

July 8, 2025



Dear Petra, and BC Planning Commission,

Should Petra not respond this email. I will submit this comment to the record in case Planning Dept. does not respond to questions about Conditions of Approval for LU24-027 CUP.

I am opposed to LU24-027.

Please hold the Record Open.

I have questions for the BC Planning Dept. about the Conditions of Approval for LU24-027.

For Condition enforcement what are the time frame's for each condition to be implemented and when does each condition expire? What are the penalties to the applicant when they do not implement conditions in the time they know they are directed in this CUP to implement?

With a prior history of no conditions of approval being implemented by the applicant, the CUP process is seriously wasting the public's time over two decades of CUP applications and BC savings(general fund) to pay Winterbrook Planning and to pay for Staff time to process public comments, hold public hearing's and for volunteers on the PCommission who spend countless hours reviewing the application's, requested support materials that the public does not see, reading reems of public comments and searching for referencing scientific literature, to learn more about issues they are interested in understanding where the application falls short or fails to inform this decision body adequately enough.

By historically no implementing conditions of approval, has lets this applicant continue to do business together with Benton County legal council and BOC to run and plan for Host County to generate tipping fees and get the bonus million dollars a year gift from Republic Service, to fund the general fund.

Unlimited dumping clause in the '2022-2040 Franchise Operation Agreement' is clear example of the applicant working together with BC County legal council who represents the tax payers, not the BOC or the General fund operation over time.

The Host County has legal responsibility to the BC tax payers, and to work as funded by State of Oregon, and BC tax payments, to support area businesses, and assist rural residential landowners to maintain a healthy and sustainable Benton County.

Which Benton County Department Staff will be assigned to see that all the Conditions of Approval are being implemented and maintained and fines or penalties are levied to this applicant for not following or implementing any condition of approval for this application?

Closure clauses are missing from the conditions of approval at the end of 4 -5 years the site will fill and close. What occurs for permanent closure and where/what are the closure steps and conditions? The applicant briefly notes generalized closure procedures in this application.

The North landfill has for x date, been exceeding the Conditioned height limit from it's CUP on x date. How will Benton County enforce the conditioned 450 feet height limit, when the north landfill's conditioned height limit was not and is not being enforced?

Benton County Emergency Management radio equipment installation is also at a NW Coffin Butte location together with other private line of sight radio equipment.

Benton County Public Safety group has not provided clear and factual information to LU24-027, for the loss of this site when trash exceeds 450 feet elevation from Tampico Ridge landfill should Benton County Planning or Public Works Dept. directors again, not enforce the 450 feet limit as Conditioned, for trash as set as a clear condition of approval with no penalty for exceeding 450 feet. Does this 450 foot height limit Condition have an expiration date?

### Phase 1 Condition P1-2 Site Map Required

Fill locations are missing for storage of excavation materials from the Site Map. New roads are also, not include in this Site Map.

P1-4 Care instructions for and replanting requirements for the 40 foot tall live tree screening are not described in the conditions. How many years after planting does the applicant have to guarantee that the living tree row as a visual buffer, on the east property boundary, will still be alive?

Does the applicant have to create a visual screen on the West boundary of their property for LU24-027?

When does this P1-4 condition expire? So that the applicant might let this condition expire, then not be responsible for what they shared they would do under a CUP application for screening on the East side of the parcel.

What are the penalties from BC to the Applicant, if P1-4 Condition will not being implemented by x date? What are the penalties to the applicant for not replanting x number's of dead or dying, 40 foot trees within the eastern planted screening area by x date?

P1-5 Other permits needed: For excavation from Army Corps of Engineers, Nationwide Fill and Removal Permit, DEQ Solid Waste Management Permit- 306 issued for a new landfill or an expansion, DEQ Leachate treatment NPDES, NPDES Stormwater, TitleV-Air Contamination Discharge Permit, a Site Development Plan...

P2-1 (E) Seismic Study fails to define magnitude.

(H) Is missing any mention/Condition about building of a Public Bike Path with stripping and paid for Signage for this bike path, and information detailing if this path is on both sides of Coffin butte Road?

Applicant shared they where interested in bike path construction on CBR as part of this application.

Will turn lane pockets in 99W be long enough when Unlimited dumping continues and operational hours potentially could increase for more volume to exceed the current daily volume totals?

## P2-2 Construction Phase:

What will occur with the current two leachate ponds? These leachate pond area's are not defined in the Conditions. I assume one or both leachate storage pond's have leaked into the ground in the past, and the soil in and around of these two leachate ponds may have highly contaminated or hazardous chemical laden soil pollution at this time.

What will the DEQ say for the renewal or for the new Solid Waste Management Permit-306 for this expansion, about the Leachate storage lagoon's and building a landfill right on top of one or both of these historic leachate storage lagoon's, when these leachate storage lagoons need to be closed and become part of the expansion site?

Soil under and around these old leachate lagoon's may need to be excavated and moved to a hazardous storage landfill. I assume Republic can not use this soil as daily cover, and should not put this soil from the leachate pond area, into the clean excavation materials from North slope of Tampico Ridge.

If Republic Services at Coffin Butte RLFill can except leachate pond closure and decommissioning soils containing, identified known to science, toxic or hazardous "special waste", then this needs to be clearly stated in the application, and in Conditions of Approval.

DEQ and BC Planning should not let Republic Service bury these two historic leachate ponds and construct the expansion landfill over top of both historic leachate ponds without first studying the area soil, and sharing where and how long leachate leaked from both ponds.

The applicant needs to provide a closure plan for the clean up of both the leachate pond's area soil's and proceed environmentally correctly and responsibly, to close these two leachate storage ponds.

Leachate pond closure was not detailed within the application that I saw, or defined in the Conditions of Approval.



(C) Blasting notification is not in the COA. Notices for blasting should to be given to area residents: EE Wilson Wildlife Refuge, Adair Village, area schools, ODOT and Adair Rural Fire Dept.

Blasting for Knife River Quarry Cell 6(a) up to Cell 6 (i), should be also be clearly noticed to the area public. Blasting should be conditioned to not occur after x time, and stop at x time and possibly be subject to some stoppage for holidays.

(E) Applicant needs a Federal fill and removal permit from Army Corps of Engineers for fill volume over x amount, and with this permit, the location(s) of overburden/removed ridge rock, sand, mud, trees, soil from North Tampico Ridge excavation and this permit will identify the removed material's storage area's as this is not been conditioned or discussed in this application that I could find.

Fill truck traffic on Coffin Butte Road may have impacts to trash delivery and bikers. The fill storage pile location have not been clearly discussed in the application or must be a safety condition from Benton County Transportation Dept. in their conditions for Traffic Safety.

BC Transportation Dept. discussion as Conditions should clearly share and show how traffic safety will be implemented from fill removal and storage traffic and by what route on both County and State Road systems fill and removal traffic will be using and at one time of the day or night.

If this application allows for the closure of CBRoad, the applicant should be clear about their future landfill build out plan, that comes after this application and this site is filled in 5 years or less with unlimited dumping, to continue and or expand intake with possibly new customers.

BC Permitting Dept. will allow CBRoad to close on paper. If this applications implementation to allows for CBRoad to close, the public needs to be ready for this and Adair Rural Fire Dept. can comment accordingly to this application.

Will the applicant have to file a new CUP application to allow for the closure of CBRoad, in 4-5 years at this location, to connect to the mothballed unvegetated North Landfill to Tampico expansion landfill?

Is the closure of CBRoad to occur because of LU24-027 location, as was the case for LU24-25 in 2023 and Coffin Butte Road closure?

The applicant is selecting to not close the North Landfill at this time, and no vegetation is being put onto the north landfill slopes supporting the applicant planning, for additional trash storage expansion sites.

If VLF Inc applies on paper to BC Transportation Dept. to close CBRoad, and then begins without a CUP to fill the CBRoad gap to the north to connect Tampico Ridge at 650 feet to the current 650+ feet elevation trash in the mothballed, but not closed, North Landfill. The public needs to hear about this in this set of conditions, or about the potential for Road closure on paper without any public involvement, should be clearly stated in the supplemental Staff Report. Coffin Butte Road is subject to closure on paper, without any public hearing and LU24-027 will be connected to the North Landfill site.

If CBRoad is closed, does the applicant have to file a new CUP to fill the airspace in between Tampico Ridge expansion and the North Landfill?

Possibly a Condition should be made in this application stating that any closure of CBRoad in 4-5 years, for a new or expansion landfill linking Tampico Ridge Expansion to the North landfill that is not closing, and which is currently in 2025 is mothballed, with no closure vegetative coverings being constructed at this time, and no closure plans submitted to BC possibly.

The County should require in a Condition in LU24-027, that the applicant go through a land use development application or a CUP for this second expansion in 4-5 years to potentially, be placing trash over top CBRoad. BC could Condition in LU24-027 for the applicant to not be allowed to close CBRoad on paper and continue to fill this area with trash as they are filling the quarry with trash at this time without public notice of this trash cell operation from: DEQ, BC Public Works as the HOST of this landfill in BC, or from the owner/ applicant.

LU24-027 may be being constructed to physically connect to the landfill storage area to the North landfill in five years or less.

CB Road is a commercial transport route for commercial freight used for State, Federal transportation, and by private businesses, by area landowners, and BC taxes these Agricultural products from the EFU Zone. CBRoad is used by recreational users and for access to rural residences for emergency vehicles. BC may lose EFU directed tax revenue when BC has to allow on paper, for the permanent closure of CBRoad by this applicant in four or five years at full up to 450 feet stage for LU24-027.

Area businesses as EFU revenue generators will not be involved in being party to the closure paper/form by BC for Cbroad and of BC selling or giving this ROWay to VLF Inc in five or less year's time when LU24-027 is full to 450 feet or higher.

Currently the public will not be involved in this applicant potentially planning to close CB Road, as was the plan in LU24-025 CUP in 2023.

All area residents, EFU businesses will loose this BC road access when it closes on paper.

A condition could be created in LU24-027, stating that CBRoad will not be closed for any future expansion to the north,west, east or south, for the purpose of using this as a planned airspace connector, to bridge to the North Landfill, from the Tampico Ridge Expansion landfill.

### P2-3 Rookery

Is the new landfill haul road within 300 feet of the east rookery?

Are any part of both Rookeries, inside any primary or secondary 'Fire Break Tree Removal area'? If so, this needs to be clearly stated as tree removals inside Rookery forests will decrease forest density and create gaps that will add heat into these cool forest covered areas, and will allow avian predators to see into and have flight line access into these Rookery areas quicker and more often, night and day.

## Operation

OP-1 Currently work is starting at 4a.m. at CBRL. The 4 a.m start/opening for opening up the landfill for business operations is not clarified within OP-1.

Will 2 landfills will be running at the same time? If so, the public needs to know this for their safety and odor reporting to DEQ.

(D) There is no discussion in the application about gas facility construction, noted to possibly occur within the time frame of this CUP by the applicant. Gas facility construction may not have been discussed in the LU24-027 application materials? Gas Faculty construction is noted in Conditions of

Approval and VLF Inc is assumed to be the developer, not Pacific Power at some time period during LU24-027 application. Any VLF Inc, Gas Plant build out should be clearly discussed in this application, and as a Conditioned use if there is no deadline for expiration of this condition, the applicant under this application may be able to build a methane pump to tank gas plant, or their own co generation energy plant without any public process at the County level.

## Noise

OP-2 What will occur if sound levels are not reduced to 10dB, below levels as shown in Supplemental Staff Report Appended Noise Study- Greenbusch?

Who does what about Noise exceedence(s) if these noise levels above 10dB are not identified by Rep Service reporting to BC Staff?

Should a third party be required to monitor noise, so that daily noise level report to BC Planning or Public Works is factual? Should noise be recorded and this date saved, to track noise levels over time and be accessible to DEQ and to BC Planning Dept. to determine noise pollution occurrence, at what location and at what time, to link this noise pollution to time of day recorded, Scale Data for incoming waste transfer traffic?

What penalties will occur when noise goes above 10dB in A.M or P.M. during opening and operating hours?



Noise Conditions have no enforceable clause, or state any penalty such as: a implementation of a landfill wide stop work order, an x day shut down of the facility, fines, or a warranted several hour per violation, decrease in hours of operation, until noise levels are controlled to the Condition of Approval stated level?

OP-5 Maximum elevation 450 feet as conditioned. Currently the closed (mothballed) North landfill is above it's conditioned elevation height. How long does OP-5 apply and when it is disregarded by the applicant, as it was in the North Landfill, what recourse tools will be applied to stop this expansion from going above 450 feet? OP-5 has no tool by which to stop the applicant for exceeding 450 Feet. Closure of CBR on paper may trigger the reopening of the North Landfill, and allow trash to start to fill CBR area and connect both North mothballed, but not closed landfill, to the south expansion landfill area, without any new CUP hearing process, or new permits from DEQ, or notification of the public to a road abandonment, and sale of the entire CB Road Right of Way to VLF Inc with just the BOC approval.

A Condition to not allow CB Road to close and be sold to VLF Inc, when this expansion is filled should be created for LU25-027. Reflecting on LU24-025 – 2023 show that the future is near by less then 5 years for the closure of CBRoad.

## ODOR

If odor emission levels are exceeded, what are the penalties? Closure, fines, reduced hours of operation? Will what amount of landfill gas odor come from operation of the new leachate delivery pipeline system or gas Odors from the higher elevation deep possibly not covered, leachate storage lagoon, above Coffin Butte valley floor?

## OP-12 Fire Protection

What fire control resources does the applicant have for this new area, for the overburden waste storage area(s), and all the new locations proposed in this application? Top of the landfill, leachate pond and pump, leachate transfer lines and vents on this pipeline, road system, new office, new scale, queuing areas for truck on CB Road ect? What wells are here at the expansion site, and what is their pressure and cubic feet volume per second?

How far are water wells from this expansion landfill's location and will well water need to be pumped x 1000s of meters, up to this location from x well(s)?

With two landfills running who monitors these landfills after hours?

Fire could occur and no Rep Service staff will be on site as has occurred multiple times in the past. Neighbors and passers by have been reporting landfill and Gas Flare fires. A Condition to place a Rep. Service's staff on all three landfill site's, around the clock monitoring these landfills for fire will protect homes and properties on: Tampico Ridge, Tampico Road, Soap Creek Valley, in the Coffin Butte area and E.E. Wilson Wildlife Refuge and Adair Village.

Well Condition and lack of Condition to protect State of Oregon Waters, and all Rural Residential Wells.

OP-13 Test sentinel wells for chemicals. A Republic Service well water control is not discussed. Well water control samples should be taken before construction starts at the sentinel wells and from all private wells for Rural Residential zone homes around the development site.

(iv) This condition needs more discussion in the Staff Report to what VLF INC is responsible legally.

Rural Residential wells on Tampico Ridge depend on area water tables and these water tables possibly are all hydrologically interconnected.

Condition development should direct VLF Inc to provide the same amount of well water to residents who could in the future, have Rural Residential Zone or the State of Oregon owned water wells which have been polluted from/by LU24-027 development at the North end of Tampico Ridge, when well tests show pollution from landfill operation in Tampico Ridge or at other wells, such as at E.E. Wilson, and regional in an identified WV aquifer noted in testimony, in May 2025 testimony.

This regional aquifer should also be tested to establish a Control data set, to compare this to all future water testing data sets done by VLF Inc or the State of Oregon and for private landowners who own wells around this expansion area.

Testing Rural Residential Zone and the State of Oregon owned wells to the south/east/north/west should include more chemical panels other than just arsenic, and state that the applicant will pay for these well water tests and give the results to the State of Oregon DEQ, Oregon Water Resources Dept., to well water landowners and to Benton County Public Works Dept.

Well water testing at Rural Residential wells around this expansion, should be discussed in the Staff Report if this issue, is only detailed as a Condition of approval for the sentinel wells below the expansion, and that the applicant will deal with polluted Rural Residential and State of Oregon owned, water wells in the future.

There is no discussion in the first and supplemental Staff Report's, or in the application about the applicant honoring rural residential well safety when well water is compromised by new chemicals coming into these wells from Tampico Ridge being blasted away, and area water tables directly and right away, upon blasting, become impacted due to sudden losses in well water pressure, or from new sediment clogging well pump screens, and pollution incoming to these pristine wells, from new never before seen landfill linked chemicals pollutants found in x number's of rural residential wells over y months time, and repeating occurrence over time/years of prior working documented cubic feet per second wells, becoming dry wells.

Well water loss decreases the value of a rural residual properties and takes away fire fighting potential with well pressure loss and dry wells.

Landfill chemicals leaching into Tampico Ridge water tables, could end up polluting area wells and create health issues for humans, crops and animal and wildlife use.

Developed RR Tax lot land which have no wells are possibly harder to sell and Republic Service may buy up these rural residential tax lots to create more area for landfill and buffers from each successive landfill expansion.

BC Planning can provide in the Conditions of Approval, and in the Supplemental Staff Report, discussion about the care of area wells and how this applicant should be held responsible for destroying well water assets on State of Oregon and RR ownerships.

Trash liners will get ripped or torn at this location on steep wet slopes/during earthquakes, or during blasting, and from liners which are damaged by sharp objects, floating rocks that rise up into this area possibly by pressure and earth movement, and damage trash liners. Damage from man made sharps in medical waste that are not being burnt at Covanta Waste To Energy(Reworld), and is all being compacted into this landfill.

acids or bases may be without oxygen, be able to burn holes into plastic liners from tossed out: herbicides, batteries, and other toxic materials which combine to form liquid or gas acidic waste or basic gas or waste liquids, or other corrosive chemistry that does occur in airless environments, which will damage and destroy plastic liners which do not have bentonite clay lining on these steep wet slopes.

Landfill leachate will drain through holes in these plastic liners, and by gravity move down slope/downhill into the excavated Tampico Ridge and into this ridgelines water tables that are in broken up rock, or along flat Basalt flows, or along flat sandstone/mud-stone layers which are horizontal and which possibly connect to the south and north Tampico Ridge area along this Ridgeline.

Rural Residential Zone Well logs in this ridgeline possibly can be looked at to create a profile of what this ridge looks like subsurface.

The applicant has not done an analysis to show how Tampico Ridge rural residential wells are hydrologically connected to the North Expansion area/

Any excavation of the north Tampico Ridge line slope's may cause dewatering of x numbers of working rural residential wells in a short period of time, during excavation of this very large and deep holed excavation area.

The excavation of the leachate storage pond at elevation could lead to leakage problems of the leachate pond liner, which have failed in the old leachate pond's.

Liner failures or other issues with plastics and chemicals may lead to drainage of landfill leachate into the ground from the leachate storage pond and landfill, allowing x millions of gallons of raw landfill leachate to drain downward, into exposed/excavated area water tables in Tampico Ridge and eastward, into E.E. Wilson with global warming caused, yearly, 100 year rainfall event's.

Historic Slope failures have not been evaluated for this landfill expansion site.

The Condition of approval for the two below the landfill, early warning test wells, does not reflect the long term generational wealth of land ownership, and the very important property assets, that are area wells. Conditions do not describe in detail, what the applicant is responsible for and should offer to do to mitigate well losses when this expansion damages and will eventually destroy area wells on Tampico Ridge, and will damage and destroy The State of Oregon's E.E.Wilson surface storage water's and the area aquifer at E.E. Wilson, and E.E. Wilson's

ponds, wetlands, and area aquifer to the east of 99W, eastern drinking water wells will receive surface drainage/run off which will in time, contain landfill leachate pollution and expansion road run off and Drainage of landfill leaking leachate from failed trash liners, or from failed leachate



pond liner at elevation, and from no clay lining built under this landfill or underneath the leachate pond at elevation.

As this landfill and leachate pond both age, and trash storage liners begin to fracture, rot or rip under tons of pressure, or from sharp basalt rocks floating up into the liners and puncturing them, or liners which over time, under anarobic chemical pressure from landfill contents, chemically combining to dissolve trash an leachate liners.

Leachate pond liners leak as has occurred at the two leachate facilities south of CBRoad.

In the event of x magnitude earthquake, the upper deep leachate pond may leak, rip or physically be able to slosh leachate out, and draining leachate could drain x millions of gallons of leachate into area wells, and into E.E.Wilson Wildlife Refuge.

The leachate pipeline's may break and need to be shut down in the event of an earthquake. Does operation of the leachate pipe system need to be conditioned?

Who is responsible to E.E. Wilson ecosystem, BC or the applicant? E. E. Wilson staff are not participating in this application and they should be to best defend and protect this wildlife area as a State of Oregon wildlife asset.

BC should reach out to E.E. Wilson HQ if they have not done so already, as one of this landfills largest neighbors and State of Oregon landowner, and invite the wildlife refuge's staff to become involved this in this landfill expansion application.

The public should not have to work to protect E.E. Wilson Wildlife Refuge from damage brought to this site by the mothballed North Landfill, operation of the landfill in Quarry Cell 6, or from the pending Tampico Ridge expansion Landfill, from hazardous, toxic materials which have been and will be placed and compacted into this hillside, and will continue on into the

future for 100s of years, to be directly impacted from landfill generated soil, water and air pollution over time inside E.E Wilson.

The applicant will not be held responsible, due to no legal agreements, or LU24-027 CUP application conditions that hold them responsible for area wells safety and mitigation of damages to State of Oregon or any Rural Residential Zone wells by this application's passage into law.

BC will not have funds to mitigate damage to E.E. Wilson ecology or for replacement of contaminated area wells which can not be used due to landfill derived leachate contamination on into the future, creating a drain of area property abandonment's by people who can not longer use their wells and have zero recourse for who is responsible for destroying their wells when this landfill with all it's expansion, closes, and Republic Services leaves, and each landowner with condemned wells could try to sell their land at a loss and move.

The County is not protecting the current or future value of these landowners land and protecting area State of Oregon or BC Rural Residential Zone wells, surface waters or the safety of the vast area E.E.Wilson aquifer, identified to the east of this landfill, by allowing this applicant to build a landfill into the north face of Tampico Ridge.

Well water condemnation due to hazardous chemical pollution (trespass) from this expansion, and this expansion's possible potential, to connect this expansion area to the North landfill over Coffin Butte Road, could in a short time frame, directly damage Rural Residential Zone wells from dump derived leachate pollutants. Dump derived pollutants are physically at this time, not found in the control samples take by each Rural Residential Zone well owner, of individualize water testing results to be filed with the Oregon Dept.of Water Resources to prove these wells have been chemically trespassed by Republic Services from this, and the next expansion.

The applicant is unable to clearly show what will occur here for Rural Residential and the State of Oregon owned well water safety, and to show how area wells are deemed safe from leachate pollution trespass, over time. The County is allowing this applicant to trespass onto Rural Residential Zone through area water tables which due to layered geology, are connected to the

expansion's excavation site, and to the very deep leachate storage pond at elevation on Tampico Ridge.

Tampico Ridge has springs which are not discussed in this application and this ridge area is extremely wet so that excavation will drain rain water which is stored up in subsurface water tables/water pocket hydrology from the North slope of Tampico Ridge. With rain, excavated North Tampico Ridgeline will be severed of this ridgeline's flat water tables and possibly drain more water from this site than is normal due to fracturing and opening of area water tables at this massive excavation.

Dump liquids as leachate, may be able to move down under and into all areas on the Tampico Ridge landfill expansion's massive slope pit, from all future ripped Trash Cell liners that will be leaning up against this slope, and trash layers will be in direct connect to Tampico Ridge water tables which lay horizontal to the landfill waste cells and leachate storage pond excavation site's.

Placing no clay lining on this slope increases the chance for ripped trash liners to fail, and drain directly into area water tables which are open at this trash pit. Concrete/plastic spray seals under pressure on steep wet, moving and break over time.

#### OP-15 Litter control

(E) entire property enclosed in Fence will create movement problems for migrating/moving seasonally, large game and function to move these large game onto CBRoad/north landfill, quarry landfill and possibly onto 99W and other area roadway.

Fence gaps in expansion landfill site will be nice to have to allow animals to move across this historic area and not get trapped inside this fenced enclosure and be shot.

Safe less deadly, entanglement free Jumpable/scaleable fencing with gaps could be used for big game and a host of small mammals which historically

call this area home and on a daily basis, move through this area to find water, forage and shelter.

Thanks, R. Foster  
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