with operation of Cell6. Adding a second high elevation haul road and a second, higher elevation perimeter road on Tampico Ridge expansion will add more noise pollution to this area from filling LU 24-027 Tampico Ridge

expansion from the highest elevation first, to the lowest elevation next to CBRoad.

Operation sound from Two tippers working at the highest elevation of LU24-027 may allow these operation sounds to move further out from this high elevation into areas which are not tested in the sound pollution survey results in LU24-027.

The upper topography is not tested for Forest Conservation zone, tree removal, from tax lots: 1101, 801 and 1200. What will the south expansion area sound like with removal of FC Zone trees from tax lots listed above?

All of E.E. Wilson may be more noise impacted, as will Rural Residential parcels to the South, South East, West and North with operation at Tampico Ridge landfill expansion phased noisy build out over 2-3 years or more with renewal of time limits to build this landfill, being noisy for a few more years of build out consisting of: blasting, trucking overburden to the two storage spoil piles, grading, bulldozing, compression drilling, drilling to stabilize the slopes, pumping water out of the excavation sites, dumping concrete, mining basalt and sandstone for x years out of this area build out for years of constant noise production.

Cell 6 has 12 years or more, say the owners on x date, so LU24-027 may take that long to build, so that three active landfill sites will be in operated all at once.

Constant noise impacts wildlife and will impact Great Blue Heron using all three E.E. Wilson, Middle and West Douglas Fir Forest Great Blue Heron Rookery sites in this area, and will negatively impact for the long term, all of E.E. Wilson wildlife and it's many and varied human recreational uses, over every day of the year here. Noise pollution adds constant levels of stress to both human and wildlife's long term health.

BCC53.215(1) The proposed use does not seriously interfere with the use on adjacent property, with the character of the are or with the purpose of the zone.

With full closure of Coffin Butte Road to be part of the future financial money making goal for the owner, with LU24-027 to seal the two landfills together and require the forever closure of CBR. This will be a huge loss to BC, Polk County and area landowner safety will be compromised. BCC60205.60215 Fire hazard and lack of adequate escape route.

Building LU24-027, noise could only be expected to increase further from an even higher connection of both Tampico Ridge Expansion to the not vegetated and not well covered North landfill slope at 450 feet and 3 to 1 slope connections from the south and the north to match slope angle. Unlimited dumping will fill the area south landfill pit faster. Creating the potential for another expansion burying Coffin Butte Road in 5-7 short years.

The noise study methodology is 40 years old and BOP states this and the applicant states they will not use any other methodology that is newer and reflects the modern conditions and operations underway on a daily basis in this area, and types of modern equipment creating beeping back up noise that can be heard for Miles in the am cold in the Soap Creek/North Albany, City of Adair Village, Coffin Butte Airlie, Dunn Forest and Tampico Road area's.

See BOP Page 8 Exhibit 11 "Noise Study out of compliance with ODEQ Sound Measurement Procedures Manual (NPCS-1). (NPCS-1) is forty yrs old and doesn't match to the days modern technology" Noise pollution from LU24-027 and from area adjacent north active landfill operations running over the listed, but not enforced, Conditioned operating hours will combine to create two sets of operational noise pollution areas of operation at this landfill. Unlimited dumping may warrant the need to remain open for longer to gain more trash payments to BC General Fund from tipping fees and for the owner and their investors at WCSI.

'2020-2040 Franchise Operating Agreement's' unlimited dumping may not have been calculated into LU24-027 current noise study evaluation data. Truck traffic noise from Highway 99/Camp Adair Road, Coffin Butte Road, and all three active landfill areas running at once here, in this same area, and with extended, or more operating hours for all three operations, three scales, three/four haul roads in operation at once, will all increase area noise over time, and sound level volume may

increase with unlimited dumping filling LU24-027 pit faster and elevation changes of 2 Tippers and of the Haul Road location to the active landfill face.

Prehistoric cultural sites:

Current 2023 Boring sites may have impacted cultural resource sites identified by AINW 85 acre site 2023 survey. Exhibit 64 and all of the AINW report with maps are not included in Burden of Proof document but for two pages of the AINW report. So, it is up to SHPO and Grand Rhonde Cultural Resource Office to make sure the Bore areas with road and borings/test pit digging has not damaged the two sites identified with prehistoric materials which should not be moved or disturbed.

Federal Antiquities law applies to these two prehistoric sites and may have been ignored in the extensive road building to get to boring and test pit sites, within the 85 plus acre in the LU24-027 site's multiple tax lots.

See attachment 2 'Wallace Bore Log Proposed Drilling and Test Pit Location' map.

Compare this to the AINW 85 acre site map for their work to identify prehistoric cultural sites to be protected. See if roads built to get to the boring and test pit sites damaged any prehistoric Cultural sites identified by AINW in 2023?

If these site are damaged, from roads, boring or test pit building, blasting, trenching and boring, I assume SHPO and Grand Rhonde Cultural Resource staff should be

talking with BC Planning for Federal legal Antiquities Act penalties against the applicant or their contractors.

Thanks, Rana Foster Corvallis, Oregon

*~ Rana Foster
April 29, 2025*

Wallace Bore
log Drill and
Test Pits Completed

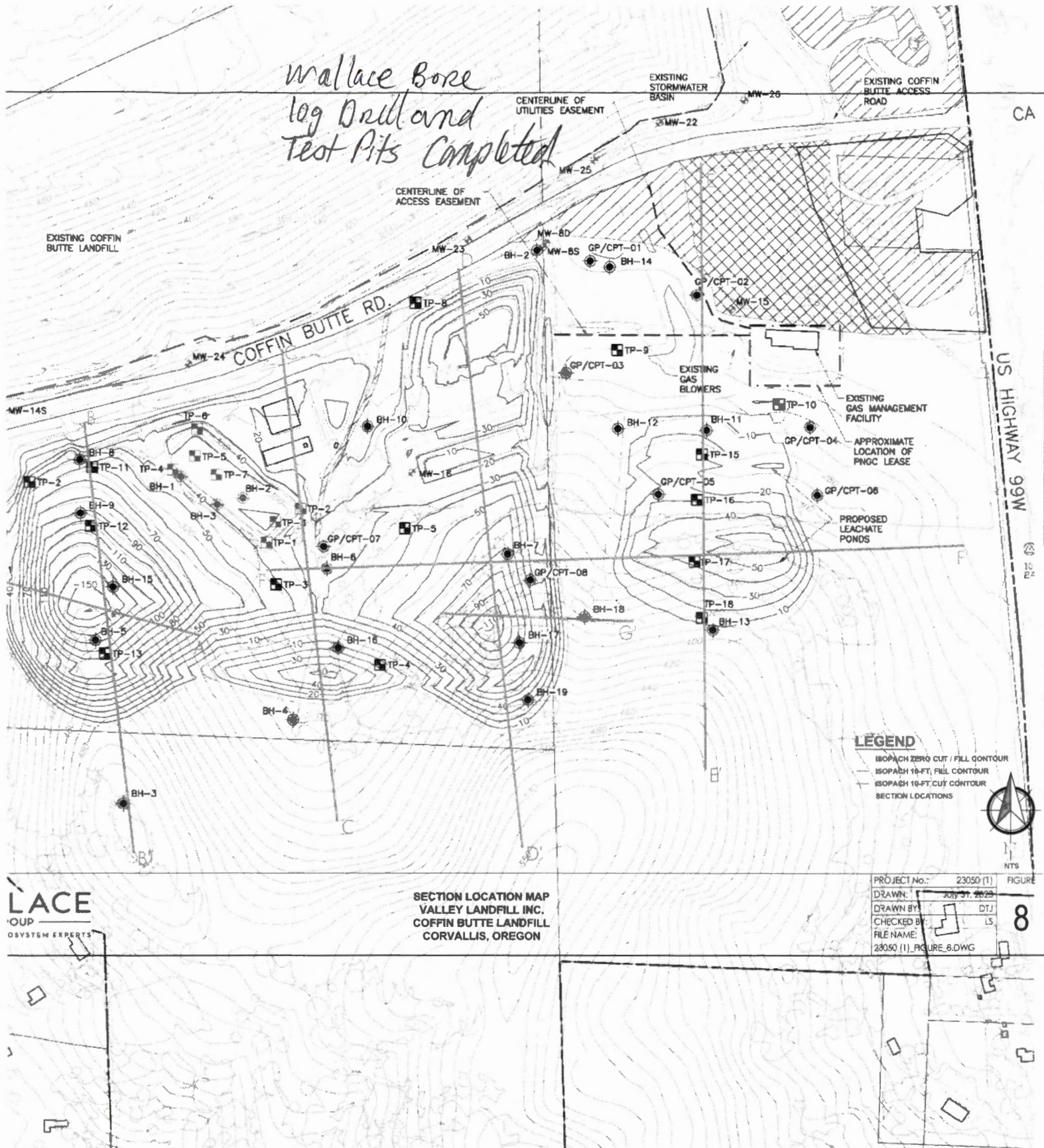


exhibit LU 24-027
 4/29/25 Rana Foster comment attachment 2 Wallace Bore
 Log Proposed Drill Test