

The SUBCOMMITTEE'S REPORT can be found linked [HERE](#) in Appendix C

The SUBCOMMITTEE'S "MEETING NOTES" can be found linked [HERE](#).

DATE RECEIVED: 5-8-25
FROM: Mark Yeager
PHONE OR EMAIL: myeager@gmail.com

KEY FINDINGS AND KEY RECOMMENDATIONS

This section lists Key Findings and Key Recommendations from the full subcommittee report below. These Key findings and Key recommendations do not capture the comprehensive discussions of the subcommittee, nor are they intended to do so. Instead, these provide a summary overview of key observations. The link adjacent to each Key Finding and Key Recommendation provides access to the full report. These summaries encourage readers to follow the links to find detailed content in the full subcommittee report.

Sub. Comm.	Findings and Recs	Total	Unanimous Agreement		Consensus Agreement		Majority-Minority Approval	
			# with all 1s	% with only 1s	# with no 3 votes	% with no 3 votes	# with at least one 3	% with at least one 3
CUP	Findings	33	22	66.7%	33	100.0%	0	0.0%
CUP	Recs	25	13	52.0%	23	92.0%	2	8.0%

Key Findings:

A review of the extensive number of land use decisions and associated conditions of approval reveals some overarching key findings regarding how land use decisions for the landfill, the quarry, power generation, and associated uses are implemented in Benton County.

#	Finding	Formal Workgroup Polling		
		1's	2's	3's
CUP F-1	The Subcommittee's Full Report is an in-depth review of selected historical land use documents. County Staff, Republic, Workgroup and public members participating on the Subcommittee provided comments, opinions and evaluations of the historical record. Each condition was vetted in depth. Consensus was reached by public members of the Subcommittee on most topics. Consensus was not reached with County Staff and Republic. Information from DEQ is needed to potentially reach consensus on many Conditions of Approval. All inputs have been retained to assist the public in understanding the historical documents and how they were viewed by the Subcommittee. Where needed, information obtained by firsthand experiences on BCTT's Landfill and Neighborhood	11	0	0

	Tours was used to verify the compliance status of visible Conditions of Approval.			
CUP F-2	Benton County has not and does not actively monitor compliance with many Conditions of Approval, nor does it proactively act to enforce compliance. See Table 5 in Appendix C4 of the CUP subcommittee report.	11	0	0
CUP F-3	Benton County relies on complaints to initiate action to enforce Conditions of Approval.	11	0	0
CUP F-4	All County materials reviewed reflect historical information and/or decisions from public processes (e.g., meetings, hearings, advertisement notices, etc.) based on public input and approval by appropriately authorized public planning boards.	11	0	0
CUP F-5	For over 50 years, Conditional Use Approvals have been the basis for the public's understanding of many aspects of the landfill, including but not limited to: hours of operation, management of noise, screening of the site from view, how the site should look, and how the site can be used after the landfill is closed.	11	0	0
CUP F-6	No record was found of an official Benton County decision to increase the number of counties sending wastes to Coffin Butte Landfill prior to the Supreme Court's 1998 ruling . However, the 1983 land use decision expressly repealed the comprehensive plan provisions that were adopted after the 1974 decision that limit the number of counties that could waste to landfill. According to the staff report, the effect of this change was to remove such limitation.	10	1	0
CUP F-7	Conditions of Approval 4 and 6 in CP-74-01 require reclamation of the landfill to meet criteria relating to visual appearance, screening from abutting county road, and use for grazing or another farm-type operation or other permitted use as approved by the Planning Commission and Board of County Commissioners. Reclamation was also addressed in PC-83-07.	11	0	0
CUP F-8	The required DEQ reports are submitted by the Applicant and maintained by the County for the public record. A full review of these County required submittals (e.g. monitoring records) was not conducted due to time constraints.	11	0	0
CUP F-9 [Link]	Compliance with Conditions of Approval often involves a direction from the County that the Applicant should obtain permits from other entities such as, but not limited to, state agencies.	11	0	0

CUP F-10	Benton County did not and does not have a readily accessible, transparent complaint tracking system known to the public in place to receive and record land use complaints for documentation, investigation, and resolution.	11	0	0
CUP F-11	In assessing the status of compliance with past land use documents, there are numerous instances where supporting evidence may not be or is not available in County records.	11	0	0
CUP F-12	Benton County does not review reports and other submitted materials as required per conditions of approval. Examples include: copies of water quality and air quality permits, emergency plans, permit submittals, financial assurance statements, etc., and data produced from associated monitoring programs required of the applicant by the Oregon Department of Environmental Quality or other governmental agencies. See Table 5 in Appendix C4 of the CUP subcommittee report.	11	0	0
CUP F-13	Benton County has issued land use Conditions of Approval before the Applicant was granted necessary operating permits from multiple State agencies. The County advised the Applicant that those permits were required but did not check that those required permits were procured by the Applicant, except for DEQ permits.	11	0	0
CUP F-14	As of 1974 the Coffin Butte landfill was identified as a regional landfill site for wastes from ten areas in three counties. Expanding beyond this limited geographic area was to require re-review by the Planning Commission. Starting in 1998, legal precedents are believed to have superseded the 1974 requirements allowing for the expansion of the service area beyond the original three counties. Since 2013, the Coffin Butte Landfill has served 39 counties. Also, since 2013, Coffin Butte Landfill has accepted waste from seven out-of-state counties (2 from CA, 5 from WA). Only one out-of-state county (in WA) was served in 2021, which represented 1.88 Tons (0.00018% of total). For supporting information see Comments for CP-74-01 Condition 1 in Table 2 Assessments of Land Use Conditions and Legal Land Use Subcommittee analysis .	11	0	0
CUP F-15	County land use decisions have been written in a way that makes it difficult to understand the County's commitment to public expectations and enforceability of Conditions of Approval. Building on information presented by the Legal	11	0	0

issues and Landfill Capacity Subcommittees, examples of these are:

- A 1983 County decision where all but one of the publicly agreed to requirements for the visual appearance and ultimate use of the landfill may be unenforceable.
- A 1983 Benton County Amendment to the Comprehensive Plan.
- A 1992 United States Supreme Court ruling (Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dept. of Natural Resources, 504 U.S. 353, 112 S.Ct. 2019 (1992) limiting the County's power to regulate where wastes come from, wastes from as many as 39 counties in three states (OR, WA, ID) are allowed to be brought to Coffin Butte. These wastes have made up over 90 percent of the material coming to Coffin Butte in the last 5 years.

The Workgroup's CUP Subcommittee and Legal Subcommittee have analyzed past land use documents and have reached different conclusions as to their effect. This has resulted in changes to what was authorized to occur at the landfill without notification or a public review process that would ensure public trust.

CUP F-16

County approval documents and Applicant submittals for PC 83-07/L-83-07 describe reclamation of the site once it stops receiving waste. Requirements include what the appearance of the site is to be, terracing, allowable steepness of slopes, screening, use for grazing, consistency with agricultural and forest land use, etc. The Subcommittee did not reach a consensus on whether the County decisions and Applicant submittals associated with PC 83-07/L-83-07 are enforceable and require compliance. The public members believe they are enforceable. The County and Republic members believe they are not enforceable. Information on the County documents and Applicant submittals are in Comments for PC 83-07/L-83-07 [Conditions 1](#) and [3](#) in Table 2 Assessments of Land Use Conditions. The viewpoints of the Public Members can be found [here](#). The position of the Legal Subcommittee is found at [here](#).

CUP F-17

DEQ's requirements for a Worst-Case Closure and Post-Closure Care Plan and financial assurances do not require Valley Landfills to comply with County's reclamation conditions of approval or public expectations.

11	0	0
11	0	0

Leachate, a toxic stew:



Figure 1

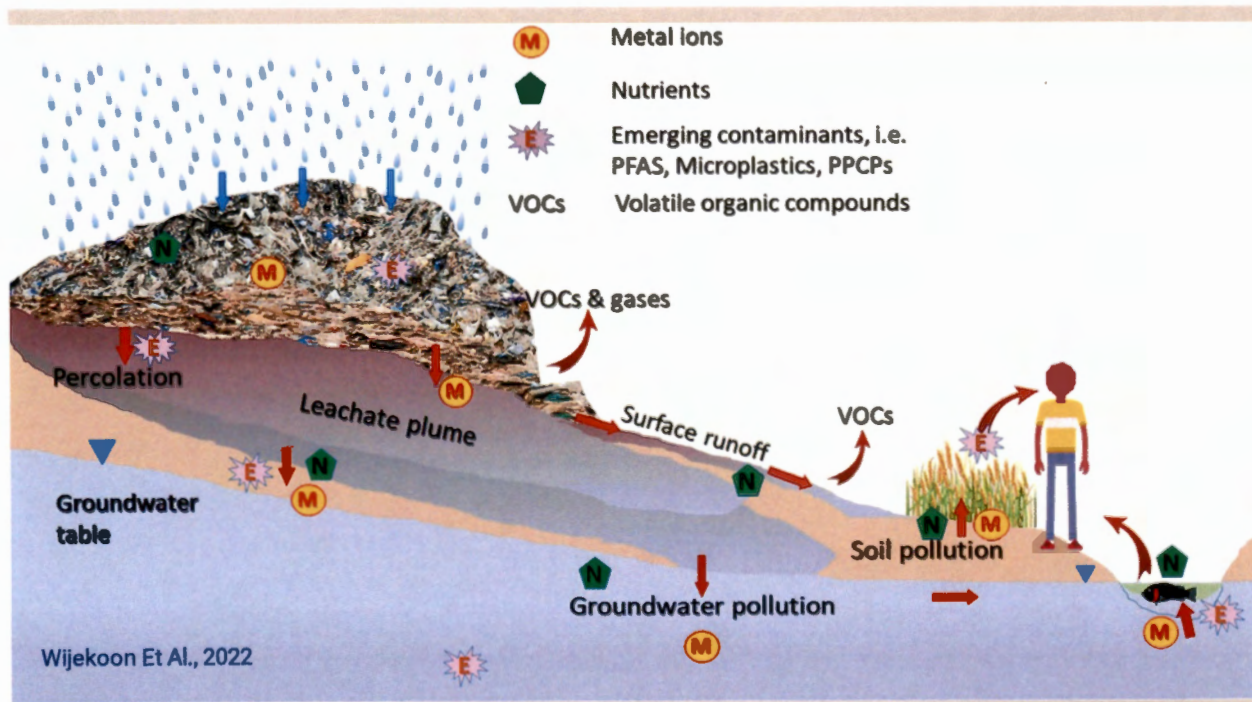


Figure 2

DATE RECEIVED: 5-8-25
FROM: Mark Yeager
PHONE OR EMAIL: mayeager@gmail.com

Landfill
leachate is
especially
high in
PFAS

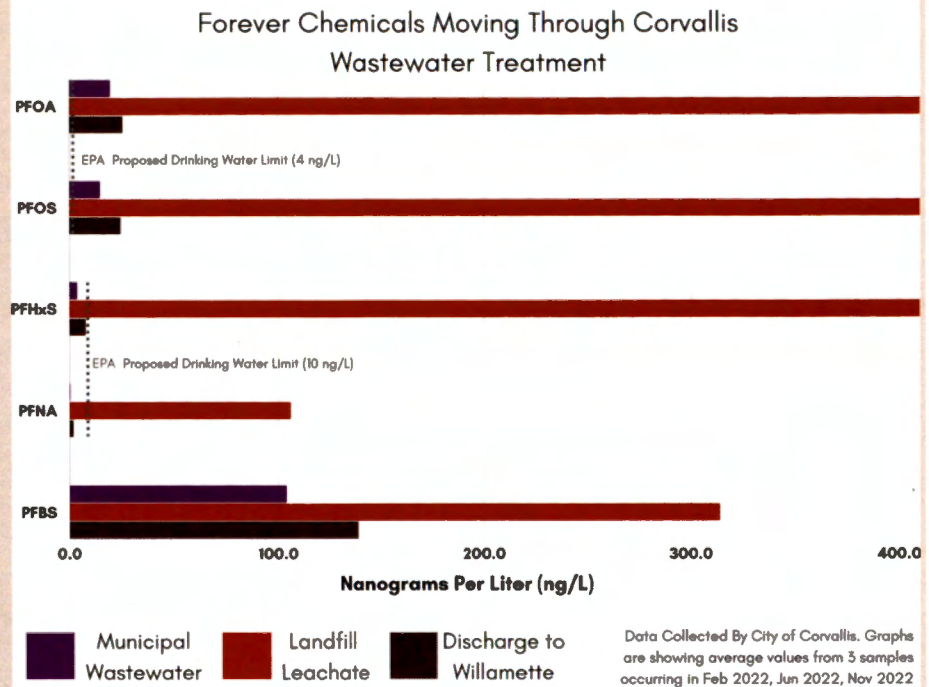


Figure 3