From: David Vesely
To: Benton Public Comment
Subject: Landfill Testimony
Date: Monday, April 21, 2025 3:10:49 PM
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Please accept this written letter regarding the Coffin Butte Landfill permit.

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Benton County Planning Commission
Benton County Community Development
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April 21, 2025

RE: Coffin Butte Landfill Expansion

Dear Planning Commissioners,

I've lived in the Soap Creek Valley for more than 25 years and I was a professional wildlife ecologist for longer than that. Much of my career focused on assessing the impact of human activities on wildlife and their habitats. Since I have lived near the Coffin Butte Landfill for so long, I been able to directly observe its swelling volume, the increased traffic and the changing patterns of wildlife species occurrence near the landfill. In this letter I want to describe serious concerns I have for bald eagles using the site.

Bald eagles can frequently be seen flying over the landfill. Valley Landfills Inc (VLI), owners of the landfill subcontracted Turnstone Environmental Consultants to conduct surveys for bald eagles at the site from 2022 to 2024. The Turnstone report states that bald eagles were regularly observed foraging at the landfill, among other activities that were observed.[1] Unfortunately, the report does not provide further details as to when and what the eagles were eating. There are several likely possibilities. Eagles may be feeding on food waste and other organic refuse shipped to the landfill from households, restaurants and industrial facilities. Furthermore, animal carcasses would be highly attractive to eagles and are likely to be in the waste stream from farm livestock and local households disposing of roadkill. Another possibility is that eagles are hunting gulls and other birds that are scavenging at the landfill. It is often possible to see many hundreds of gulls on and above the site. Bald eagles are both opportunistic predators of live animals and scavengers, so they could be taking advantage of more than one of the food sources described above.

The 2020 solid waste disposal permit for Coffin Butte Landfill issued by Oregon Department of Environmental Quality (DEQ) prohibits VLI from accepting a number of

different materials at the site. These include: liquid waste, used oil, lead-acid batteries, regulated hazardous waste, tires and electronic devices.[2] However, the permit does not require VLI to monitor the incoming waste stream for prohibited materials. Without a systematic plan for monitoring incoming waste, it would be foolish to assume that commercial and residential customers are not deliberately or unknowingly shipping prohibited materials to the landfill. My neighbors and I have seen evidence of banned materials when we visit the landfill with our own loads.

The Coffin Butte Landfill solid waste disposal permit does require extensive monitoring of air, ground and surface waters, and of the leachate. While I don't have the most recent monitoring data, landfill leachate exceeded permitted levels for dissolved metals (antimony, arsenic and chromium) and the organic chemical benzene in the recent past.[3] Exposure to these compounds can be harmful to human health and wildlife.

There are two other classes of chemicals commonly found in household, commercial and industrial waste that have been shown to pose risks to human health and wildlife, but aren't yet regulated at Oregon landfills. These are per- and polyfluoroalkyl substances (PFAS) and polybromodiphenyl ethers (PBDEs). PFAS and PBDEs are among the substances known as "forever chemicals" because they are so resistant to degradation in the environment and living organisms. PFAS can be found in personal care products, textiles, food packaging and a wide range of other materials dumped at landfills. PBDEs can be found in flame retardants, textiles, plastics and many other materials from homes and industry. PFAS and PBDEs have been shown to have adverse neurological and reproductive effects on birds and other wildlife.[4,5,6] Researchers have observed exposure by gulls using landfills to PBDEs through direct contact of contaminated materials and by inhaling the chemical present in the atmosphere above landfills .[7,8] Bald eagles are known to feed on adult gulls and their chicks, therefore the eagles at Coffin Butte may be exposed to these contaminants by feeding on gulls and other wildlife, as well as by direct contact when they land on contaminated materials at the landfill. Long-lived birds such as bald eagles are at particular risk because these chemicals will accumulate in their tissues over the course of their lives and females can even pass on the contaminant to their offspring while in the egg, leading to further concentrations of these chemicals in future generations of eagles.[6,9]

I am also concerned about the potential for bald eagles to be poisoned by feeding upon dead livestock shipped to the dump. In December 2022, 3 bald eagles died and 10 others

were harmed after feeding on dead livestock at a landfill in Minnesota owned by Republic Services. The livestock had been improperly dumped at the landfill after being euthanized with pentobarbital and the eagles had the opportunity to scavenge the carcasses. The Republic Services landfill was investigated by federal and state agencies, although I don't know how the case was concluded.

On March 26, 2025 my wife and a friend were driving south on Hwy 99. Near Monmouth they began following a large truck that was leaving a steady trail of blood and animal waste on the highway. As the blood splashed out of the truck, it left an airborne mist that covered the front of my wife's van. My wife followed the truck all the way to the Coffin Butte landfill and my wife's friend called 911 to report the incident. The mess clearly posed a human health risk on the highway and the dead animals may pose a danger to eagles once they were deposited at the landfill.

Ecologists have described a phenomenon called an "ecological trap" whereby an animal mistakenly prefers low quality or hazardous habitats to other available habitats and thereby suffers reduced fitness and/or a higher mortality rate. Ecological traps occur when a species has not yet adapted to rapid alterations in the environment and cues the species previously depended upon for successfully selecting feeding and breeding sites are no longer reliable. Wildlife populations caught in ecological traps can dwindle until they are at risk of extinction.

I worry that the Coffin Butte Landfill poses such an ecological trap to bald eagles of Benton and Polk Counties. The 2024 Turnstone wildlife survey observed bald eagles regularly feeding at the Landfill where toxic and prohibited substances are already accessible by the species. Therefore, an expansion of the operation will prolong the exposure of contaminants to future generations of bald eagles. The burden should be on VLI to prove to the Benton County Commissioners that the Landfill is not harmful to eagles and other species of protected wildlife.

Finally, I want to mention that bald eagles are safeguarded by the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), which prohibits anyone, without a permit from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs.

The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." Regulations further define "disturb" as "to agitate or bother a

bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior" (50 CFR 22.6).

In addition to immediate impacts, this definition also covers effects that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment.

Sincerely,

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Endnotes

[1] Final 2024 Report: Wildlife Habitat Assessment and Surveys for the Coffin Butte Landfill Expansion Project. Submitted July 12, 2024. Submitted to Jeff Shepherd, P.E. Civil & Environmental Consultants, Inc. Submitted by Turnstone Environmental Consultants, Inc. PO Box 83362, Portland, OR 97283.

[2] Oregon Department of Environmental Quality. 2020. DEQ Solid Waste Permit Number 306.

[3] Personal Communication with Joel Geier. September 13, 2024

[4] Sebastiano, M., W. Jouanneau, et al. 2023. Physiological effects of PFAS exposure in seabird chicks: A multi-species study of thyroid hormone triiodothyronine, body condition and telomere length in South Western France. Science of the Total Environment 901(25) https://doi.org/10.1016/j.scitotenv.2023.165920.

[5] Johnson, M. 2021. Chapter 1, Introduction. *In*, Understanding Risk to Wildlife from Exposures to Per- and Polyfluorinated Alkyl Substances (PFAS). CRC Press.

[6] Chen, D., R. Hale, et al. 2010. Species-specific accumulation of polybrominated diphenyl ether flame retardants in birds of prey from the Chesapeake Bay region, USA. Environmental Pollution 158(5) https://doi.org/10.1016/j.envpol.2009.10.042.

[7] Tongue, A. 2020. Gulls (laridae) as bioindicators of flame retardant emissions from landfill: a species-assemblage investigation. University of Birmingham. Ph.D.

[8] Sorais, M., M.J. Mazerolle, et al. 2020. Landfills represent significant atmospheric sources of exposure to halogenated flame retardants for urban-adapted gulls. Environment International 135 https://doi.org/10.1016/j.envint.2019.105387

[9] Ricolfi, L., M.D. Taylor, et al. 2024. Maternal transfer of per- and polyfluoroalkyl substances (PFAS) in wild birds: A systematic review and meta-analysis. Chemosphere 361 (2024) https://doi.org/10.1016/j.chemosphere.2024.142346