

From: [Ken Eklund](#)
To: [Benton Public Comment](#)
Subject: Please deny LU24027; ENRAC decision; EPA action at Coffin Butte Landfill
Date: Tuesday, April 29, 2025 4:22:32 PM
Attachments: [CBL and EPA - timeline.pdf](#)

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Benton County Planning Commissioners
c/o Planning Division 4500 SW Research Way, Corvallis, OR 97333
April 29, 2025
#EPAenforcement

RE: Please Deny LU-24-027, Conditional Use Permit Application Regarding Landfill Expansion

Dear Chair Fowler and Members of the Benton County Planning Commission:

As you may know, Benton County's Environment and Natural Resources Advisory Committee (ENRAC) was tapped by the Board of Commissioners to develop a recommendation for you regarding the application to expand the landfill, to fill the role that the Solid Waste Advisory Committee performed before it was dissolved. ENRAC's near-unanimous recommendation was for you to deny the application, and their deliberations and decision are worth reading in full: you can find them in Munidocs here: https://library.municode.com/or/benton_county/munidocs/munidocs?nodeId=7ea953a15b3ad ...beginning on page 7 of the **Benton County Exhibit 2 (BC2) Compiled Agency Comments**.

For their deliberations ENRAC requested information about current landfill issues, and as past Chair of the Disposal Site Advisory Committee I developed some of those information sheets for them. I've attached one of them, a Timeline of interactions between Coffin Butte Landfill and the EPA, written on March 22.

I'll note that this sheet uses the word "subpoena" to refer to the EPA Enforcement action, because a legal cover sheet used that word to describe it; functionally, it IS a subpoena, but the proper term is "Section 114 Information Request."

I'll also note that we have since learned that Republic has gotten two extensions to the original March 22 deadline for the requested information, which has effectively stalled progress on this action until May 12.

ENRAC cites concerns about air quality in their Rationale for Decision. Specifically, for your consideration as a Planning Commissioner, the EPA's enforcement action should cause concern because:

**The applicant's Exhibits on air quality rely on self-reported data (how much landfill gas is leaking, etc.),
But the EPA Enforcement is specifically questioning that data,**

**Therefore, those Exhibits are all in question also,
And without them, the applicant has failed their Burden of Proof regarding air quality.**

Without a convincing narrative from the applicant, you as a Planning Commissioner cannot be certain that the proposed land use will not significantly degrade the character of the area through its air pollution, especially because the Staff Report agrees with ENRAC that air quality concerns should lead to a DENIAL recommendation. Likewise, you cannot be certain that the proposed land use will not significantly impact other land uses in the area with its air pollution, or be certain that the air pollution will not impose an undue burden on public improvements in Adair Village, public facilities such as EE Wilson Wildlife Area and Adair County Park, or services such as recreation at EE Wilson, Adair County Park and the Dunne Forest, or cultural enrichment at the Leticia Carson Homestead.

I'll just note that the applicant's narratives about its air quality protections fail even without the questions raised by the Staff Report and the EPA Enforcement action, because they cherry-pick their baseline data, try to hand-wave away community reports, and fail to document what measures they have taken to collect data in the first place. And no Condition of Approval can remedy that, especially because there is no mechanism by which any Condition can be enforced (or ever has).

Please use your discretionary powers to deny with cause the application to expand Coffin Butte Landfill. Thank you.

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COFFIN BUTTE LANDFILL and the EPA: a timeline

2021

**Community
Concerns**

Republic Services submits an application to expand Coffin Butte Landfill. There is widespread public outcry, including letters to Oregon's national Representative and Senators stating concerns with the landfill's gas emissions. These congresspeople pass along these community concerns to the Environmental Protection Agency (EPA). In November the Planning Commission denies Republic's application, citing questions about Coffin Butte's landfill gas emissions as part of their decision. ¹

2022

**Early June
Republic pre-
inspection**

The EPA schedules an inspection of Coffin Butte Landfill. Prior to this announced inspection, Republic performs its own inspection of the landfill, which covers almost all of the landfill's surface. This self-inspection finds 6 minor leaks, which they remediate ahead of the EPA visit.

2022

**June 23
EPA inspection;
multiple violations,
indications of
substantial plumes**

The EPA inspects Coffin Butte Landfill. This inspection covers only a small percentage of the landfill's surface, but finds 61 violation-level gas leaks, many of them major; 21 were 20 times above the violation level or more. Many of these findings are landfill gas emerging from leak clusters or broad areas of the landfill surface. The inspector notes that several of the leaks showed high concentrations several feet away or above the leak itself, indicating substantial landfill gas plumes being created. ²

The Republic employee observing this inspection does not dispute the findings; he notes that he would not have checked many of the leak locations, that he would have spent less time monitoring, and otherwise would have carried out the inspection using interpretations of the testing protocol that would have enabled him to not report the leaks. ³

2023

**July 13-22
Carbon Mapper
overflights, plume
detection**

In 2023 the EPA teams up with the climate science non-profit Carbon Mapper to conduct a national survey of landfills. The project surveys four Oregon landfills over a 10-day period from an airplane equipped with an advanced methane detector. Coffin Butte Landfill stands out with the most number of plumes detected (16), the greatest number of plume origin points (4), the largest plumes, and a persistence rating of 100%. (This rating means that the landfill was observed to be leaking landfill gas above the EPA's super-emissions level every time it was surveyed.) ⁴

2023

**August 17
EPA prioritizes landfill
emissions reductions
for 2024-27**

The EPA announces its National Enforcement and Compliance Initiatives for 2024-2027. One of the NECI goals is, through enforcement actions, to measurably reduce methane emissions in the landfill sector. Every four years the EPA selects these enforcement and compliance priorities so that, across administrations, "the agency and its state partners can prioritize resources to address the most serious and widespread environmental problems facing the United States." ⁵

2024

May 1

**EPA enforcement
process underway**

In EPA budget hearings, Senator from Oregon Jeff Merkley asks Michael Regan, head of the EPA, about what action the EPA is taking with Coffin Butte Landfill, given the severity of the problems found in the 2022 EPA inspection. Regan assures the Senator that legal action is underway: “it is an active enforcement situation.” ⁶

2024

June 23

**Second EPA
inspection;
multiple violations,
strong odor**

The EPA stages an unannounced inspection of Coffin Butte Landfill. Purpose: “to identify potential compliance concerns with Clean Air Act regulations, specifically the National Emission Standards for Hazardous Air Pollutants.” ⁷

As in 2022, the EPA inspection covers only a small portion of the landfill’s surface. It finds 41 violation-level leaks, many of them major; 18 were 20 times above the violation level or more. One is a gas wellhead that is uncapped (open to the atmosphere), leaking landfill gas at approximately 230 times the violation level. The EPA inspectors note a strong landfill gas odor. Republic representatives do not dispute the findings. ⁸

2024

August

Call for EPA action

All of Oregon’s national congresspeople representing the area – Representative Hoyle and Senators Merkley and Wyden – sign a letter urging the Environmental Protection Agency to thoroughly and expeditiously complete its investigation into the emissions problems at Coffin Butte Landfill. ⁹

2024

August

**High landfill gas
emissions rates**

Carbon Mapper continues to process the data acquired in its aerial surveys, and releases quantifications for the rate of landfill gas emissions observed at Coffin Butte Landfill. Those estimations include a very high immediate rate (landfill gas leaking at over 10 metric tons an hour, plus or minus 3.2 metric tons) and a high net rate (over 3 metric tons of landfill gas leaking per hour throughout the 10-day observation period, plus or minus 1.2 metric tons). This net rate of emissions for Coffin Butte Landfill is roughly twice the average level of other super-emitting landfills surveyed by Carbon Mapper nationally. ¹⁰

2024

September

**Carbon Mapper
methane plume**

Carbon Mapper surveys Coffin Butte Landfill again, this time using a Tanager satellite. The survey shows a super-emitting methane plume with an estimated emissions rate of almost 2 metric tons of landfill gas per hour. This plume has the same origin point as plumes seen in Carbon Mapper’s 2023 aerial survey, suggesting that this origin point is a persistent or continuous source of landfill gas emissions. ¹¹

2024

September

**Two EPA enforcement
alerts for non-
compliant landfill gas
emissions monitoring**

The EPA issues two enforcement alerts for municipal solid waste landfills, a group that includes Coffin Butte Landfill. These enforcement alerts target landfill operators who (1) through improper monitoring techniques and other methods, fail to maintain the integrity of the landfill cover and gas collection systems, and (2) through improper classification of waste and other accounting deviations, underreport their emissions of landfill gas. The EPA issues these enforcement alerts in response to its recent landfill inspections, where these infractions were observed. ^{12 13}

2024

October

**Resignation of
landfill's
Environmental
Manager**

Ian Macnab, the Environmental Manager at Coffin Butte Landfill, resigns.

2025

January 16

**EPA subpoena of
landfill's monitoring
and accounting
records**

The EPA serves a subpoena on Republic Services for records of gas collection and monitoring operations at Coffin Butte Landfill, as part of a legal action titled "U.S. EPA vs Republic Services." The subpoena is "pursuant to Section 114 of the Clean Air Act," which authorizes the EPA to require Republic to submit records "for the purpose of determining whether any violations of the Clean Air Act have occurred." The Clean Air Act regulates emissions from landfills to control air pollution, particularly methane and other harmful gases; the EPA enforces these regulations to reduce environmental and health impacts associated with landfill emissions.¹⁴

The records requested include wellhead monitoring data, surface emissions monitoring reports, gas collection system operating and compliance data, maps of areas exempted from monitoring, and other information sets relevant to the enforcement alerts issued in September. The subpoena requires a signed certification that the records provided are true, accurate and complete, with the possibility of fines or imprisonment for submitting false information. The subpoena sets a March 22 deadline for receipt of the records.

2025

March 22

**No further
information**

At this time, we have no further information from Republic or the EPA about the status of the subpoena or the legal action.

In summary, the evidence indicates that the EPA has had cause to investigate Coffin Butte Landfill for environmental violations and that investigation has now moved into possible enforcement.

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Accompanying documents

ENRAC - Planning Commission Findings and Decision 2021.pdf

The Planning Commission's decision to deny LU-21-047, the application to expand Coffin Butte Landfill filed in 2021, and its findings regarding that application

ENRAC - EPA Jun 2022 CBL Inspection Report - Heinz.pdf

The 2022 EPA Field Inspection Report for Coffin Butte Landfill (text only, no images)
Lead: Daniel Heinz, Environmental Scientist, Air Toxics Enforcement Section, EPA

ENRAC - EPA Jun 2024 CBL Inspection Report - Conley.pdf

The 2024 EPA Field Inspection Report for Coffin Butte Landfill
Lead: Sara Conley, Air Enforcement Officer, Air Enforcement Section, Enforcement and Compliance Division, EPA

ENRAC - EPA Subpoena CBL January 2025.pdf

The 2025 EPA Region 10 Subpoena of Coffin Butte Landfill records
filed by Morgan Jencius, Manager, Air and Land Enforcement Branch,
Enforcement and Compliance Assurance Division, EPA

Endnotes

¹ “Bad air quality: People living in areas with poor air quality does pose serious interference with livability. Risk of health concerns is 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. One nearby resident pointed to studies in Europe that tied poor air quality in the proximity of landfills to bad health issues. The applicant noted they cannot control all of the releases of VOCs or hydrogen sulfide and these gases are understood to be potent carcinogens. The applicant did not address the long-term effects of those gases in varying concentrations in different weather situations but the Planning Commission certainly heard from people that they can smell these.”

– Planning Commission Findings and Decision 2021

² See EPA Jun 2022 CBL Inspection Report.pdf

³ An example: “When [EPA Inspector] Daniel Heins was monitoring at leachate cleanouts, [Republic Environmental Technician] Phil Caruso stated that he does not monitor at these and that they are not fully penetrating the cover. Daniel Heins responded that it was likely that many of these ultimately did penetrate the cover, especially in areas of thinner intermediate cover, and that regardless he recommended checking these as they were proving to be repeated sources of extremely elevated emissions, many over an order of magnitude above the surface methane standard. Phil Caruso stated that he was not required to monitor these.”

– EPA Jun 2022 CBL Inspection Report, p. 4

⁴ Publicly available data at carbonmapper.org. Search for “Monmouth OR” in the Data Portal to find the plume images and survey records for Coffin Butte Landfill

⁵ “EPA Announces Federal Enforcement Priorities to Protect Communities from Pollution: New priorities tackle modern challenges including climate change, PFAS, coal ash, air toxics, drinking water contamination, and chemical accidents, all with a focus on achieving environmental justice” ([link](#))

⁶ Sen. Jeff Merkley to Michael Regan, EPA Administrator. May 1, 2024; timestamp 1:52:52 ([link](#))

⁷ See EPA Jun 2024 CBL Inspection Report.pdf

⁸ “We traversed a section of the southwest side of the landfill moving from one penetration to another and monitoring surface emissions along the way. I noticed that when the wind was blowing from the west there was an odor that smelled like landfill gas. There were a number of exceedances, readings of 500 ppm methane or larger, coming from holes or tears in the cover material. I noted that there were a number of plants growing out of the cover material at the top of the western side of the landfill in the area along the edge of Cell 3 and Cell 5. Some of the plants were between 1.5 to 3 feet tall.”

– EPA Jun 2024 CBL Inspection Report

⁹ “Wyden, Merkley, Hoyle call for EPA investigation into Coffin Butte Landfill,” Tracy Loew, *Salem Statesman Journal*, August 8, 2024 ([link](#))

¹⁰ See publicly available data at carbonmapper.org

¹¹ See publicly available data at carbonmapper.org

¹² “Enforcement Alert: EPA Finds MSW Landfills are Violating Monitoring and Maintenance Requirements. EPA investigations find municipal solid waste landfill operators are failing to properly conduct compliant monitoring and maintenance of gas collection and control systems” ([link](#))

¹³ “Enforcement Alert: EPA Finds MSW Landfills are Violating Landfill Gas Emission Rate Calculation Requirements. MSW landfill operators fail to include wastes from total degradable waste-in-place and properly sample landfill gas, resulting in underreported emissions” ([link](#))

¹⁴ See EPA Subpoena CBL January 2025.pdf. Highlighting mine. Some notes:

- * The first two pages of the PDF, the “Wolters Kluwer” part, is a legal process notification sent by CT Corporation, Republic’s registered agent in Oregon, to Republic Services in Phoenix. CT Corporation received the legal process on Republic’s behalf. CT Corporation is notifying Republic that they are involved in a legal action (“EPA vs. Republic Services”) brought by the EPA about Coffin Butte Landfill.
- * CT Corporation has identified the EPA document that follows (the “EPA Region 10” part) as a subpoena, although the EPA titles it an “Information Request.” As subpoenas do, the document is seeking action: namely, for Republic to supply the requested information, or else incur penalties. The subpoena states the EPA will use the information to determine whether any violations of the Clean Air Act have occurred.
- * The EPA notes that it may use the supplied information in administrative, civil or criminal proceedings. It also notes failure to make a timely response, or to supply untruthful information, may incur civil or criminal penalties.

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